

# DISTRICT GUIDELINES AND PROCEDURES

applicable to the Riverside Preservation Area and the Lincolnshire Historic District



## HISTORIC PRESERVATION COMMISSION

Department of Metropolitan Development

1 NW Martin Luther King, Jr. Boulevard

Civic Center Complex, Suite 306

Evansville, IN 47708

(812) 435.6030

# Introduction to Guidelines and Procedures

Last amended June 2020

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The current Evansville Preservation Commission was established in 1998 by City Ordinance #G-98-24 to promote the educational, cultural, and general welfare of the citizens of Evansville as well as to insure the harmonious and orderly growth and development of the municipality. Specifically, the ordinance gives the Common Council power to place areas and buildings under the oversight of the Preservation Commission. The Commission's charge is to maintain and enhance the historic and aesthetically pleasing characteristics of the designated neighborhoods and buildings. The goal is to preserve our irreplaceable heritage, to improve the quality of life, to maintain and increase property values, and to encourage private investment in the buildings.

These goals are advanced through the restoration and preservation of historic areas and buildings and through sensitive maintenance. As much as possible the Commission seeks to insure compatibility and appropriateness regarding style, form, proportion, texture, and material as they relate to the historic buildings and neighborhoods. It is the intent of the City through the Preservation Commission to preserve and protect historically and architecturally significant buildings, structures, sites, monuments, streetscapes, and neighborhoods. Consideration will be given to what is feasible, affordable, and energy efficient.

The Commission has seven members who serve for a term of three years; however, the Mayor may choose to appoint some initial members for a one (1) or two (2) year term to provide for staggered terms. Members of the Commission are residents of the City who are interested in the preservation and development of historic districts. The Mayor makes all appointments to the Commission subject to approval by the City Council. It is the understood responsibility of Commissioners to be good public examples of preservation principles.

The Evansville Preservation Commission has the authority to research and develop plans for local historic areas and buildings. These plans become the basis for guidelines for the Commissioners in their decisions. They also lay the groundwork necessary to have any area or building designated as a local preservation area. These guidelines should provide direction to help preserve the unique historic character of each area and building and to serve as an impetus for neighborhood revitalization.

The Evansville Preservation Commission primarily accomplishes its goals and objectives through a review process for all exterior modifications, site improvements, and land use changes within the designated area or sites. The City Preservation Ordinance allows for two levels of review and oversight. In the initial stage of a "Phased-In" preservation district, the review is very limited. In a full preservation district, the oversight is broader in its scope. The difference in these types of preservation districts is discussed in detail on the following page.

The review process usually begins with a property owner's application for a Certificate of Appropriateness (COA) for proposed work within a preservation district. The process may also be initiated when a potential violation of the Preservation Ordinance is brought to the Commission's attention. When the Commission finds that proposed work is appropriate, a Certificate of Appropriateness is granted. In specific cases, as designated by the Commission, the Preservation Office staff has authority to issue a Certificate of Appropriateness. Application and review procedures are set down in these guidelines and are available at the Evansville Historic Preservation Office.

It should be understood that these guidelines are subject to change by the Commission at any time by deletion, addition, or editing by the procedures set down in this document. Changes may be considered when new situations arise, new products become available, and when old materials are no longer on the market. The Commission may also make changes in response to legal decisions and advice from professional preservation authorities. If a page is edited, deleted, or added, there will be a dated note of the action at the bottom of the page of the master copy maintained by the Department of Metropolitan Development. The latest revision shall apply.

Notwithstanding the adoption and implementation of these guidelines, the authority, over-sight and actions of the Evansville Preservation Commission are governed by the City Ordinance and Indiana Code 36-7-11 et. seq. In case of any conflict with the City Ordinance, Indiana Code 36-7-11 et seq. shall govern.

Adopted 13 October 2004

# Type of Districts

The City's Preservation Ordinance (G-98-24) provides for the establishment of two types of local districts. The first and less restrictive is the "Phased-In" district. Under this provision, for the first three years, the Commission's oversight is limited to the three categories listed below. At the end of this three-year first phase, the specified district moves to the second phase where the area becomes a full district. This first phase, however, continues and the second phase does not become effective if a majority of the property owners in the district officially object to the Commission.

The second type of district, the "Full" preservation district, is broader in its scope. The extent of the oversight in this type of district is listed below as taken from IC 36-7-11-10.

## Commission Oversight in First Phase of a "Phased-In" District

Within all areas of the "Phased-In" preservation district:

- The demolition of any building.
- The moving of any building.
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

## Commission Oversight in a "Full" District and the Second Phase of a "Phased-In" District

Within all areas of the full or "Second Phase" district:

- The demolition of any building.
- The moving of any building.
- Any new construction of a principal building or accessory building or structure subject to view from a public way.
- A conspicuous change in the exterior appearance of historic buildings by additions, reconstruction, alteration, or maintenance involving an exterior color change.
- A conspicuous change in the exterior appearance on non-historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color changes.

# **“Public Way”**

## **Definition of “public way” and “public view.”**

As cited on this page and in various places in the Preservation Ordinance, the limits of the Commission’s oversight is variously defined by what is “subject to public view” and “subject to view from a public way.” As alleys are roadways maintained by the city and open for public use as are dedicated streets, when considering the matter of public way or public view, the Commission shall regard both dedicated streets and alleys as public ways and places from which there is a public view.

## **Determining what is visible from a public way**

Staff approvals may be specifically delegated in the Commission’s official Procedures and Guidelines. Staff shall also have the authority to issue a Staff Approved Certificate of Appropriateness in all instances where the total cost of the project can be certified to be under two hundred dollars (\$200) and impact less than five percent (5%) of a façade or significant character-defining element of a property.

## **Procedure for declaring something “Not viewable from a Public Way.”**

In instances where a finding of “not viewable from a public way” is a pivotal question or where an applicant challenges the judgment of the professional staff on this point, the professional Commission staff and two appointed Preservation Commissioners shall do a site visit to review the matter and make a finding. If the applicant still disagrees with the finding, then the question can be brought to the full board at their next meeting.

In considering the question of viewability from a public way, a significant amount of the screening shall not be from vegetation or foliage.

In the instances where a determination that a property is not viewable from a Public Way is made, the owner of the property shall be informed that the screening that is critical to this finding must be maintained. If it is not maintained, the Commission may open up the matter of the appropriateness of the change, addition, or modification that had been screened.

# Certificates of Appropriateness

Property owners, contract purchasers, and potential buyers in local preservation areas shall obtain a Certificate of Appropriateness (COA) **BEFORE** specific types of work begin and **BEFORE** building permits are granted by the Building Commission for specific jobs. Depending on what the applicant wishes to do, the COA is either granted through a process of Staff Level Approval or obtained through a hearing before the Evansville Preservation Commission. The guidelines in this document list what is covered by staff approval and what must be brought before the Preservation Commission.

General categories of the oversight are listed in the discussion of types of preservation areas on the previous page.

It should be understood that no matter what the type of preservation area, there is no oversight for any INTERIOR work. In addition, when there are no changes of material or color, this work is classified as maintenance and a Certificate of Appropriateness is not required. **(See index for maintenance and like for like replacement.)**

In the interest of making the process of obtaining a COA as easy as possible, applicants are encouraged to contact the City's Historic Preservation office as early as possible. Consultation may provide advice on methods and materials that will speed the COA process, answer "how to" questions, and save time and money. Assistance in filling out the application is also available. Applicants are encouraged to call for an appointment at (812) 436-7823.

## Applications for Certificates of Appropriateness

### Need for Certificates of Appropriateness

A Certificate of Appropriateness **MUST** be applied for and **GRANTED** in order to construct any exterior architectural feature or reconstruct, alter, or demolish any exterior structure or feature in a historic area. It cannot be emphasized too much that a Certificate is required **BEFORE** work begins and **BEFORE** a building permit can be issued. Some projects may need zoning variances from the Area Plan Commission. Approval of the Area Plan Commission does NOT over-ride, equal, or replace the authority or approval of the Preservation Commission.

### Application Availability

Applications for a Certificate of Appropriateness are available by phoning or writing the **Evansville Historic Preservation Office** or may be obtained from the Department of Metropolitan Development, in Room 306 of the Civic Center Complex.

### Filing Deadlines

#### 1. For Staff Level Approvals

An application not requiring a hearing may be filed at any time

#### 2. For Commission Level Approvals

Meeting and application submission dates for hearings by the Historic Preservation Commission are set by the Commission at their first regular meeting in a calendar year.

### Meeting the Commission Level Application Deadline

Applications will be placed on the Preservation Commission agenda if:

1. Fee has been paid.
2. Application has been completely filled out.
3. There is proof in the form of certified mail return receipts that letters informing adjacent property owners and the neighborhood association were sent in a timely manner.
4. Required "exhibits" fully documenting the work to be done are submitted by the application deadline.

**Incomplete applications will be returned to the applicant.**

## Certificates of Appropriateness (cont.)

### **FILING FEE**

The filing fee is set by the Commission. This money goes to the city's Preservation Filing Fee account. To use this money, the Commission must submit a finance ordinance for action by the City Council.

### **PENALTY FOR COMMENCING WORK WITHOUT A CERTIFICATE OF APPROPRIATENESS**

The application fee for a project that has commenced or has been finished before filing for a Certificate of Appropriateness shall be double the regular fee set by the Preservation Commission.

### **Procedure for continuing an application or any other matter of business**

At their discretion and for good cause the Historic Preservation Commission may vote to continue an application or other matter to the next regular or special meeting or to a specific date by majority vote. The continuance of any application may be extended by the applicant by request of such in person by the applicant or their recognized representative at a meeting of the Historic Preservation Commission or by written request from the applicant or their recognized representative.

### **Procedure for declaring an application withdrawn because of inaction of applicant**

If the applicant does not request an additional continuance either in person or in writing at two consecutive regularly scheduled meetings, the Preservation Commission may declare the application withdrawn without prejudice.

### **Requests for continuance by remonstrator**

At their discretion and for good cause, the Preservation Commission may consider a timely written request for a continuance of an application from a remonstrator or their recognized representative for one regularly scheduled meeting only.

# Notification Responsibility

Applicants for a Certificate of Appropriateness must send proper notification of their hearing with the Historic Preservation Commission to adjacent property owners.

## 1. Content of the Notification

The notice must state:

- Substance of the application.
- The location by address of the subject property.
- The name and address of the applicant.
- Identification as an application that needs only staff approval or one that will be heard by the Commission.
- Time and place the application will be heard.
- Statement that the application and file may be examined in the office of the Commission.

## 2. Who to notify

- A. The neighborhood association in which the property is located. (Addresses of these organizations are available from the Historic Preservation Office.)
- B. All owners of adjacent properties (NOT RENTERS)
  - ▶ Subject property includes all parcels adjacent to those owned by the applicant.
  - ▶ Notices DO need to be sent to property owners outside locally designated historic preservation districts.
  - ▶ For large multi-unit condominium projects, notice may be given to the condominium association's Chairman or its hired manager.
  - ▶ For the purpose of compliance with this rule, the owner of a property and the owner's address shall be the same as the records in the Township Assessor's office at the time notice is sent.

## 3. Required proof of notification for applications requiring full Commission Level Approval

- The Commission accepts only one method for proof of notification, certified mail, return receipt requested. Such notices must be mailed and proof filed within (10) days prior to the Commission meeting at which action of the application is scheduled and copy of letters sent to contiguous property owners.

