

**ORDINANCE NUMBER 1982 - 12**  
**AS AMENDED BY ORDINANCE NUMBER 1987 - 12**

**HISTORIC DISTRICT ORDINANCE OVERLAY**

**FOR**

**MADISON, INDIANA**

## SECTION 1: PURPOSE

The oldest and most historic part of the City of Madison contains, in addition to the original Town Plan, important open spaces and numerous structures of historic value and outstanding architectural design. This area is of great importance to the social, economic and general welfare of the City and should be protected.

It is the purpose of this ordinance to safeguard the heritage of the City of Madison by establishing a historic district. The ordinance shall establish the means of protecting the district's natural and manmade heritage while providing guidelines for compatible new architectural development. It is the intent of the ordinance to stabilize and improve property values within the district, to foster civic beauty and improvements, to strengthen the local economy and to promote the use of the historic district for the education, pleasure and welfare of the citizens of the City, State and nation in accordance with the regulations set forth herein.

## SECTION 2: BOUNDARIES

The boundaries of the Historic District shall be part of the area identified in the National Register of Historic Places listing, bounded by the Ohio River on the south, the toe of the hill on the north, and the corporate limits on both the east and west.

The boundaries designated on the zoning map of the City of Madison as the boundaries of the Historic District shall coincide with the boundaries as designated herein.

## SECTION 3: BOARD OF REVIEW

A. Creation and Composition: Consistent with I.C. 36-7-11-4, there is hereby established the Madison Historic District Board of Review. This Board shall consist of seven (7) members appointed by the Mayor, subject to the approval of the Common Council. All Board openings shall be publicly advertised at least two weeks prior to selection. All applications shall be submitted in writing through the Mayor's office. Except for the initial Board, the term of office shall be three (3) years. The Mayor shall appoint the initial Board within thirty (30) days of the passage of this ordinance. Members must be residents of the City of Madison and must own or lease property within the Historic District of the City of Madison. No member shall serve on any other Board, Council or Commission of the City Government, except as permitted below. The membership shall consist of the following:

- One (1) member shall be a member of the Plan Commission.
- Three (3) members shall be residents of the Historic District.

- Three (3) members shall be residents of the City and must lease or own property in the designated Historic District in the City of Madison.

B. Terms of Office: After the initial appointment no member shall serve more than two (2) consecutive terms without a one-year lay out. In the event any member shall no longer qualify because of residency or the foregoing requirements, that member shall resign when the disqualification occurs. Vacancies shall be filled in the same manner as the appointment and only for the unexpired term of the vacant member. The term of the initial Board members shall be as follows:

- |  |             |
|--|-------------|
| - Plan Commission Member   | One Year    |
| - Three Historic District residents  | Three Years |
| - One of three City Residents who own or lease property in Historic District     | One Year    |
| - One of three City Residents who own or lease property in the Historic District | Two Years   |
| - One of three City Residents who own or lease property in the Historic District | Three Years |

C. Serve Without Compensation: Members of the Board shall serve without compensation.

D. Organization: The Board shall elect from its membership a Chairman and a Vice-Chairman who shall serve for terms of one year and who shall be eligible for re-election. The Chairman shall preside over the Board and shall be a voting member. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Board shall appoint a secretary who may be an employee of the Building Inspector's office.

A majority of the members of the Board shall constitute a quorum, however, no application for approval shall be denied except by the affirmative vote of a majority of the entire Board. If not denied by four votes, such application shall be approved.

The Board shall adopt rules for the transaction of its business and consideration of applications not inconsistent herewith which shall provide for the time and place of regular meetings and for the calling of special meetings. All meetings of the Board shall be open to the public and a public record shall be kept of the Board's resolutions, proceedings, and actions. All applications to come before the Board shall be presented by the applicant in person or by a representative who is familiar with the proposal and can answer reasonable questions of the Board.

- E. Assistance of Director of Inspections: The Building Inspector (and his staff) shall provide such technical, administrative, and clerical assistance as required by the Board of Review.
- F. Meetings: The Board shall hold regular meetings, not less than once per month, to review applications for certificates of appropriateness. Special meetings may be called by the Chairman or at least two members.
- G. Calendar: Applications filed in proper form shall be numbered serially, docketed and placed in the same order upon the calendar of the Board. Applications must be filed at least 15 days prior to the meeting at which such application is to be heard.