## 4. Required proof of notification for applications needing only Staff Level Approval

- The applicant shall send notification to the adjacent property owners by either certified mail, return receipt requested, following the same procedure as required for applications to be heard by the Preservation Commission, or by regular mail with certificate of mailing, and copy of letters sent to contiguous property owners. This notification shall only go out after a complete application is on file in the office of the Commission and the applicant received a written Staff Approved Certificate of Appropriateness from the Preservation Commission staff. The notice shall state that the adjacent property owners have five business days from the postmarked date of the notice to contact the office of the Commission if they desire to review the application or provide remonstrance regarding the matter and have the application heard by the full Preservation Commission at the next scheduled meeting.

## 5. Posting of Certificate of Appropriateness

- When an approved project commences, the applicant shall post a copy of the letter provided by Preservation Commission staff that states the date of the issuance of the Certificate of Appropriateness and the scope work covered by the Certificate, and the expiration date of the Certificate. The letter shall be posted in a window, on the structure, or in another prominent place so as to be visible from the primary telephone way.

**NOTE:** Applicants are responsible for providing adequate notice to surrounding property owners and neighborhood associations and are responsible for any errors in providing notice. Failure to provide timely notice to all appropriate parties shall constitute an incomplete application and cause action of the application to be delayed until the next monthly meeting following the submittal of all materials required for a complete application.

Revised 9 March 2005, 1 April 2009

# Complete Application

**The following items must be complete and in possession of the Department of Metropolitan Development before an application is considered to be filed:**

- 1) Completed application.
- 2) Application fee.
- 3) Adequate documentation of the proposed project is provided. To the extent reasonably required for the Commission to make a decision, each application must be accompanied by sketches, drawings, photographs, site plans, paint chips, descriptions, or other information showing the proposed exterior alterations, additions, changes, or new construction.
- 4) Stamped receipts from the Post Office that showing that timely notices have been sent out to adjacent property owners by Certified Mail. Each receipt shall be fully filled out detailing the name of the owner and address to which the notification was sent.



# Meetings & Staff Approvals

## Rules for Commission Meetings

Upon hearing an application for a Certificate of Appropriateness, the Commission will determine whether the proposed project is appropriate to the preservation of the area and to the furtherance and development of historic preservation.

### 1. MEETINGS OPEN TO THE PUBLIC

All meetings and hearings of the Evansville Historic Preservation Commission are open to the public (with the exception of Executive Sessions as allowed by the Indiana Open Door Law). Applicants and remonstrators may be heard in accordance with these rules.

### 2. APPEARANCE IN PERSON, BY AGENT, OR ATTORNEY

At all meetings, any party may appear in person, by agent, or by attorney. An attorney or other representative of any applicant or remonstrator may testify. The Administrator or the Commission has the right to appear in person, by agent, or attorney and present evidence, statements, and arguments in support of or in opposition to any application or other matter being considered.

### 3. TIME AND PLACE OF PUBLIC MEETINGS

Regular meetings of the Commission are held in the City-County Building, Evansville, Indiana (or at another announced location) at a time and place set by the Commission. The meeting day shall generally be on the second week after the application deadline. Holidays may alter this schedule. The meeting dates shall be set at the first Commission meeting of the calendar year.

### 4. SPECIAL MEETINGS

Commissioners may call a special meeting of the Commission, subject to the notice provisions of Indiana's Open-Door Law.

### 5. QUORUM AND OFFICIAL VOTE

A quorum is a majority of the number of Commissioners as established in the Preservation Ordinance. The positive vote of a majority of this number is necessary to approve a Certificate of Appropriateness. An inconclusive vote shall constitute a denial; however, any matter denied by an inconclusive vote will be reconsidered at the next regularly subsequent meeting if requested by the applicant or a commissioner.

### 6. VOTE OF APPLICATION

The Commission shall have the right to vote on any application if the applicant is not present in person or by agent at the regularly scheduled meeting.

### 7. TIME LIMIT FOR COMMISSION ACTION ON AN APPLICATION

The Commission shall act on an application for a Certificate of Appropriateness within 30 days of the filing of a complete application, unless an extension is granted by the Commission.

### 8. NOTIFICATION OF COMMISSION OF STAFF ACTION

Staff shall notify the Commission members by e-mail and U.S. Post of the issuance of all staff approvals. This notification shall be timely.

### 9. AVAILABILITY OF CERTIFICATE OF APPROPRIATENESS DOCUMENT

The formal written Certificate of Appropriateness may be made available to the applicant immediately after Commission action, upon request. Said document will be mailed to the applicant within two **weeks of Commission action.**

# Rules for Staff Level Approvals/Denials

The staff of the Commission may approve or deny applications for Certificates of Appropriateness as delegated by the Commission and its policies.

## 1. TIME AND PLACE FOR STAFF APPROVALS/DENIALS

An application requesting staff approval may be submitted at any time. The staff will act on the application within thirty (30) days unless applicant requests an extension. If staff is not available because of an extended absence of over thirty days, the application shall be referred to the Preservation Commission for action, allowing compliance with all applicable rules. Staff approval of a Certificate of Appropriateness may be given at any time when the staff determines that the proposed work is appropriate and all application procedures have been followed.

Staff Level Approval of a Certificate of Appropriateness does require notification of adjacent property owners as detailed under #4 of the "Notification Responsibility" section of these guidelines.

The staff approval procedure does not require a formal hearing of the application.

## 2. INSTANCES WHERE STAFF HAS AUTHORITY TO APPROVE CHANGES

Staff Level Approvals are specifically delegated in the Commission's "District Procedures and Guidelines"

## 3. EFFECTIVE DATE OF STAFF APPROVALS

A Certificate of Appropriateness approved by staff is effective immediately upon issuance.

## 4. APPEALS OF STAFF DECISIONS

If the staff determines that work in a proposal is not appropriate, the applicant or the staff may request the Commission to hear the application. If so requested, the application will be heard by the Commission at the next Commission meeting, allowing compliance with all applicable rules and legal authorities.

## 5. REMONSTRANCE PROCEDURE

Notice of intent to remonstrate against a Staff Level Approved Certificate of Appropriateness must be received by the Preservation Commission staff within the prescribed notification period. Initial notice may be in writing, by phone, or by e-mail. If not in writing, a written notice of remonstrance must be received in writing within four business days of the initial notification.

The remonstrance must be for matters over which the Preservation Commission has oversight.

Once a written remonstrance is in hand and has been determined to take issue with a matter over which the Preservation Commission has oversight, then the applicant and remonstrator will be given notice that approval of the Staff Level Certificate of Appropriateness is being held in abeyance until the matter can be put on the next available agenda of a regularly scheduled Historic Preservation Commission meeting.

The Historic Preservation Commission will hear the complaint of the remonstrator and will decide on the merits of the complaint. The Historic Preservation Commission may either approve or deny the application or propose an agreeable compromise.

## **Review of “Non-contributing” and “Non-historic” Structures**

Changes on a “non-historic” or “non-contributing” structure in the preservation area that are viewable from a public way are to be reviewed by the Preservation Commission as they are with “historic” and “contributing” structures. Changes to these structures shall be compatible with the principals enumerated in the “Visual Compatibility” portion of the Guidelines. These changes include new construction, and the moving, reconstruction, alteration, major maintenance, or repair involving a color change conspicuously affecting the exterior appearance of such buildings, structures, or appurtenances within the preservation district. Changes must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and especially with those buildings with which it is associated and visually related

If a new material is introduced in a “non-historic” / “non-contributing” structure, it is recommended that it be a material that was commonly in use at the time the structure was erected or an approved substitute.

# Time Limitations and Extensions for Certificates of Appropriateness

## Expiration of Certificates

All Certificates of Appropriateness issued at Staff or Commission Levels shall expire and be void after one year unless the applicant requests, and is granted, an extension from the Commission or Administrator.

## Extension of Certificates

### 1. HOW TO APPLY

Requests for extensions should be addressed to the Commission Administrator and should include the following:

- a) The reason for requesting an extension.
- b) A timetable for starting and completing work.
- c) Documentation regarding work completed, work still to be done, and any amendments requested to the work as originally proposed.

Requests may be submitted at any time.

### 2. CONDITIONS OF EXTENSION

Certificates of Appropriateness may have expiration dates extended by the Commission if, upon request of the applicant, the Commission or administrator determines the following:

- a) Any changes in the proposed work are otherwise subject to staff approval, and;
- b) Approval of the items in the certificate are still appropriate when current standards, guidelines, policies, and circumstances are considered, and;
- c) There are no physical or material changes.

### 3. WHEN TO APPLY

The first extension may be granted at any time within the calendar year that commences at the first year anniversary of the issuance of the Certificate of Appropriateness. The timing of subsequent extensions by staff or the Commission shall also be the calendar year that commences at the expiration of the previous extension.

### 4. WHO MAKES THE DECISION

- a) Staff Level: Where there are no changes in the proposed project, up to two one-year extensions may be granted by staff for any time period up to one year provided no combination of extensions exceeds a total of two years from the original expiration date.
- b) Commission Level: When there may be material or plan changes and/or when there *already have been two* one-year extensions granted by staff.

### 5. LENGTH OF EXTENSION

Extensions may be for no more than one year.

### 6. CHANGES

Any proposed changes require a new application for a Certificate of Appropriateness.

## Contact and Administrative Information

The Historic Preservation Commission is administered by the city's Historic Preservation Officer, in the Department of Metropolitan Development. This office serves as the point of contact for the public. A list of the current information regarding the Preservation Commissioners is available from this office. Applications for Certificates of Appropriateness are available here. The records of the Historic Preservation Commission are maintained here. The Commission's legal counsel is retained through this office.

Inquires and requests should be made through the Department of Metropolitan Development.

Historic Preservation Services  
Department of Metropolitan Development  
Civic Center, Room 306  
1 N.W. Martin Luther King, Jr. Blvd.  
Evansville, IN 47708

(812) 436-7823

(812) 435-6030

# **Preservation of Character, Maintenance, Repair, Like for Like Replacement, and Relationships with Zoning**

In accordance with City Ordinance 2.106.090, 2.106.100, and 2.106.110:

## **Preservation of Historical and Architectural Character upon Alteration or Relocation**

A historic building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

## **Maintenance**

Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

## **Ordinary Repairs and Maintenance**

Nothing in these Guidelines shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.

## **Like for Like Replacement**

Like for like replacement will be allowed if the situation meets the following tests:

1. The property owner can verify that, in accordance with the "Hierarchy of Action in the Secretary's Standards," – printed in this booklet – the material or item to be replaced can no longer be repaired.
2. The replacement material or item does not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.
3. In cases where a certain historic character-defining feature or features are being considered for replacement and in areas that are viewable from a public way less than fifty percent (50%) of the historic feature or features are still in place, and where this has been the situation for at least ten years, for the purposes of "Like for Like" replacement, it may be considered that all of the historic feature or features of the structure have been replaced, thus allowing for "Like for Like" replacement of all of the feature or features to match the replacement or replacements.

## **Relationship with Zoning Districts**

Any structures in a historic district that are also within a zoning district are subject to regulation for both the zoning district and the historic district. If there is a conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements shall apply.

## **Compliance with Building Code and Appearance of Work**

Any work done under a Certificate of Appropriateness granted by the Preservation Commission shall meet the standards required by the Evansville-Vanderburgh County Building Commission. All work done will have a neat and workman like appearance and its appearance shall be in keeping with the historic character of the structure.

# **Enforcement, Penalties, and Judicial Review**

By City Ordinance 2.106.120:

Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of City Ordinance #G-98-24 shall be subject to a fine as follows, for each offense:

1. Not less than One Hundred Dollars (\$100.00) or more than Twenty-five Hundred Dollars (\$2,500.00) for demolition.
2. Not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for all other offenses.

Each day of the existence of any violation of the Historic Preservation Ordinance shall be a separate offense.

The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure or appurtenance which is begun, continued, or maintained contrary to any provisions of the Historic Preservation Ordinance is declared to be a nuisance and in violation of the Ordinance and unlawful. The City may institute a suit for injunction in the Circuit Court or Superior Court of Vanderburgh County to restrain any person or government unit from violating any provision of the Ordinance and to cause such violation to be prevented, abated, or removed. This action may also be instituted by any property owner who is adversely affected by any of the above-mentioned changes made to a property.

The remedies provided for in this Section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review hereof in accordance with Indiana Code.

## **Procedure for levying a fine as established by the Preservation Commission**

1. The Historic Preservation Commission shall set a fine for the violation of the Preservation Ordinance in accordance with City and I.C. 36-7-8.
2. The Historic Preservation Commission shall make a "Finding of Fact" that shall enumerate the specifics of the violation of the Preservation Ordinance. This "Finding" shall be given to the person or entity in violation of the ordinance.
3. A "Claim for Violation of the Preservation Ordinance" in the amount of the fine set by the Historic Preservation Commission shall be sent to the person / persons or entity in violation by certified mail.
4. If the fine has not been paid within fifteen (15) days of the receipt of the claim for payment of the fine, the Historic Preservation Commission may file the Notice of Claim for Payment with the Clerk of the Vanderburgh Circuit and Superior Courts. The person / persons or entity in violation of the Preservation Ordinance may also be responsible for the filing fee. The Commission also may seek a judgment against the violator in the amount of the fine and costs.

**Historic Preservation Commission also may seek a judgment against the violator in the amount of the fine and costs.**

## **Penalty for the commencement of work before applying for a Certificate of Appropriateness**

See page four (4) regarding "Certificates of Appropriateness" procedures

**Time limits to address violation of Preservation Ordinance**

An applicant must have the matter the Historic Preservation Commission found to be a violation of the Preservation Ordinance corrected within ninety days of the finding, or be subject to a fine as prescribed in the Preservation Ordinance. However, at their discretion and for good cause, the Commission may set a different period of time to rectify a violation. The applicant shall apply in person to the Preservation Commission for thirty-day extensions if the project cannot be completed within time period granted.

Adopted 13 October 2004, Revised 9 January 2008, Revised 3 March 2010



# Possible Violation Notification Procedure

It shall generally be the practice of the Evansville Historic Preservation Commission and its supporting staff to handle reported and observed perceived violations of the Preservation Ordinance in the following manner:

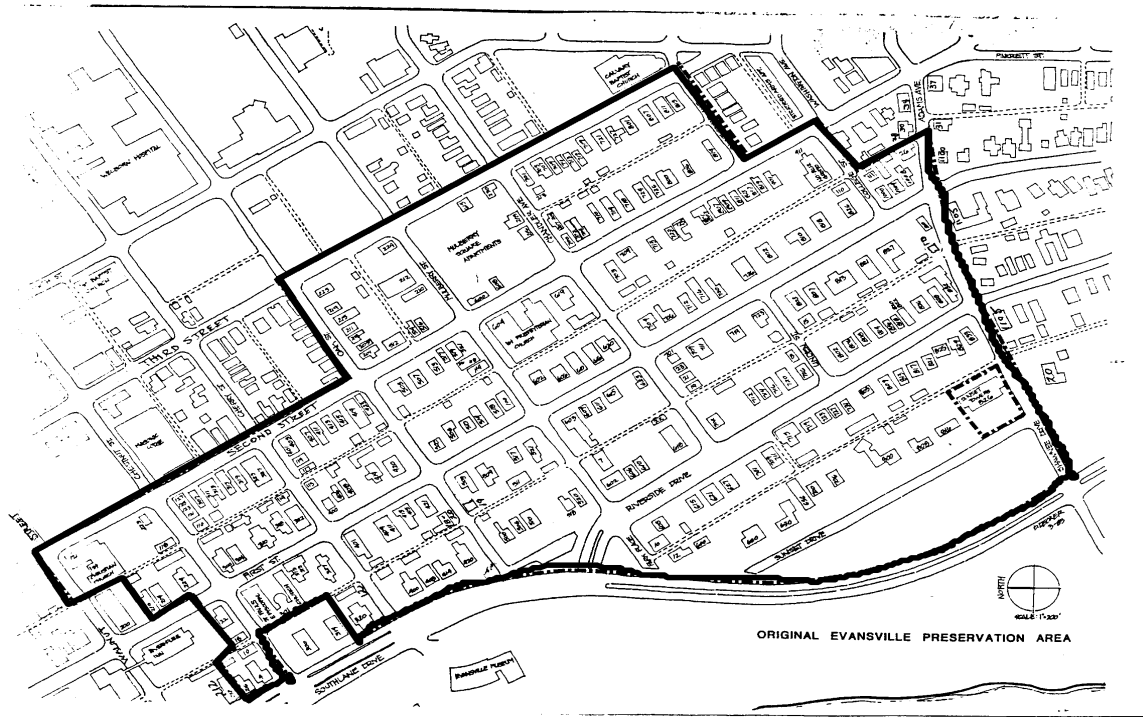
1. The Commission will appoint one of its members as the Designated Preservation Commission member to work with the City Preservation Officer concerning possible violations and actions between Preservations meetings. Those interim actions are subject to approval of the Preservation Commission at its next scheduled meeting.
2. In Progress Possible Violations
  - a. In circumstances of reported or observed potential violations while a project is in progress, the City Preservation Officer and the Designated Preservation Commission member will visit the site as soon as possible.
  - b. After an on-site review of the work in progress, the Designated Preservation Commission member, in consultation with the City Preservation Officer, will determine which of the following findings is appropriate:
    - i. To issue a stop-work order and provide owner with appropriate Guidelines and paperwork for submission to the Preservation Commission; or
    - ii. To allow work to continue contingent upon the owner submitting appropriate Preservation Commission paperwork immediately to the City Preservation Officer for the Preservation Commission's consideration; or
    - iii. To allow work to continue because such work does not fall under the Preservation Commission's oversight.
  - c. The City Preservation Officer and Designated Preservation Commission member will report their findings to the Preservation Commission. The Preservation Commission will take any further action as may be required.
3. Completed Possible Violations
  - a. If the violation is a matter the Guidelines classifies as in the jurisdiction of staff approval, the City Preservation Officer will take action, as the City Preservation Officer deems appropriate. The City Preservation Officer will report such actions to Preservation Commission.
  - b. If the violation is a matter the Guidelines classifies as in the jurisdiction of the Preservation Commission, the City Preservation Officer will submit the possible violations to the Preservation Commission with the City Preservation Officer's recommended action.
4. If the owner of property with a perceived violation does not respond to a letter within three weeks, a certified letter will be sent. The letter will again state the nature of the perceived violation. Pertinent pages from the Commission's Procedures and Guidelines booklet will be copied and enclosed. An appropriate application for a Certificate of Appropriateness will also be included. The letter will clearly state that regardless if the Guidelines designates the matter Staff approval or Commission approval, since the situation has been ignored, it will be placed on the agenda of the next regular Evansville Preservation Commission meeting, unless the owner responds within two weeks. The letter will also explain that the Commission has the authority to enforce its decisions by levying fines or petitioning for a court injunction.

## **Revisions and Amendments to the Guidelines and Procedures**

Any revision to these guidelines and procedures must be sponsored by at least three Commission members. The proposed revisions shall be read into the minutes at a regular meeting of the Commission. After this reading, the proposed amendment(s) shall be tabled until the next meeting. Before this meeting, the Commission staff shall inform the appropriate neighborhood association and pertinent media of the proposed changes and provide notice that said changes will be discussed at the next Commission meeting. At this meeting the public shall have an opportunity to comment on the amendment(s). If at least three Commission members support the change(s), the amendment(s) shall be placed on the agenda of the next regular Commission meeting. At this next meeting, the amendment(s) shall be read in its entirety. A motion to adopt the amendment(s) shall be considered for adoption following the regular voting procedures of the Commission.

## Riverside Preservation Area

There are approximately 2 properties located within the Original Evansville or Riverside Preservation area. City ordinances, passed by the Evansville City Council, created the Original Preservation Area in 1974. The Evansville Preservation Commission adopted the map on this page as the official preservation area map on 29 August 2001. On that date structures were classified as "historic," "non-historic," "outstanding," "notable," "contributing," and "non-contributing" as they are listed the 1994 edition of the Vanderburgh County Interim Report.



## **Lincolnshire Historic District**

Lincolnshire Historic District was officially designated as a “Phased-in” preservation area August 16, 1999. There are 90 structures in this area. The map illustrated here is the official map of the Lincolnshire Historic District. When this map was adopted the buildings of this district were classified as “historic,” “non-historic,” “outstanding,” “notable,” “contributing,” and “non-contributing” as they are listed the 1994 edition of the Vanderburgh County Interim Report. On 26 June 2002, the Evansville Preservation Commission accepted petitions from the property owners of this preservation area and considered them sufficient to prevented the area from automatically moving to the next step in the “Phased-in” district as provided for in the Municipal Code of Evansville: 2.106.050.

# Guidelines

These District Guidelines are intended to help establish a standard of appropriate physical design. The guidelines are written for city residents, property owners, building tenants, architects, designers, developers, city staff, and members of government boards and commissions who influence physical change in the historic districts. These guidelines are meant as a guide to ensure future changes will protect, enhance, and be compatible with the historic character of Evansville's historic areas. The Commission will use the guidelines in working with property owners in achieving the desired goals while also preserving the historic integrity, visual compatibility, and distinct aesthetic quality of the historic districts. The Commission may change or edit these guidelines as new situations arise, new products become available, and old materials are taken off of the market. Changes may also reflect current legal decisions and advice from preservation professionals. Changes will be dated and noted at the bottom of the page of the copy maintained by the Department of Metropolitan Development. The latest revision shall apply.

## Categories of Approval

Each general topic includes an indication of the category of approval required for each respective type of work described. Special provisions unique to individual preservation area plans may affect some policies. Consideration for approval under the Staff or Commission categories will not go forward until a complete application is filed as defined on pages titled "Certificates of Appropriateness" and "Notification Responsibility." A Certificate of Appropriateness is issued for every approval granted.

When no policy exists regarding proposed work, when the proposal involves an entirely new situation, product or material, or when there is a question as to the application of the policy, the Commission shall determine the type of approval required.

The categories of approval are as follows:

### **Staff Letter - No Certificate Necessary**

A Certificate of Appropriateness is not required for those items so noted. However, if there is a question as to need for a certificate or if assistance and advice is needed, the Evansville Historic Preservation Commission office should be contacted.

### **Staff Level Certificate of Appropriateness**

A Certificate of Appropriateness is needed and may be approved at Staff Level for those items so noted. This process includes filing an application and notification of adjacent property owners, but does not involve a hearing before the Preservation Commission.

### **Commission Level Certificate of Appropriateness**

A Certificate of Appropriateness is needed and may be issued by the Commission for those items so noted. The process involves application, notification of the public, and a hearing before the Historic Preservation Commission at its regularly scheduled meeting.

### **Emergency Situations**

In cases of emergency (posing immediate threat to public safety or the preservation of a historic building fabric as attested to by the city's Code Enforcement Office, the city-county Building Authority, the Fire Department, or other appropriate government agency), an abbreviated approval procedure may be applicable. To address the emergency in these cases, the Commission gives authority to the staff to take actions normally reserved for the Commission.