#### SECTION 4: POWERS OF THE BOARD

The Board's area of concern shall be limited to the Historic District. The Board shall be concerned with those elements of development, redevelopment, rehabilitation, and/or preservation that affect the visual characteristics of the Historic Area.

The Board may not make any requirement except for the purpose of preventing development, alterations, or demolitions which are obviously incongruous with the Historic District. The Board may not consider details of design, interior arrangements or building features if those details, arrangements, or features are not subject to public view.

The board may make rules specifying certain types of architectural improvements as permissible uses throughout the Historic District without a specific vote of the Board of Review concerning each particular location. When such improvements are applied for, the building inspector may immediately issue a building permit and certificate of appropriateness for the improvement without bringing such improvement before the Board of Review for a vote, unless the building inspector believes that at that particular location the improvement would be inconsistent with the purposes of this ordinance, in which case he would schedule the application for a certificate of appropriateness for the next meeting of the Historic District Board of Review. At the next regularly scheduled meeting, the building inspector shall submit a summary report of permits and certificates issued under this rule.

#### SECTION 5: CLASSIFICATION OF BUILDINGS AND STRUCTURES

Within the Historic District, a map shall detail the district into primary and secondary areas, in addition all buildings and structures shall be classified and designated on the Historic Building Map adopted and approved by the Mayor and Common Council and made a part of this ordinance. Such buildings and structures shall be divided into two classes:

- A. Historic: Those buildings classified as historic shall be over fifty (50) years old and possess identified historical or architectural merit of a degree warranting their preservation.
- B. Nonrated: Those buildings and structures not classified on the Historic Building Map as historic.

The owner of a Nonrated building or structure may ask the Board to designate such building as Historic if he can show that it fits the necessary criteria.

#### SECTION 6: RELATIONSHIP TO ZONING DISTRICTS

The Historic District regulations as provided herein for zones within said district are intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic area. In all zoning districts lying within the boundaries of the Historic District, the regulations for both the zoning district and the historic zone shall apply. Whenever there is conflict between the regulations of the zoning district and the regulations of the historic zone, the more restrictive shall apply.

#### SECTION 7: CERTIFICATE OF APPROPRIATENESS REQUIRED

A certificate of appropriateness issued by the Building Inspector after approval by the Board of Review shall be required before a permit is issued for any of the following:

##### A. Within all areas of the Historic District:

- (1) Demolition or sandblasting of any building;
- (2) Moving any building;
- (3) Conspicuous change in the exterior appearance of existing buildings classified as historic by additions, reconstruction, or alteration other than changes in color;
- (4) Any new construction of a principal building or accessory building or structure subject to view from a public street;
- (5) Demolition of all trees within the area between a line extending across the width of the lot at the front face of the principal building and the street pavement. In addition, for corner lots, demolition of all trees within the area between a line extending across the length of the lot at the side facing the secondary street and the secondary street pavement. In addition, demolition of all trees south of Vaughn Drive. No tree will be demolished within the designated areas until the building inspector makes a determination that the tree is in fact dead; the building inspector will make a prompt examination of the trees when requested;
- (6) Any change in the type of material or in the design of an existing sidewalk along the public right-of-way; and
- (7) Signs as specified in this ordinance.

##### B. Within a primary area:

- (1) Change in existing walls and fences, or construction of new walls and fences, if along public street rights-of-way; or

- (2) Conspicuous change in the exterior appearance of existing nonrated buildings by additions, reconstruction, alteration, if subject to view from a public street.
- C. Nothing in this Ordinance shall be construed so as to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the Historic District. Painting other than painting of a sign is to be considered ordinary maintenance and repair; while review by the Board of Review of colors is not mandatory, anyone desiring an exterior color change may confer with the board on an appropriate range of colors.

#### SECTION 8: APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Application for a certificate of appropriateness shall be made in the office of the Building Inspector. To aid the Board of Review in completing the review process, the applicant shall submit the following in addition to the usual material required for a building permit at the time of application.

- (1) Structure Plan: A front elevation drawing including proposed signage, and type of surface material. Side elevations shall also be included where there are no adjoining buildings. Not required for demolition.
- (2) Site Plan: A drawing showing the location, dimensions and arrangements of all open spaces and yards, including type and size of all planting materials, type of surface materials, methods to be employed for screening and proposed grades. Not required for demolition.
- (3) Photographs: A photograph of the front of the property which is subject of application is required. Other photographs of adjoining lots and other views of subject property are recommended.