Adopted 13 October 2004

# Definitions

- (1) **Alteration:** A material or color change in the external architectural features of any building, structure, or site within a historic district.
- (2) The following classifications are referenced in the Interim Report architectural survey which has been adopted as the official survey by the Preservation Commission. These terms are also included in the state preservation commission enabling legislation. These terms speak to the architectural integrity and historic importance of structures as well as to National Register potential of structures. They do not exempt any structure for oversight from the Preservation Commission.
  - (a) **Outstanding or “O” Classification:** Property that has sufficient historic or architectural significance that is listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.
  - (b) **Notable or “N” Classification:** Property that does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.
  - (c) **Contributing or “C” Classification:** A property at least 40 years old, but does not meet the criteria for an “O” or “N” classification. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed in the National Register only as part of a historic district.
  - (d) **Non-contributing or “NC” Classification:** Property not included in an inventory unless it is located within the boundaries of a historic district. Such property may be less than 50 years old or they may be older structures that have been altered in such a way that they lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register.
- (3) **Non-historic:**
  - (a) In reference to classification on a map of a historic district officially adopted by the Preservation Commission, a structure deemed to be less than 50 years old at the time the architectural survey was done, one that has been altered to such an extent that it has lost its historic defining character, or one that may be otherwise incompatible with its historic surroundings.
  - (b) In reference to usage in the “Guidelines,” it means architectural elements that no longer are defining elements, usually because they have replaced original fabric or fabric of some vintage--in most cases meaning over fifty years ago. In this usage “non-historic” may also be synonymous with “contemporary.”

b. In reference usage in the “Guidelines” (to references in the guidelines to contemporary
- (4) **Commission:** Refers to the Evansville Preservation Commission as established in Chapter 2.106 of the Evansville Municipal Code.
- (5) **Demolition:** The complete or substantial removal of any building, structure, or site located in a historic district. Substantial in this usage means that over forty percent of the character defining elements have been irrevocably destroyed or removed.
- (6) **Historic district:** A single building, structure, object or site or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map designated as an official survey by the Evansville Preservation Commission. This district is not necessarily a National Register Historic District or a part of a National Register Historic District.
- (7) **“Interested party” means the following:**
  - (a) The Mayor.
  - (b) The City Council.
  - (c) The Area Plan Commission.

## Definitions (continued)

- (d) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district.
- (e) An owner or occupant owning or occupying property located in a historic district.
- (f) Indiana Landmarks, Inc., or any of its successors.
- (g) The State Historic Preservation Officer designated under IC 14-21-1-19.
- (8) **District Guidelines:** Criteria locally developed and officially adopted by the Preservation Commission, which identifies local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.
- (9) **Routine maintenance:** Means work for which no certificate of appropriateness is required and where there is no substantive change to exterior character defining fabric.
- (10) **Streetscape:** Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lights, trash receptacles, benches, etc.), use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.
- (11) **Visual compatibility:** Those elements of design that meet the guidelines set out in EMC 2.106.080. [Ord. G-2009-28 § 1, passed 12-17-09; Ord. G-98-24, passed 11-2-98.
- (12) **View from a public way / Public view:** As cited in the “Guidelines” and in various places in the Preservation Ordinance, the limits of the Commission’s oversight is variously defined by what is “subject to public view” and “subject to view from a public way.” As alleys are roadways maintained by the city and open for public use as are dedicated streets, when considering the matter of public way or public view, the Commission shall regard both dedicated streets and alleys as public ways and places from which there is a public view.

# The Secretary of the Interior's Standards

The guidelines are generally derived from and decisions generally based on the applicable City Ordinance and state statutes with consideration given to the principles set down by The Secretary of the Interior's Standards for Historic Preservation.

Applicable principles in the Standards are:

- ◆ A property should be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- ◆ The historic character of a property should be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property should be avoided.
- ◆ Each property should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, should not be undertaken.
- ◆ Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
- ◆ Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site, should be treated with sensitivity.
- ◆ Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.
- ◆ Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.
- ◆ New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- ◆ New additions and adjacent or related new construction should 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.



# Preservation of Original Fabric and Design

The preservation of original fabric, design, and character defining features is of the utmost importance. When considering matters of maintenance, repair, and replacement, the Commission considers the “Hierarchy of Action in the Secretary’s Standards” a benchmark. These “Standards” refer to “The Secretary of the Interior’s Standards for Rehabilitation” as listed on the previous page.

## Hierarchy of Action in the Secretary’s Standards

For each of the subjects contained in the Secretary’s Standards, there are “recommended” and “not recommended” courses of action. The list of “recommended” courses of action are listed in order of historic preservation concerns. Therefore, the preferred action is listed first, with more severe actions coming in descending order.

1. Identify, Retain, and Preserve: The guidance that is basic to the treatment of all historic buildings—identifying, retaining, and preserving the form and detailing of those architectural materials and features that are important in defining the historic character—is always listed first in the “recommended” column.

2. Protect and Maintain: Protection and maintenance generally involves the least degree of intervention. For example, protection includes the maintenance of historic material through treatment such as rust removal, caulking, limited paint removal, and re-application of protective coating, among other things.

3. Repair: Next, when the physical condition of character-defining materials and features warrants additional work, repairing is recommended. Repairing also includes the limited replacement in kind or with compatible substitute materials of extensively deteriorated or missing parts or features.

4. Replace: Following the repair in the hierarchy, guidance is provided for replacing an entire character-defining feature with new materials because the level of the deterioration or damage of materials precludes repair.

# Awnings and Canopies

## **Staff Letter - No Certificate Necessary:**

1. Repair of existing awnings or canopies with materials matching the previous in size, shape, color, or type. This includes replacement of worn or damaged canvas with a similar color, style, and pattern.
2. Seasonal removal and reinstallation of temporary awnings on existing fittings.

## **Staff Level Certificate of Appropriateness:**

1. Permanent removals or alteration of temporary awnings, including changes in color.
2. Permanent removal of documented non-historic awnings.

## **Commission Level Certificate of Appropriateness:**

1. New installation, removal, or alteration of permanent awnings and canopies including changes in pattern or material.
2. Any action deemed inappropriate by Staff.

## **Recommended:**

1. On houses, awnings should be traditional in style, usually canvas over metal frame, and proportioned to fit the window properly.
2. Colors should reinforce the colors on the building or storefront.
3. On storefronts, awnings should reflect the openings and proportion of the storefront. Canvas is preferred for covering a metal frame.
4. Awnings are good locations for storefront signage. (See sign guidelines.)

## **Not Recommended:**

1. Covering important architectural features.
2. Aluminum, fixed metal or similar awnings that detract from the visual quality of a building.
3. Backlit awnings.
4. Awning shapes that detract from the proportions and architectural style of the building.
5. In commercial areas, awnings that are obtrusive in the streetscape.

# Demolition and Removal (of structures or portions of structures)

## Staff Level Certificate of Appropriateness:

1. Structures (or portions of a structure) in which imminent collapse poses a safety hazard, as attested to by an appropriate government agency and as described under “Emergency Situations in the “Guidelines” section of this document.
2. Documented, non-historic accessory structures, such as open carports, tool sheds, parking attendant booths, and one and two-car contemporary garages.
3. Documented, non-historic additions to any structure.

## Commission Level Certificate of Appropriateness:

1. Primary structures documented as non-historic.
2. Any action deemed inappropriate by Staff.
3. Historic Structures (or portions of historic structures).

## Recommended:

1. When a character-defining element of a historic structure is destroyed or removed, duplicating the piece removed or adding a replacement based on historical evidence is encouraged.

## Not recommended:

1. Moving any historic structure.
2. Razing any historic structure except where there is a clear threat to public safety. It is preferred that the determination of threat to public safety be confirmed by a government agency such as the Fire Department, Building Commission, or Neighborhood Inspection Services / Code Enforcement Department.
3. Razing, destroying, obliterating, or removing any historic character-defining part, element, or piece of a historic structure except where it can be documented by a city or county agency that there is a clear threat to public safety.

For the purposes of these Guidelines, **Historic Structures** include any structure that: a) is more than 50 years old, and/or b) is noted in The Vanderburgh County Interim Report, a Preservation Plan, or on the National Register of Historic Places nomination as being contributing, notable, outstanding, significant, or historic.

# Fences, Gates, and Walls

## Definitions

For the purposes of these "Guidelines," the front yard is defined as that portion of the parcel adjacent to the street associated with the address of the primary occupant of the property. For the purpose of locating a front yard type of fence, the front yard is considered to extend back from the street a minimum of ten (10) feet back from the front corners of the structure—porches being excluded. If there is a door or window at this point, the front yard shall be extended back at least six inches (6") behind the window or door at this location. A corner lot parcel is considered to have two front yards—each fronting a street.

In the event that adjacent homes are less than six (6) feet apart, the minimum ten (10) foot setback may be reduced for fences connecting the two structures, provided the following conditions are met:

- a. Both homeowners agree regarding fence placement and style.
- b. Fence styles are consistent with zoning regulations as well as Historic Commission "Guidelines" for back front and back yard fences.
- c. The minimum setback shall be no less than the distance between the two structures.
- d. Where the two structures are set back from the street at unequal distances, the structure farthest from the street shall be used to determine the setback measurement.

## Staff Letter - No Certificate Necessary:

1. Removal of any non-historic fence, provided the fence is not specifically required in an issued Certificate of Appropriateness.
2. Repair of existing fences, provided that:
  - a) There is no alteration in material, height, color, or location.
3. Additional fencing within an area enclosed by a backyard privacy fence, provided it reaches no higher than the privacy fence.

## Staff Level Certificate of Appropriateness:

1. Back yard fences that are:
  - a) Not more than 6 feet in height,
  - b) Not louver, basket weave, chain link, masonry, lattice, or stockade,
  - c) On lots that are not situated on street corners, not farther forward than a point midway between the front and back facades of the primary structure, and;
  - d) Not obscuring the view at an intersection of streets and/or alleys.

## Commission Level Certificate of Appropriateness:

1. Fences not qualifying for Staff Approval.
2. Construction or removal of masonry walls.
3. Any action deemed inappropriate by Staff.
4. Removal of any historic fence or wall that is original to the site.

## **For Front Yard Fences:**

### **Recommended:**

1. Consistent with the zoning regulations, front yard fences should be no taller than four feet (4') from the ground on the inside of the fence except on corner lots, where front yard fences should be no taller than three feet (3') from the ground on the inside of the fence.
2. Open in style—such as picket. **All fences here shall permit a minimum of 50% visibility between individual components. If wooden, the wood shall be painted or stained an appropriate color. If metal, the fence shall give the impression of period wrought iron fences and have posts a minimum of three (3) inches wide.**
3. Does not obscure the view at an intersection of street and/or alleys.
4. Is stylistically appropriate to the architectural style of the primary structure.

### **Not recommended:**

1. Antique fence sections connected by masonry piers.
2. Plastic or vinyl fence or lattice.
3. Chain-link, louvered, basket weave, lattice, stockade, or split-rail fencing
4. Removing or altering a fence that is a factor in screening a feature that would be a violation of these "Guidelines."

## **For Back Yard Fences:**

### **Recommended:**

1. Consistent with zoning regulations, back and side yard fences should be no taller than six (6) feet from the ground on the inside of the fence.
2. Removing or altering a fence that is a factor in screening a feature that would be a violation of these "Guidelines."