Highly detailed drawings, plans, or specifications are not required, but each application must be accompanied by such sketches, drawings, photographs, descriptions, or other information showing proposed alterations, additions, or other work as are reasonably required for the Board to make a decision. Such information must accompany the application at the time it is submitted in order for the application to be deemed properly filed.

#### SECTION 9: ACTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

The Building Inspector shall promptly transmit the application for a certificate of appropriateness, together with the supporting information and material, to the Board of Review for approval. The Board of Review, by approving, disapproving, or modifying an application, shall act upon the application at the next meeting at which such application could be considered. Otherwise, the application shall be deemed to be approved and a certificate of

appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made and the Board of Review may advise the applicant and make recommendations in regard to the appropriateness. If the Board of Review approves the application, a certificate of appropriateness shall be issued. If the certificate of appropriateness is issued, the application shall be processed in the same manner as application for building or demolition permits. If the Board of Review disapproves the application, a certificate of appropriateness shall not be issued. The Board shall state its reasons in writing, and the Building Inspector shall advise the applicant and a permit shall not be issued. If the application is denied, the applicant may modify the application and may resubmit at a subsequent meeting.

#### SECTION 10: DEVELOPMENT STANDARDS

It is not the intent of this Ordinance to discourage new construction or other development, nor to limit it to any one period of architectural style, but to preserve the integrity of the historic buildings and to insure the compatibility of any new work constructed in the Historic District. In making its decisions, the Board shall consider the effects of proposed alterations or construction on both the individual structure involved and on the neighborhood surrounding the structure.

- A. Preservation of Historic Buildings Within All Zones in the Historic District: A building or structure, classified as Historic and any appurtenance related thereto including but not limited to stone walls, fences, iron work, steps, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the historical and architectural character of the building, structure or appurtenance thereto. Nothing in this article shall be construed so as to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the Historic District.
- B. Demolition of Buildings: Whenever a property owner shows that a building is incapable of earning an economic return on its value, and the Board of Review fails to approve the issuance of a certificate of appropriateness, such building may be demolished, provided however, that before a demolition permit is issued, notice of proposed demolition shall be given as follows:

- (1) For buildings rated Historic: 12 months
- (2) For buildings Non-Rated: 2 months

Notice shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published not more than 15 days after the application for a permit to demolish is filed. The purpose of this section is to further the purposes of this Ordinance by preserving

historic buildings which are important to the education, culture, traditions, and the economic values of the city, and to afford the city, interested persons, historical societies, or organizations, the opportunity to acquire or to arrange for the preservation of such buildings. The Board of Review may at any time during such stay approve a certificate of appropriateness in which event a permit shall be issued without further delay.

Criteria for the Board to consider in the case of a proposed demolition:

- (1) The Board shall determine whether the building is in such a state of deterioration and disrepair or so structurally unstable as to make preservation, restoration, or rehabilitation impracticable.
- (2) The Board shall determine whether the removal of such a building would be detrimental to the character of the Historic District, balancing the interest of the public in preserving the integrity of the District with the interest of the owner of the building in the use and utilization of the property.
- (3) The Board shall take into account possible alternatives to demolition, and should apprise the owner of the building of such alternatives.

C. Nonrated Buildings, Primary Area: The construction of a new building or structure, and the moving, reconstruction, or alteration, conspicuously affecting the external appearance of any existing nonrated building, structure, or appurtenance thereof within the Primary Area shall be generally of such form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings and spaces in the Historic Area, particularly with buildings designated as Historic.

D. Visual Compatibility Factors: Within the Primary Area, new construction and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, or repaired shall be visually compatible with buildings, squares, and places to which they are visually related generally in terms of the following factors:

- (1) Height: The height of proposed buildings shall be visually compatible with adjacent buildings.
- (2) Proportion of Building's Front Facade: The relationship of the width of building to the height of the front elevation shall be visually compatible to buildings, squares, and places to which it is visually related.
- (3) Proportion of Openings Within the Facility: The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings, squares and places to which the building is visually related.