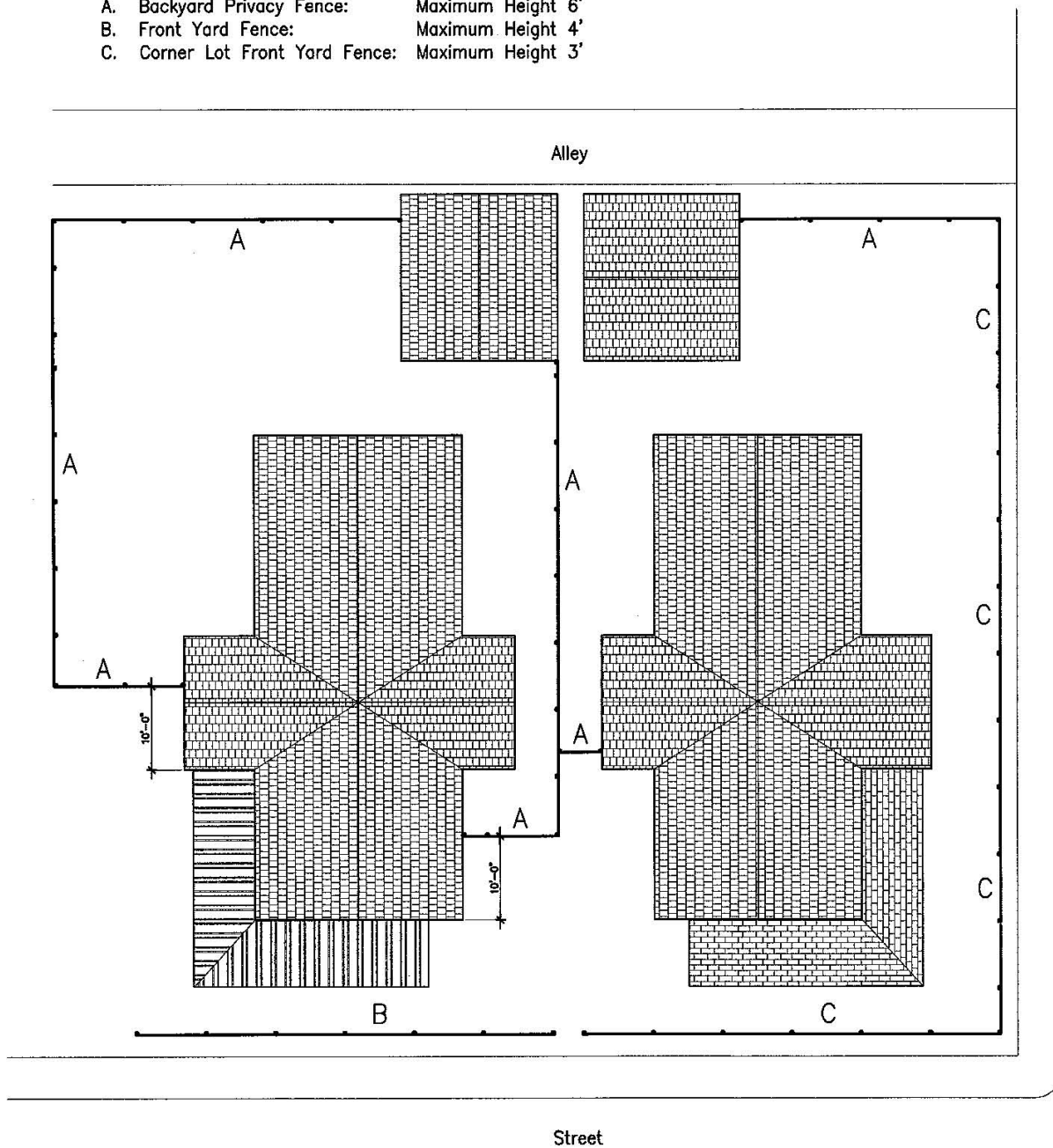
### **Not Recommended:**

1. Chain-link, louvered, basket weave, lattice, stockade, split-rail, livestock fencing, or vinyl fencing.

## FENCE HEIGHT AND SETBACK

Backyard privacy fence setback from street: 10' from front corner of the house, excluding porch.  
If there is a door or window at this point, backyard fence shall be no further forward than 6" from back side of this opening.

- A. Backyard Privacy Fence: Maximum Height 6'
- B. Front Yard Fence: Maximum Height 4'
- C. Corner Lot Front Yard Fence: Maximum Height 3'



# Handicapped Access

Accessibility for people with physical disabilities presents certain needs. There will occasionally need to be alterations or additions that would otherwise not be considered appropriate (i.e. ramps, special handrails, extra openings, etc.). To appropriately design such elements, the guidelines on this page should be followed:

## **Staff Level Certificate of Appropriateness:**

1. Any temporary ramp anticipated to be in place less than four months.

## **Commission Level Certificate of Appropriateness:**

1. All other instances and situations.

## **Recommended:**

1. The location and design of the new element or alteration should have as little visual impact on the historic character of the building as possible.
2. Changes made in ways so that the effects are reversible.

## **Not Recommended:**

1. Covering significant architectural details or damaging historic material.

# Landscaping and Site Improvements

## **Staff Letter - No Certificate Necessary:**

1. Installation or removal of plant materials on the property of existing buildings provided (for removal) that it is not required in a previously issued Certificate of Appropriateness.
2. Planting or removal of trees.
3. Installation or removal of plant materials on vacant or side lots.
4. Maintenance, including pruning trees and thinning plants.
5. Borders on planting beds in a front yard or side lot that are low and inconspicuous (excluding landscape timbers and railroad ties exceeding 2" in height).
6. The following items, when confined to the back yard:
  - a) Borders on planting beds.
  - b) Children's play equipment under seven (7) feet tall.
  - c) Dog houses.
  - d) Objects of artistic or cultural significance (such as sculpture), not exceeding 6 feet in height.
  - e) Fountains and small decorative pools.
  - f) Barbecue pits.
  - g) Garden furniture less than six (6) feet tall.
8. Grading and filling yards consistent with surrounding grades.
9. Small yard accessories confined to a back yard and not visible to a public way.
10. Any yard amenity, except storage sheds, that does NOT require a concrete foundation or a substantial anchor that penetrates the ground more than six inches.

## **Staff Level Certificate of Appropriateness:**

1. Storage sheds of less than 144 square feet and in a back yard made of wood, and appropriately painted.
2. Patios and decks with railings, in a back yard, not higher than the foundation and not projecting beyond either side of the building.

## **Commission Level Certificate of Appropriateness:**

1. Decks and patios not confined to the back yard that project beyond either side of the building, or are higher than the foundation.
2. In-and above ground swimming pools.
3. Accessory structures such as large storage sheds, gazebos, and greenhouses.
4. Fountains, decorative pools, arbors, and large yard accessories not confined to back yards.
5. Any action deemed inappropriate by Staff.
6. Development and landscaping of public or private parks.
7. Any flagpole over six (6) feet tall.
8. Any yard amenity that requires a concrete foundation or a substantial anchor that penetrates the ground more than six inches.



# Lights

## **Staff Letter - No Certificate Necessary:**

1. Incandescent wall or ceiling mounted light fixtures (excluding security lights) at rear entrances of a building.
2. Free-standing decorative lights in a back yard, provided the pole and light fixture do not exceed seven feet in height.
3. Ground lighting in back yards.
4. Security lights installed by the public utility on any existing alley utility pole at the rear of a property.
5. Temporary facade illumination for special events.

## **Staff Level Certificate of Appropriateness:**

1. Incandescent wall or ceiling mounted light fixtures attached to a facade of any building, garage, or carriage house; other than at a rear entrance.
2. Flood lights on the rear or side facade of a building, provided written consent by the adjacent building owner(s) is submitted in the case of side facades.

## **Commission Level Certificate of Appropriateness:**

1. Any security light requiring a new utility pole, except a pole set in an ally right of way twenty (20) feet from the curb of a dedicated street.
2. Security lights attached to the front, back or side facades of buildings or to utility poles other than those on alleys.
3. Parking lot lights (except as noted under Parking Areas).
4. Any action deemed inappropriate by Staff.
5. Permanent facade illumination, whether building or ground mounted, front yard or side lot ground lighting, or free-standing decorative lights other than in the back yard.

## **Not Recommended:**

Neon lights, projected lights, laser lights, strobe lights or any illumination appliance that will create an arresting or spectacular effect.

# Mailboxes

## **Staff Letter - No Certificate Necessary:**

1. Any not viewable from a public way.

## **Staff Level Certificate of Appropriateness:**

1. Any mailbox viewable from a public way.
2. Alteration to an existing structure required for installation.
3. Free standing mailboxes (those not attached to a structure).

## **Commission Level Certificate of Appropriateness:**

1. Any action deemed inappropriate by Staff.

## **Recommended:**

1. Mailboxes that are historic in style and nature.

## **Not recommended:**

1. Freestanding mailboxes anchored in the ground.
2. Locating mailboxes in a place that obscures or defaces a character-defining feature of a historic structure.

# Masonry

## Staff Letter - No Certificate Necessary:

*Due to the permanent nature of masonry repairs and maintenance, staff or Commission consultation is required before ANY job is determined to be in the category of "No Certificate Necessary."*

1. Masonry repairs and maintenance, defined as the following work involving less than 5% of the masonry on any one wall surface:
  - a) Tuck pointing, using materials to match the original.
  - b) Stucco replacement, using materials to match the original.
  - c) Cleaning, excluding any abrasive cleaning process such as sandblasting or water blasting.
  - d) Replacement of deteriorated masonry, using materials to match the original.

## Staff Level Certificate of Appropriateness:

1. The following masonry restoration, if it involves more than 15% of a façade visible from a public way:
  - a) Tuck pointing, using materials to match the original.
  - b) Stucco replacement, using materials to match the original.
  - c) Cleaning, excluding abrasive cleaning methods such as sandblasting or water blasting.
  - d) Replacement of deteriorated masonry, using materials to match the original.
2. Reconstruction of severely deteriorated--unsafe and/or unstable--features, with no changes in design or materials.

## Commission Level Certificate of Appropriateness:

1. Masonry alterations, including:
  - a) Removal of any masonry features.
  - b) Reconstruction involving changes in material or design.
  - c) Construction of new features on existing buildings.
  - d) Any new masonry work requiring a foundation.
2. Application of any waterproofing or sealing agent, paint, or stucco to a surface not previously treated in a similar manner.
3. Any action deemed inappropriate by Staff.

## Recommended:

1. Damage to masonry is usually caused by movement or water infiltration. Causes should be identified and remedied before undertaking repairs.
2. If mortar is missing or loose, the joints should be cleaned out and repointed using a mortar mix, which closely matches the composition, joint profile, and color of the original. A high-lime content mortar should be used on soft historic bricks. No more than 20% of the total volume of the mortar should be white Portland cement. A suggested formula to obtain this result is: 3 parts clean sand, 1 part lime, 1 part white Portland cement.
3. Careful removal of mortar from the joints so as not to damage the brick edges.
4. Whenever partial or total foundation replacement is required, the new foundation walls should be faced in materials, which match the original in appearance. Reuse of the original material on the face of the foundation is preferable.

## **Masonry (cont.)**

5. Whenever replacement brick or stone is needed, use salvaged or new material, which closely matches the original in size, color, and texture. It is important that mortar should be dyed to match the hue and color of existing mortar.
6. Whenever masonry has been painted, it is usually advisable to repaint after removing all loose paint. Old paint, which is firmly fixed to the masonry, will usually serve as an adequate surface for repainting. Methods that attempt to remove all evidence of old paint can damage the masonry. Remember, softer brick and mortar is more prone to damage.
7. Any cleaning should be done with the gentlest method possible and should be stopped at the first evidence of damage. Test patches should be used to assess the effect of any proposed cleaning method.