- (4) **Rhythm of Solids to Voids in Front Facades:** The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, squares and places to which it is visually related.
  - (5) **Rhythm of Spacing of Buildings on Streets:** The relationship of building to open space between it and adjoining buildings shall be visually compatible to the buildings, squares and places to which it is visually related.
  - (6) **Rhythm of Entrance and/or Porch Projection:** The relationship of entrances and porch projections to sidewalks of buildings, squares, and places shall be visually compatible to the buildings to which it is visually related.
  - (7) **Relationship of Materials, and Texture:** The relationship of materials, and texture of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
  - (8) **Roof Shapes:** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
  - (9) **Walls of Continuity:** Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses, building facades, shall, if necessary, form cohesive walls of enclosure along a street, to insure visual compatibility of the building to the buildings, squares and places to which it is visually related.
  - (10) **Scale of a Building:** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches, and balconies shall be visually compatible with the buildings, squares and places to which it is visually related.
- E. **Nonrated Buildings, Secondary Area:** All applicable standards as provided in the Zoning Ordinance shall apply as the Development Standards for the Secondary Area of the Historic District.
- F. **Signage:** All new signage or alterations to signage within the historic district shall be required to receive a certificate of appropriateness unless otherwise noted within these regulations. No certificate of appropriateness shall be required for a change of copy on a sign, the customary use of which involves frequent and periodic changes of copy; the Board of Review shall indicate at the time that a certificate of appropriateness is initially granted for such a sign that the sign is of a type that has frequent and periodic changes of copy. A certificate of appropriateness shall not be required to conduct ordinary maintenance or repair of any sign within the Historic District; however, no sign shall be reworded, redesigned, or altered in any way other than ordinary maintenance or

repair unless the sign is brought into conformity with the ordinance, and a certificate of appropriateness is obtained. Change of message or design of a sign is not ordinary maintenance of a sign.

#### PURPOSE

The necessity of signs is recognized for identification and successful conduct of a business, service or profession and to direct and control traffic on the streets and to note points of public interest; use and control of signs is of great importance.

Therefore, the purpose of these regulations is to promote the public health, safety and welfare by regulating signs within the historic district. It is intended to protect property values, create a more attractive economic and business climate, preserve the dignity and architectural significance of the district, preserve its scenic and natural beauty and provide a more enjoyable and pleasing community for its residents.

- (1) SPECIAL ALLOWABLE SIGN TYPES: CERTIFICATE OF APPROPRIATENESS NOT REQUIRED.
  - a. Signs of duly constituted governmental bodies, including traffic or similar regulatory devices, legal notices.
  - b. Flags or emblems identifying the political, civic, philanthropic, educational or religious organizations located on the premises.
  - c. Memorial plaques, cornerstones, historical tablets, markers and the like unless one face exceeds six square feet in surface area.
  - d. Signs not visible off the lot.
  - e. Signs posted in conjunction with doorbells or mailboxes.
  - e. Signs required to be posted or maintained by law or government order, rule or regulation, unless specifically prohibited, limited or restricted.
  - f. Signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, parking area entrances or exits and the like.
  - g. Address signs showing only the numerical address designations of the premises upon which they are situated, street names, "no trespass" and other warning signs, unless one face exceeds 96 square inches in surface area.

- h. Temporary real estate signs not exceeding 10 square feet per face in area. Such sign shall not be illuminated.
- i. Temporary construction site sign erected on the site during the period of construction to announce the name of the owner or developer, contractor, architect or engineer. Such sign shall not be illuminated.
- j. Temporary signs or displays located on the inside of store windows relating to the business conducted within.
- k. Banners or flags of not-for-profit organizations of the community promoting a specific activity do not need a certificate of appropriateness if they are temporary in nature and are removed within three months.
- l. Political signs: Signs of candidates for public office may be placed in front yards within the Historic District without a permit for a two month period of time or as regulated by city ordinance.

(2) ALLOWABLE SIGN TYPES: CERTIFICATE OF APPROPRIATENESS REQUIRED.

- a. Flat signs: Any sign painted or affixed to an exterior wall of a building having the face of the sign parallel to the building.
  - 1. One sign per establishment per street frontage.
  - 2. Shall not extend horizontally more than three inches from the building face.
  - 3. The length shall not exceed two-thirds of the width of the narrowest building face and the height shall not exceed twenty percent of the length unless otherwise approved by the Board.
  - 4. May appear without illumination or may be illuminated. Lighting source, design and placement must be as unobtrusive as possible and proposed method of lighting is also subject to review by the Board of Review.
  - 5. May only carry a message related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
- b. Dimensional surface signs: This sign type is also affixed to an exterior wall of a building having the face of the sign parallel to the building. It may consist in part (or in whole) of three-dimensional letterforms applied directly to the building surface, or applied to a separate flat background. The message may be in relief or depressed by means of carving, etching, routing, positive or negative cut-out, etc. Special

three-dimensional signs, (a figure, barber pole, clock, pawnshop symbol, etc.) are generally acceptable provided these symbols meet appropriate guidelines.