### **Not Recommended:**

1. Replacing bricks, unless excessively spalled or cracked. Consider reversing a brick to expose its good surface before replacing it with a new brick.
2. Using what is commonly called “antique” brick. These consist of a mixture of bricks, in a wide range of different colors and types. Bricks on historic buildings were usually uniform in color.
3. Covering-over or replacing masonry simply to eliminate evidence of past cracks, repairs, and alterations.
4. The cleaning of dirt, grime, and weathering from masonry surfaces is usually not necessary unless it is causing damage or is unsightly. In any case, the goal should not be to make the masonry look new. Old masonry neither can nor should regain its original appearance.
5. Power grinders. The mechanical equipment is cumbersome and even the most skilled worker will tire or skip and cause irreversible damage.
6. Sandblasting, high pressure water blasting (over 600 psi), grinding, and harsh chemicals.
7. Waterproof and water repellant coating. They are generally not needed and can potentially cause serious damage to the masonry. Also avoid covering masonry with tar or cement coatings.
8. Parging a masonry surface.
9. Applying mortar that does not reasonably match existing mortar, in a way that does not match the existing profile of the mortar joint, or applying mortar in a manner that is not neat or in a workmanship like manner, or in a way such that it significantly defaces the look of the brick, block, or stone.

# New Construction

## Staff Letter - No Certificate Necessary:

**Not Applicable.** A Certificate of Appropriateness is required for any new construction.

## Staff Level Certificate of Appropriateness:

1. Storage sheds in back yards not more than 144 square feet, less than seven (7) feet tall, free standing, constructed of wood, and appropriately painted.

## Commission Level Certificate of Appropriateness:

1. Any primary structure.
2. Accessory structures such as large storage sheds, gazebos, and greenhouses.
3. One and two-car garages and carriage houses.
4. Open porches or decks with rails added to existing structures. (See "landscaping" for some exceptions involving patios and decks without railings.)
5. Any action deemed inappropriate by Staff.
6. Any structure other than the accessory structures, garages, and porches defined above.

## Recommended:

1. The provisions in the "Visual Compatibility" chapter of the Preservation Commission's "Guidelines" are recommended as the guiding design principles for new construction.

**NOTE 1:** The Commission may require permanent indication of the date of new construction in the form of a durable marker such as one incorporated into the foundation.

**NOTE 2:** The Commission strongly advises burying all utilities underground on moderate to major rehabilitation projects and on all instances of new construction of primary structures.

**NOTE 3:** Construction related activities are subject to IRC (International Residential Code 2000) and UBC (Building Codes, 1997 Over 2 Family Dwellings).

**NOTE 4:** Hardboard siding may be considered when applied to a building of new construction provided that the installation conforms to the prevalent characteristics of the historic buildings within a district with respect to size, scale, and exposure or width between individual boards.

# Paint

The Preservation Commission may establish an approved palette of paint colors with notation regarding the appropriateness of particular colors for specific architectural styles. The appropriateness of any color not on an approved palette shall be judged by viewing a two foot by two-foot (2' x 2') sample applied to the structure to be painted in such a way that, where practicable, the new colors are adjacent to each other as they will be in the new color scheme.

## **Staff Letter - No Certificate Necessary:**

1. Repainting, provided there is no change in color scheme.
2. Sample patches on wood siding, wood trim, and previously painted masonry surfaces; provided each sample color scheme is no more than 25 square feet. A Certificate of Appropriateness is required before proceeding further with painting.

## **Staff Level Certificate of Appropriateness:**

1. Changes in color scheme on a painted surface.
2. Color schemes for new construction.

## **Commission Level Certificate of Appropriateness:**

1. Painting or otherwise coating previously unpainted masonry surfaces.
2. Any action deemed inappropriate by Staff.
3. Application of any new material over an existing surface (example: stucco or parge coating over brick).

## **Recommended:**

1. Remove all loose paint and clean the surface before repainting. It is not necessary to remove all old paint as long as it is firmly fixed to the surface.
2. Two general approaches for selecting a color scheme are recommended:
  - a. Identify through research the original colors and repaint with matching colors. Previous paint colors can be found by scraping through paint layers with a knife, analyzing the paint in the laboratory, or finding hidden areas that were never repainted.
  - b. Repaint with colors commonly in use at the time the building was built.
3. Consider using different shades of the same color when variation in color is desired. Be careful so the color scheme does not become too busy.

## **Not Recommended:**

1. Monochromatic (single color) schemes on buildings that originally had multiple colors.
2. Highly polychromatic (multi-color) schemes on buildings that were originally painted with restraint and simplicity.
3. Painting any previously unpainted masonry surfaces.
4. Arresting and spectacular colors and color schemes.

# Parking Areas

## **Staff Letter - No Certificate Necessary:**

1. Repair, resurfacing, or re-stripping any commercial or residential parking area, provided:
  - a) Materials match the previous in type and color.
  - b) No change in the dimension or location of the surface is made.

## **Staff Level Certificate of Appropriateness:**

1. Incandescent lights affixed to existing utility poles or buildings in back yard parking areas, provided written consent by the adjacent building owner is submitted in cases where the light is located along a side property line.
2. Fencing and landscaping, providing it is not louver, basket weave, chain link, masonry, or stockade.
3. Signage in commercially zoned parking areas.

## **Commission Level Certificate of Appropriateness:**

1. Lights in front yard, side lot, or parking areas where lights require new mounting poles. Parking control devices, such as bollards, chains, or posts.
2. Alteration, construction, or expansion of any residential or business parking area.
3. Installation of parking attendant booths in properly zoned commercial parking areas.
4. Any action deemed inappropriate by Staff.
5. Alteration, construction, or expansion of any residential or business parking area not adjacent to the primary building. Alteration, construction, or expansion of any commercial parking area.

## **Recommended:**

1. Physical and visual barriers between parking areas and a public sidewalk, street, alley, and/or residential area.
2. Lights installed adjacent to residential properties should be low and shielded.
3. A ten-foot buffer with 100% of the linear distance screened between a parking area, a primary street, residential uses, and sidewalks, using trees and/or an architectural screen wall or fence and/or a plant material screen.

## **Not Recommended:**

1. New curb cuts whenever existing curb cuts or alley access is available.
2. Residential or suburban fencing styles, including chain link, for installation around a parking lot.

# **Porches and Decks**

## **Staff Letter - No Certificate Necessary:**

1. Repair of an existing porch when materials and patterns match the existing porch.

## **Staff Level Certificate of Appropriateness:**

1. Removal of a non-historic porch.
2. New patios and decks in back yards with no railings, or any elements higher than 18" off the ground, and nothing visible from the street.
3. Handrails on private sidewalks in a front yard.

## **Commission Level Certificate of Appropriateness:**

1. All new patios and decks with railings and elements higher than 18" off the ground and that are visible from the street.
2. Adding a porch, or any elements thereof, where none currently exists.
3. Rebuilding a porch where the elements and character of the porch are different from the current existing porch.
4. Removal of a historic porch or any elements of a historic porch.

## **Recommended:**

1. Repair and retain original porches.
2. If rebuilding is necessary due to structural instability, reuse as much of the original decorative details and fabric as possible.
3. Assess the significance of a non-original porch before considering removing or altering it. A porch added to a building at a later date should not be removed simply because it is not original. It may have its own architectural or historic importance and is evidence of the evolution of the building.
4. Original porch floors should be repaired or replaced to match the original.
5. If a porch is missing, a new porch should be based on as much evidence as possible about the original porch design, shape, and details. Check the following sources for evidence:
  - a) Old photographs.
  - b) Sanborn insurance maps.
  - c) Paint lines defining porch roof outlines.
  - d) Paint lines defining porch post design.
  - e) Remnants of the porch foundation.
  - f) Similar houses in the neighborhood (helpful but not always dependable).
  - g) Oral descriptions from previous owners.
6. Where little or no evidence of the original porch remains, a new porch should reflect the typical porch form of the era. In a reconstruction under this circumstance, the Commission may require architectural elevations and plans to document the details of construction.



## **Porches and Decks** (cont.)

7. Patios and decks in back yards with no railings, no elements higher than 18" off the ground and not visible from the street.

### **Not Recommended:**

1. Alterations to historic porches, especially on primary facades.
2. Replacing original stone steps.
3. Replacing original wood floors with concrete.
4. Placing new porches in locations which never had porches, especially on significant elevations.
5. Porch members made of or covered with vinyl or metal.
6. Enclosing open porches.

# Public Infrastructure Standards

## **Commission Level Certificate of Appropriateness:**

1. Change in the material, pattern, or color of street/alley paving, sidewalks, and curbs.
2. Alterations to the width or location of streets/alleys and sidewalks.
3. Installation of new light fixtures in the public right-of-way.
4. Freestanding pole and ground signs.

## **Recommended:**

1. Stone curbs should be retained and preserved whenever possible.
2. Brick streets and gutters should be retained and preserved.
3. New public streetlights should be compatible with the history of the neighborhood.

## **Not Recommended:**

1. Widening of streets/alleys when there is a negative impact on the character of the neighborhood and adjacent buildings.

# Relocation of Structures

## **Staff Letter - No Certificate Necessary:**

NOT APPLICABLE. A Certificate of Appropriateness is required for relocation of any structure.

## **Staff Level Certificate of Appropriateness:**

1. Non-historic accessory structures such as wooden storage sheds, gazebos, and greenhouses being relocated within a back yard.

## **Commission Level Certificate of Appropriateness:**

1. Non-historic accessory structures such as storage sheds, gazebos, and greenhouses; except those being relocated within a back yard.
2. Any action deemed inappropriate by Staff.
3. Non-historic buildings other than accessory structures.
4. Historic structures relocated into, out of, or within an existing historic district.

Note: City Ordinance 2.106.090 deals with the relocation of buildings in the preservation area.

Adopted 13 October 2004

# Roofs, Gutters, and Soffits

## **Staff Letter - No Certificate Necessary:**

1. Alterations and repair to flat roofs in which no change is visible from the ground, including the following:
  - a) Installation of mechanical equipment, or vents.
  - b) Re-roofing and repair, provided the shape of the roof is not altered.
2. Replacement of roof mounted, hung or attached gutters and downspouts, provided any new material matches the previous in type, shape, color, and dimensions.
3. Built-in gutter relining.
4. Flashing repair and maintenance, only if not visible from a public way.
5. Skylights not visible from the public way.
6. Replacing a roof with "like for like" materials—same material, same color, same dimension.
7. In cases where historic roofing—e.g. wood or slate shingles—is found beneath the current top layer of roofing, providing proof is provided to the Preservation Commission staff, re-roofing with the roofing type found under the top layer will be allowed provided the material, shape, and color of the replacement shingles is the same as the historic roofing.

## **Staff Level Certificate of Appropriateness:**

1. Re-roofing any visible roof surface.
2. Replacement of non-historic roof material with identical material and product of a different color.
3. New half round gutters and round downspouts when they do not alter the structure.
4. Built-in gutter reconstruction or replacement provided there is no change in profile, dimension, or material.
5. Reconstruction, restoration, or replacement of soffits, fascia, roof brackets, exposed rafters, and rafter ends provided they match the original.
6. Provided the material of the shingle does not change, staff may approve shingles of a more historically appropriate style or color.

## **Commission Level Certificate of Appropriateness:**

1. Alterations to -- addition or removal of -- the following:
  - a. Roof size, shape, or pitch.
  - b. Accessories that are visible, such as skylights, chimneys, or mechanical equipment.
  - c. Architectural or decorative features such as roof cresting, decorative flashing, dormers, roof brackets, soffits, fascia, exposed rafters, and rafter ends.
  - d. Built-in gutters.
2. Any new gutters and/or downspouts not deemed architecturally appropriate.
3. Any gutters or down spouts are that are not metal.
4. Removal or replacement of historic roof material.
5. Any action deemed inappropriate by Staff.