1. One sign per establishment per street frontage.
  2. Shall not extend horizontally more than twelve inches from the building face.
  3. The length shall not exceed two-thirds of the width of the narrowest building face and the height shall be no greater than twenty percent of the length unless otherwise approved by the Board.
  4. May appear without illumination or may be illuminated. Lighting source, design and placement must be as unobtrusive as possible and proposed method of lighting is also subject to review by the Board of Review.
  5. May only carry a message related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
  6. The sign shall be contained in a three-dimensional rectangle whose top side does not exceed the second level window sills, and shall have a minimum clearance of nine feet above the line of the sidewalk.
- c. Projecting signs: Any sign projecting horizontally more than twelve inches from the building face.
1. One sign per each pedestrian level tenant per street frontage and one sign for each upper floor tenant.
  2. Shall not exceed 16 square feet in surface area.
  3. Shall not extend horizontally more than one-half the distance of the width of the sidewalk from the property line to the curb.
  4. May appear without illumination or may be illuminated. Lighting source, design and placement must be as unobtrusive as possible and proposed method of lighting is also subject to review by the Board of Review.
  5. May only carry a message related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
  6. For establishments at the pedestrian level or for establishments wholly contained on upper floor, the sign shall be contained within a rectangle whose top edge does not

exceed the height of the third level window sills or roof line, which ever is lower. The bottom edge shall have a minimum clearance of nine feet above the line of the sidewalk. The inside edge of a projecting sign shall be mounted no less than six inches and no more than twelve inches away from the face of the building.

- d. Window signs: Any permanent sign painted, goldleafed or attached onto the glass area or installed behind a window or in a showcase intended for viewing through the window from the outside of the premises.
  1. One per window.
  2. The area of permanent window sign will be limited to 20% of the window area, except in the case of a door sign when the sign's area may be 50% of the glass area.
  3. The sign area will be calculated for each window.
  4. Lettering may be up to eight inches in height on pedestrian or second level windows, and up to nine inches in height on third level and higher windows.
  5. May only carry a message related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
  
- e. Free standing signs: Any sign having its own support which is independent of a building (including but not limited to bulletin board and A-shaped sandwich signs for sidewalk use).
  1. One sign per pedestrian level street frontage establishment.
  2. A-shaped sandwich signs may be up to four feet in height. Up to ten square feet per face in area.
  3. May be located anywhere within the front yard or side yard of the establishment. Free standing signs cannot be located on a sidewalk except A-shaped sandwich signs may be located anywhere on the sidewalk directly in front of the establishment provided that the unobstructed sidewalk width is at least eight feet.
  4. Freestanding signs may not exceed a height of 25 feet and must be visually compatible to the scene. Surrounding signs, structures and proposed sign height will be considered in determining the sign area which would be appropriate.
  5. May only carry a message related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

6. Freestanding signs will not exceed 16 square feet per face.
- f. Awning signs: Any sign painted or sewn onto an awning. Awnings shall only be made of canvas or other cloth fabric. Metal, plastic, and other rigid materials are prohibited.
  1. One sign per awning.
  2. The maximum height of lettering on awnings shall be twenty-four inches. Symbols will be permitted provided the total area of any symbol and any lettering comprises no more than 1/3 of the awning area.
  3. Awnings will only be permitted within the area of any pedestrian level.
  4. The bottom of any awning shall be at least seven feet above the sidewalk.
- g. Banners and flags: Any piece of fabric bearing an emblem, symbol or message shall be permitted on special occasions with approval of the Board of Review.
  1. May only be temporary in nature and must be removed within three months unless an extension of time is granted by the Board of Review.
- h. Temporary signs: Any sign not permanently attached to a building, the ground or other structure.
  1. Mobile signs: Any sign originally constructed or designed for mobility, either self-propelled, or non-self-propelled, shall be considered mobile and not a permanent sign, although the means or devices for mobility have been removed and their function replaced by a permanent type of foundation or or anchorage to the land.
    - a. Shall not remain on display for a period exceeding four weeks.
    - b. One sign per pedestrian level tenant or one sign for each upper floor tenant.
    - c. May appear without illumination or may be illuminated subject to review by the Board of Review.
    - d. May only carry a message related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
    - e. May be located anywhere within the front yard of the establishment.