## Roofs, Gutters, and Soffits (cont.)

### Recommended:

1. Original slate or tile roofs should be repaired rather than replaced. If replacement is necessary, new or imitation slate or tile is preferred. Consider retention of good material for installation on roof slopes visible to the street. If replacement with slate or tile is not economically possible, use asphalt or fiberglass shingles in a pattern or color similar to original roof material.
2. Preferred colors for asphalt or fiberglass roofs are medium to dark shades of gray and brown. Solid red and green roofs are generally only appropriate on some early 20<sup>th</sup> century buildings.
3. A flat roof that is not visible from the ground may be repaired or re-roofed with any appropriate material, provided it remains obscured from view.
4. Adding a slope to a problem flat roof if it is not visible from the ground or does not affect the character of the building.
5. A drip edge, if used, that is painted to match the surrounding wood.
6. Gutters and downspout should match the building body and/or trim color.
7. Repairs and retention of built-in gutters or reconstruction of the gutters in a similar configuration using alternative materials.
8. Where exposed rafter ends were original, roof mounted or half-round hung gutters are preferred.
9. Channel water from the downspout away from the foundation.
10. Original chimneys, which contribute to the roof character, should be repaired and retained. If no longer in use, they should be capped rather than removed.

### Not Recommended:

1. Alterations to the roof slope and shape unless past inappropriate alterations are being reversed.
2. White, light, or multi-colored shingles and rolled roofing.
3. The addition of dormers on roof areas that are significant to the character of the building.
4. Covering exposed rafter ends with a gutter board and altering decorative rafter ends to accept a new gutter board.
5. Visible skylights.
6. Placing mechanical equipment such as roof vents, new metal chimneys, solar panels, TV antenna, satellite dishes, air conditioning units, etc. where they are visible from the street or where they affect the character of the building.
7. Rubber membranes, except where not visible from a public way.
8. Using metal roofing unless there is clear historical precedent for it.
9. Using metal roofing of a profile other than that of the traditional flat or standing seam design.
10. Using metal roofing of a surface color other than that which would reasonably look like natural or patinated copper or galvanized metal—or metal that resembles tar-covered metal.
11. Replacing half round gutters with gutters of another profile; replacing round downspouts with downspouts of another profile.

# Scaffolding

Scaffolding erected outside a property can come under the oversight of the Preservation Commission when in view from a public way. Scaffolding associated with and used for projects that have received Certificates of Appropriateness may be viewable from a public way at the location subject to a valid Certificate of Appropriateness. Notwithstanding the foregoing, such Scaffolding may not be kept in places viewable from a public way for more than six (6) continuous months. Scaffolding associated with projects not requiring a Certificate of Appropriateness and that is viewable from a public way, may not remain outside a property for more than four (4) continuous months.

# Security

**Additional policies regarding security lights may be found under lights.**

## **Staff Letter - No Certificate Necessary:**

1. Interior alarm and security systems.
2. Tape alarm systems attached to the interior edges of window glass.
3. Interior window bars or grilles.
4. Reglazing with clear safety glass, provided there is no alteration to the window.

## **Staff Level Certificate of Appropriateness:**

1. Exterior devices associated with alarm systems (such as alarm boxes or security lights) on the rear or side facade of a building or an existing utility pole, provided written consent by the adjacent building owner(s) is/are submitted in the case of side facades.
2. Exterior window bars or grilles at the basement level.

## **Commission Level Certificate of Appropriateness:**

1. Covering or eliminating windows or doors.
2. Exterior devices associated with alarm systems (such as alarm boxes or security lights) on the front façade of a building or on utility poles other than those already existing on an alley.
3. Exterior window bars or grilles above the basement level.
4. Any action deemed inappropriate by Staff.

## **Recommended:**

1. Security devices that will not detract from the character of the building and surrounding area. Examples include locks, alarm systems, and lights.
2. If a physical barrier is necessary on commercial buildings, consider interior-rolling grilles that can be pulled down when needed.
3. Fixed bars on the inside of basement windows because of their minimal impact to the character of the building.

## **Not Recommended:**

1. Closing up window or door openings.
2. Replacing basement windows with glass block.
3. Permanently fixed bars on the exterior of windows.
4. Replacing original doors with metal doors.

# Signs

## **Staff Letter - No Certificate Necessary:**

1. Removal of the following, if non-historic:
  - a) Advertising billboards or freestanding business signs.
  - b) Signs that are not a permanent feature of the building.
2. Temporary signs – in place less than six months --advertising the following and not permanently affixed:
  - a) Real estate (located on the same property).
  - b) Construction projects (located on the same property).
  - c) Political campaigns.
  - d) Special events involving the neighborhood or general public.
  - e) Sales of merchandise and services when located on the inside of a commercial store window.
  - f) Building permits.
3. Repair of a sign, provided here is no change in color, pattern, message, or material.

## **Staff Level Certificate of Appropriateness:**

1. Incidental signs mounted on buildings or other structures on properties in commercial zoned districts.
2. Window signs permanently affixed to, painted on, or hung from the interior of a display window, and directing a message towards the outside.
3. Changes of message on existing signs other than those allowed above.
4. Repainting or restoration of an existing historic sign.

## **Commission Level Certificate of Appropriateness:**

1. Business, advertising, and incidental signs within any Historic Place or area zoned residential.
2. Freestanding business, advertising, and incidental signs.
3. Any action deemed inappropriate by Staff.
4. Historic sign removal or alteration.
5. Business signs for legally established home occupations.
6. Historical markers and plaques.
7. Church sign location, size, material, and design; when on the premises of the church.
8. Use and placement of external illuminating devices.

## **Recommended:**

1. Signs made of historically appropriate materials.
2. On residential buildings, signs should be attached flat on to buildings and should not obscure or deface character-defining features.
3. On buildings zoned as and whose primary use is commercial, perpendicular signs attached to the building may be considered.

## **Not Recommended:**

1. Any internal or back-lit sign.
2. Billboards.
3. Any design, coloring, composition, or images that are overtly contemporary or not in keeping with the historic character of the building to which it is associated.
4. Permanent free-standing signs in yards, signs hung from buildings.
5. Signs over two (2) square feet in size.
6. Signs with startling or arresting colors.

Amended 10 August 2005, 1 April 2009



# Storefronts

**A Commission Level Certificate of Appropriateness is required for any work on a storefront. The following guidelines will help with the application.**

## **Recommended:**

1. Maintain the original proportions, dimensions and elements when restoring, renovating, or reconstructing a storefront:
  - a) Retain or restore the glass transom panels, kick plates, and entrances at their original locations and proportions.
  - b) Restore detail to the original, if evidence exists. Use simplified detail if evidence does not exist.
2. If covered, consider uncovering the original lintel, support wall or piers to reestablish the storefront frame.
3. If original storefront is gone and no evidence exists, construct a new storefront that incorporates traditional storefront elements.

## **Not Recommended:**

1. Using elements typically found in commercial shopping strips that do not relate to the historic elements in the area.
2. Setting new storefronts back from the sidewalk and disrupting the visual order of the block.
3. Creating new storefronts that replicate non-documented "historic" facades or evoke styles that pre-date the building or that evoke other places.
4. Introducing mechanical equipment, e.g. air conditioners, in storefronts.
5. Exterior vending machines.
6. Pay telephones.

# Streets, Sidewalks, Steps, Driveways, and Curbs

## **Staff Letter - No Certificate Necessary:**

1. Resurfacing, repair, or repainting of a street or alley with material, pattern, and dimensions to match the original.
2. Repair or replacement of an existing driveway, sidewalk, or steps on private property, provided.
  - a) New materials are the same dimensions, type and location as the original.
  - b) Expansion joints, control joints, and edges on concrete surfaces are hand troweled (no saw cuts).
  - c) Concrete surfaces of walks and drives have the lightest possible broom finish. Strokes must be in straight lines with no curves or swirls or match the adjacent finish.
3. New sidewalks, steps, and handrails (not exceeding thirty-two (32) inches) in back yards.
4. Removal of concrete sidewalks on private property, if location next to the building interferes with drainage or if location affects a mature tree.
5. Alteration or removal of a driveway in a backyard.

## **Staff Level Certificate of Appropriateness:**

1. Replacement of any deteriorated drive, steps, sidewalk, or curb in the public right-of-way provided:
  - a) New materials are of the same dimensions, type, and location as the original.
  - b) Expansion joints, control joints, and edges on concrete surfaces are hand troweled.
  - c) Concrete surfaces of walks and drives have the lightest possible broom finish. Strokes must be straight with no curves or swirls, and perpendicular to the street on public sidewalks.
2. Handrails on private sidewalks in a front yard.
3. Handicap ramps constructed of wood, appropriately located and painted, and constructed so there is no damage to any historic fabric or surface.
4. Using historic bricks or bricks of the dimension, texture, and color of historic bricks in the sidewalk parks or for sidewalks in the front of homes.

## **Commission Level Certificate of Appropriateness:**

1. New driveways, street curbs, or front yard sidewalks and steps where none previously existed.
2. Alteration, realignment, or removal of a driveway, curb, or front yard sidewalk and steps including removal of historic stone steps, sidewalks, and sidewalk curbs.
3. Fixtures placed by any private party in the public right-of-way or on private front yards for the use of the public; such as vending machines, phone booths, benches, and bus shelters.
4. Any action deemed inappropriate by Staff.
5. Removal, construction, or alteration of streets, alleys, or curbs.
6. Handicap ramps constructed of any material other than wood.

## **Streets, Sidewalks, Steps, Driveways, and Curbs (cont.)**

### **Recommended:**

1. Using historic bricks or bricks of the dimension, texture, and color of historic bricks in the sidewalk parks or for sidewalks in the front of homes.

### **Not recommended:**

1. Using patio bricks or other bricks or blocks that do not have the dimensions or color of historic bricks in the sidewalk park or for any use in the front of a house.

# Trim and Ornamentation

## **Staff Letter - No Certificate Necessary:**

1. Refurbishing existing trim and/or ornamentation where there is no change in materials, profile, or color.

## **Staff Level Certificate of Appropriateness:**

1. Changing the color of trim and/or ornamentation when colors of an approved color palette are used.
2. Repairing trim and/or ornamentation with a material different from the current material.

## **Commission Level Certificate of Appropriateness:**

1. Replacing trim and/or ornamentation that is different in pattern or material from the existing trim and ornamentation.
2. Painting trim and/or ornamentation a color that is different from its current color and that is not on an approved palette.
3. Putting trim and/or ornamentation in a place where currently there is no trim or ornamentation.
4. Removing trim and/or ornamentation.
5. Covering up original trim and ornamentation details.

## **Recommended:**

1. Repair and preserve the original cornice, trim, and decorative elements, even if worn or damaged. Replace with a replication only if damaged beyond repair or if the material is unsound.
2. Missing decorative details may be added when there is evidence that they existed. Evidence can be found from old photographs, remnants left on the building, paint lines where parts were removed, nail holes, old notches, and cut outs in siding and trim. Observation of details on similar historic buildings can assist but is not always conclusive.
3. New materials should accomplish the same characteristics as the originals.

## **Not Recommended:**

1. Fabricating a history that does not exist by using ornamentation that is foreign to a building or has no evidence of having existed.
2. Removing decorative elements simply because they are not original to the building. They may have significance of their own or are evidence of the evolution of the building.
3. Adding decorative details to parts of a building that never had such details. For example, window and door trim was sometimes different and simpler on one side, either sides, or the rear of a building.
4. Covering up original details.
5. Introducing a new design element or mixing design elements.