- f. May not exceed the height of 8 feet from the ground level.

(3) PROHIBITED SIGN TYPES:

- a. Roof signs: Any sign placed on, over, or above the roof or parapet of a building.
- b. Billboards: Any off-premises advertising sign.
- c. Off-premises signs: Any sign which advertises goods, services, facilities, events, or activities (except as a 2-g above) not related to its location or which directs persons to different premises from those on which the sign is located if such sign is attached to the outside surface of a building or structure or to trees, fence posts or telephone posts.
- d. Flashing signs: Generally, signs which flash, blink, revolve, or are otherwise in motion, vary in intensity, or appear to be in motion, will not be permitted, Such illumination methods may be accepted by the Board of Review, however, if they are deemed appropriate in a particular circumstances, e.g., the traditional rotating barber pole.

(4) OTHER PROVISIONS:

- a. No sign, or device, awning, canopy or other apparatus pertaining to signs shall be kept or maintained by supports of permanent posts or poles between the property line and curb.
- b. The method of attachment should respect the architectural integrity of the structure and relate to or become an extension of the architecture. No sign shall conceal architectural details.
- c. All signs shall be professional in appearance, and notwithstanding any other provision in this ordinance to the contrary, a maximum of four signs per building shall be permitted, provided however, that corner buildings shall have a maximum of three signs on each side facing a street, totaling six signs altogether.
- d. No sign shall be erected or constructed that is unsafe, insecure, a fire hazard, a wind hazard, a barrier to needed light or air, or is in any way a menace to public safety and welfare.
- e. The color and materials of any sign shall be harmonious with color and materials of the building identified by the sign. Materials such as wood, wrought iron, steel, metal, grill-work, and so forth, which were used in the nineteenth century, are encouraged. Materials such as extruded aluminum and plastics may not be appropriate.

- f. Whenever the Building Inspector determines a sign to be structurally unsafe through lack of proper maintenance or for other reasons, or endangers the safety of the building or endangers the public safety, the Building Inspector shall order that such sign be made safe or removed. Such order shall be complied with within thirty (30) days of the receipt thereof by the person owning or using the sign or the owner of the building or premises on which such sign is affixed or erected.
- g. The Historic District Board of Review may enact guidelines as to sign shapes, colors, sizes and types of lettering, messages, and other sign features which it finds are acceptable throughout the Historic District. If the building inspector finds that the sign meets all the criteria specified in the general rules set up by the board for approved signage, the building inspector may issue a certificate of appropriateness without bringing that sign before the Historic District Board of Review. At the next regularly scheduled meeting, the building inspector shall submit a summary report of permits and certificates issued under this rule.

(5) PROCEDURE:

Before a sign is constructed, erected or altered, it must receive a certificate of appropriateness, unless the sign is exempted under Section 10, Sub-Section F, Item 1 on pages 8 and 9 of this ordinance. Procedures for applications, issuing certificates and permits, appeals and inspections shall be set forth in the rules of the Board of Review. Each application shall also be accompanied by a plan showing:

- a. The exact location and height of the sign.
- b. The area and size of the sign.
- c. The exact message of the sign.
- d. The color, materials, character and method of illumination.
- e. The method of fastening or supporting the sign.
- f. In the case of a projecting or freestanding sign, the vertical distance between such sign and the finished grade and the horizontal distance between such sign and the curb.

Each applicant shall, upon request of the Building Inspector, submit any additional information deemed necessary.

Detailed drawings drawn to scale are not required; however, if the above requirements are not met, and if the board finds that as a result of a failure to meet these requirements, it has insufficient information with which to make a decision, it may further find that the application is incomplete and that the application not be considered until such time as the application becomes complete.

(6) NON-CONFORMING SIGNS:

Signs of non-conforming nature which were legally installed at the time of passage of this ordinance may continue to exist under the regulations and conditions as set forth in Section 10.00, 10.10, 10.20, 10.30, 10.40, 10.50 and 10.60 of the "1981 Zoning Ordinance of the City of Madison, Indiana", provided however that none of those sections may be interpreted to permit a rewording, redesigning, or an altering of the signs in any way unless they are brought into conformity with this ordinance.

SECTION 11: JUDICIAL REVIEW

A decision of the Board of Review is subject to judicial review under I.C. 4-22-1 [4-22-1-1---4-22-1-30], the same as if it were a decision of a state agency. [I.C. 18-7-22-12, as added by Acts 1980, P.L. 135, 4.]

SECTION 12: ADMINISTRATION

A. Enforcement of Ordinance: It shall be the duty of the Building Inspector, designated by the Mayor, to enforce this ordinance. He shall receive applications required by this ordinance, and furnish the prescribed certificates of appropriateness. He shall examine areas for which permits have been issued, and shall make necessary inspections to see that the provisions of this ordinance are being upheld. He will be provided with the assistance of the Chief of Police in enforcing orders and the City Attorney in prosecuting violations.

For the purpose of this ordinance, the Building Inspector shall have the following duties:

- (1) Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations(s), ordering the action necessary to correct such violation(s);
- (2) Order discontinuance of any illegal work being done;
- (3) Order removal of illegal buildings or structures or illegal additions or structural alterations;
- (4) Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance.

This may include the issuance of certificates of appropriateness and such similar administration duties as are permissible under the law.

#### SECTION 13: VARIANCES

Variations shall conform to the procedures and requirements of Section 11.31-11.39, inclusive, of the Madison Zoning Ordinance.

#### SECTION 14: PENALTIES FOR VIOLATION OF THIS ORDINANCE

- A. Any person or corporation who violates or fails to comply with any provisions of the City of Madison Historic District Ordinance shall be guilty of a Class A infraction as defined by I.C. 34-4-32-4 and shall be subject to penalties thereunder, subject to the limitations of I.C. 36-1-3-8. Each day such violation exists shall constitute a separate offense.
- B. Any person or corporation, being required by the Madison Historic District Ordinance to submit plans to either the Building Inspector or the Board of Review, who builds, reconstructs, removes, structurally alters any building or develops land in a manner other than shown by plans or plats approved by the Board of Review, shall be guilty of a Class A infraction as defined by I.C. 34-4-32-4 and subject to the penalties thereunder. Each day such noncompliance exists shall constitute a separate offense.
- C. The Madison Historic District Board of Review, the Building Inspector, any designated enforcement official or the City of Madison may institute relief in the Jefferson Circuit Court to restrain an individual, corporation or government unit from violating the provisions of the City of Madison Historic District Ordinance.

#### SECTION 15: PUBLIC UTILITY FACILITIES

Public utility facilities such as poles, wires, transformers and other appurtenances thereto, reasonably necessary to render utility service to the public, are not subject to requirements of the Ordinance. Placement of a meter if on street frontage must have a certificate of appropriateness. Public utilities and local and state governing bodies should be sensitive to the architectural and historic significance of the community in its placement of the transmission and distribution facilities. In that regard, public utilities shall consult with the Board of Review at the Board's request about this problem.

#### SECTION 16: EXPIRATION OF CERTIFICATE OF APPROPRIATENESS PERMIT

A Certificate of Appropriateness Permit shall be deemed to authorize the particular changes reflected on the permit. Such permit will expire if, for any reason, the change has not commenced within one (1) year.

**SECTION 17: WORDS AND PHRASES DEFINED**

**DEMOLITION OF TREE:** Any act such as cutting, digging or injecting into the soil air or tree a poisonous substance which threatens the life of the tree.

**HISTORIC BUILDING AND STRUCTURE:** Those buildings and structures over fifty years old and possessing identified historical or architectural merit of a degree warranting their preservation.

**NONRATED BUILDING AND STRUCTURE:** Those buildings and structures not classified on the Historic Building Map as Historic.

**ORDINARY MAINTENANCE OR REPAIR:** Any work whose purpose and effect is to correct any deterioration or decay of or damage to a structure or any part thereof, and to restore the same, as nearly as may be practicable to its original condition prior to the occurrence of such deterioration, decay or damage. Painting is to be considered ordinary maintenance and repair.

**PUBLIC UTILITY:** All utilities governed by the Public Service Commission of Indiana.

**NOTE:** Whenever any words and phrases are not defined herein but are defined in the Zoning Ordinance, any such definition therein shall be deemed to apply to such words and phrases.