# Utilities, Mechanical Equipment, and Communication Equipment

## **Staff Letter - No Certificate Necessary:**

1. Removal of any utility pole.
2. Installation of any distribution pole on an alley to accommodate the burial of utilities.
3. Replacement of any distribution pole or transmission pole with a new pole of like kind.
4. Burial of electrical, telephone, and television cables.
5. Window air-conditioning units requiring no alteration to the window or opening.
6. Air-conditioning equipment and meter boxes on the rear of the house or enclosed by an approved back yard fence, and not visible from the street.
7. Heating, cooling, and ventilation equipment on flat roofs if the equipment is not visible from the ground.
8. Replacement of heating, cooling, and ventilation equipment on flat roofs if the equipment is not visible from the ground.
9. Electric, telephone, and television cables installed above ground (and at the back of the building), servicing buildings to which underground distribution does not currently exist.
10. Exterior surface-mounted vents such as those for dryers, furnaces, heaters, bathrooms, or kitchens if not larger than one square foot and not visible from the street.
11. Replacement of heating, cooling, and ventilation at sites previously used for these purposes.

## **Staff Level Certificate of Appropriateness:**

1. Any utility and mechanical equipment located in a front or side yard but not visible from a public way.
2. The installation of through-the-wall air conditioners on non-significant facades.

## **Commission Level Certificate of Appropriateness:**

1. Utilities, communications equipment (i.e. satellite dishes), or mechanical equipment requiring alteration to an existing building, except as allowed above.
2. Any utility and mechanical equipment visible from the street.
3. Any action deemed inappropriate by Staff.
4. Utility poles at new locations or replacement with one of a different material or height greater than the previously installed pole.

# Utilities, Mechanical Equipment, and Communication Equipment (cont.)

## **Not Recommended:**

1. Externally applied electric, telephone, and cable lines.
2. Satellite dishes with a circumference more than three feet.
3. Satellite dishes mounted on a historic façade, roof, or in a yard that is subject to view from a public way.

**NOTE:** The Commission may require that electrical, telephone, and television cables be buried underground on rehabilitation projects, and on all new construction of principal buildings.

**NOTE:** Utility service must be located underground when underground service is available.

# Windows and Doors

## **Staff Letter - No Certificate Necessary:**

1. Interior storm windows.
2. Interior stained glass, if not installed in existing window sash.
3. Replacement of broken or missing glass with new glass to match the original.
4. Repair of existing storm windows and doors with materials and design to match the original with identical materials and design.

## **Staff Level Certificate of Appropriateness:**

1. Exterior storm windows and doors, provided;
  - a) No alteration to the opening is required.
  - b) They are not attached to and do not cover any exterior trim.
  - c) They are prefinished or painted.
2. Stained glass **installed** in windows or doors.
3. Restoration of windows and doors, including replacement of deteriorated parts.
4. Replacement of historic windows and doors when deteriorated beyond repair, provided replacement matches the original in dimension, materials, and style.
5. Replacement of missing windows or doors, provided replacement matches the originals in dimension, materials, and style.
6. Replacement of any non-historic door or window with an appropriate new one.

## **Commission Level Certificate of Appropriateness:**

1. Replacement of any historic door or window (sash and/or frame) that does not match the original.
2. Removal or alteration of existing windows or doors.
3. Creation of new window or door openings.
4. Any action deemed inappropriate by Staff.

## **Recommended:**

1. Windows on a historic building are important elements defining its architectural character and historic significance. Their original materials and features should be respected and retained if possible.

# Windows and Doors (cont.)

## Recommended: (cont.)

### 2. Considerations for window replacement:

The "Secretary of the Interior's Standards" and the "Hierarchy of Action in the Secretary's Standards" provide nationally accepted guidance on matters such as the replacement of windows. These standards recommend that deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

3. Existing windows can be repaired and retrofitted. It is recommended that consideration be given to using caulk, weather stripping, modern mechanical parts, and storm windows.
4. Storm windows should fit window openings exactly, without the use of spacers. They should be painted, anodized, clad, or otherwise coated in a color to match the existing windows or trim. They should be compatible with the window pattern (no simulated muntins or decorative details), should not obscure window trim and may be made of wood, aluminum, or other metals. Consider interior storm windows.
5. Original window trim should be preserved and retained. Only badly deteriorated sections should be replaced to match the original. Decorative window caps or other details should be added only if there is evidence that they existed originally.
6. Window shutters (also known as blinds) may be installed if there is evidence that they once existed on a building. For evidence, look for old photographs, remaining hinges, and hinge mortises.
7. Original doors should be repaired and retained, or if beyond repair, or replicated.
8. If an original door is lost, its replacement may be an old or new door compatible with the building style. New doors should be wood (unless the original door was of a different material) and should match the original in size, shape, and proportion.
9. Transom windows and door trim should be retained or reinstalled if there is evidence of their original existence.
10. Wood storm and screen doors are preferred, if fitted properly to the door opening with no spacers, if designed to not obscure the primary door design, and if there are no inappropriate decorative details or simulated muntins.
11. Hardware on a new door should be compatible with the building's style.
12. If the original hardware is missing from a historic door, replacement hardware should be compatible historic hardware or compatible new hardware.
13. Original garage doors that are significant to the character of a garage should be repaired and retained. If beyond repair, they should serve as a model for the design of replacement doors.
14. Replacement garage doors that are compatible with the garage design.
15. Using plastic for weatherization on the inside of windows.



## **Windows and Doors (cont.)**

### **Not Recommended:**

1. Replacement windows not similar to the original in size, dimensions, shape, design, pattern, and materials. Examples: metal and vinyl cladding, snap-in muntins, and tinted glass are not considered similar to original wood windows.
2. Creating new window openings or eliminating original window openings. This should be considered only when necessary and should be avoided on significant, highly visible elevations.
3. Eliminating original or adding new door openings, especially on significant facades. Any new openings should be indistinguishable from the original openings.
4. Sliding glass doors.
5. Discarding original door hardware. If possible, it should be repaired and retained.
6. Altering the size of garage door openings or changing single doors to double doors unless there is a documented access problem.
7. Residential style doors on commercial buildings.
8. Door styles that evoke an era pre-dating the building.
9. Using plastic on the exterior of windows and doors for weatherization.

### **Commission Policy on Temporary Closure of Window and Door Openings**

The Evansville Preservation Commission has adopted a policy that a property owner may close an exterior opening with an opaque material in a building in the preservation district for obvious reasons of security or repair for a period of four months without any need to obtain a Certificate of Appropriateness. If the owner of the building desires to keep the opening closed for more than four months, however, the owner must obtain a Certificate of Appropriateness from the Commission to keep the enclosure in place.

# Wood Siding

## **Staff Letter - No Certificate Necessary:**

1. Refurbishing of existing siding provided any repaired siding is the same material, has the same finish, and has the same exposure and dimension as the original.
2. Repainting siding with the same color.

## **Staff Level Certificate of Appropriateness:**

1. Repainting siding using a color on an approved color palette.

## **Commission Level Certificate of Appropriateness:**

1. Repainting siding with a color that is either not the current color or on an approved palette.
2. The use of "hardboard" as a replacement for or instead of wood siding.
3. Covering any significant existing wood siding or using new wood siding to cover up an original facade material.
4. Using any new wood siding that has an exposure, finish, or proportion different from the current or original.
5. Repair of existing siding provided any replacement siding is the same material, has the same finish, and has the same exposure and dimension as the original.

## **Recommended:**

1. Unrestored wood siding may look beyond repair but is often in better condition than it looks. The following should be considered when repairing existing wood siding:
  - a) Retain all of the sound original wood siding.
  - b) Repair and retain split boards by nailing and/or gluing with waterproof glue.
  - c) Leave concave or convex boards as they are unless there is a problem. If necessary, repair by carefully inserting flat screws in predrilled holes and gradually tightening.
  - d) Putty all nail holes.
  - e) Rotten sections should be cut out using a saw, chisel or knife. The new piece to be inserted must match the original in size, profile, and dimensions. It may be a new wood board or a salvaged board.
  - f) Missing boards should be replaced with new or salvaged wood boards to match the original.
  - g) Siding should be primed and painted after being scraped of all loose paint and thoroughly cleaned.
2. Replacement is recommended when the original wood is:
  - a) Badly rotten.
  - b) Split (especially multiple breaks) and cannot reasonably be repaired.
  - c) Burned.
  - d) Missing.
3. Cementitious or hardboard siding may be used if the applicant can demonstrate that either the original siding is beyond repair or if the original siding is no longer in place on a façade. However, mixing cement board siding with wood siding on a façade is discouraged. Additionally, faux wood graining is discouraged when using cementitious or hardboard material.

## **Wood Siding (cont.)**

### **Not Recommended:**

1. Removal of original siding. It provides important physical evidence of a building's history and adds immeasurably to a building's historic character.
2. If it is covered with insul-brick or other material, do not assume the original siding will need total replacement. Assess the situation only after total removal of the covering material. Assessment based on partial removal may lead to the wrong conclusion.
3. If replacement of siding is justified, (partial or total) avoid using any material other than real wood with dimensions, profile, size and finish to match the original. The use of plywood, composite plywood panels, aluminum, vinyl, or other unnatural materials is highly discouraged. These products do not look, feel, wear, or age like the original.
4. It is neither necessary nor in many cases desirable to remove all old paint from wood. Methods to accomplish total removal of paint are damaging to a building's fabric and may present health risks and should be pursued with great care. The use of high-pressure water blasting (over 600 psi), sandblasting, rotary sanding or a blowtorch should be avoided.

# Visual Compatibility

**As established by City Ordinance 2.106.080, for new construction, contemporary design, and non-historic buildings:** to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streets/alleyscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any non-historic 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 other buildings in the historic district and with places to which it is visually related.

**Criteria for considering visual compatibility within primary areas:** Within the primary area of a historic district, new buildings, 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 and places to which they are visually related generally in terms of the following visual compatibility factors:

1. Height: the height of proposed buildings must be visually compatible with adjacent buildings.
2. Proportion of building's front facade; the relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares, and places to which it is visually related.
3. Proportion of openings within the facade; 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. Relationship 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/alleys: the relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, squares, and places to which it is visually related.
6. Rhythm of entrances and porch projections: the relationship of entrances and porch post projections of a building to sidewalks must be visually compatible with buildings, squares and places to which it is visually 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 buildings, squares, and places to which it is visually related.
8. Roof shapes: the roof shape of a building must be visually compatible with buildings, squares, and places to which it is visually related.
9. Wall of continuity: appurtenances of a building or site, such as walls, wrought iron fences, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.
10. Scale of the 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 and places to which it is visually related.
11. Directional expression of front elevation: a building must be visually compatible with buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.

## Visual Compatibility (cont.)

### Site Issues and Site Elements

Site issues involve natural and man-made landscape elements and features within or near historic sites and structures. Site issues are important in understanding entire historic contexts. Like building elements, site elements and the definable units, which describe issues of greater importance to sites. Site elements define and describe the context and setting of Historic buildings. Elements, which help determine site issues, fall into five major categories:

- ◆ Boundary definer
- ◆ Paved surfaces
- ◆ Land features
- ◆ Utility equipment
- ◆ Signs

Significant historic site elements should be retained/maintained. New site elements or alteration to existing site elements should be compatible with surrounding historic properties and principal accessory structures on the property. Significant historic sidewalk/street patterns and paving materials should be retained/maintained. The selection of street light fixtures, benches and other street furniture and fences should be appropriate to the character of the historic area. Site elements should not be visually dominate, intrusive, or suggest a false sense of history. Open space that adjoins the street should be developed in scale, use and character with the neighborhood or landmark. Existing buildings should not be demolished to create additional open space. Utilities should be placed where least visible and least intrusive on the site. It is recommended that overhead wire be placed underground.

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