

RULES OF PROCEDURE

MADISON HISTORIC DISTRICT BOARD OF REVIEW

INTRODUCTION:

The present Historic District Ordinance (Ord. # 1982 – 12, Chapter 151) was enacted in 1982. It established the Historic District and the Historic District Board of Review which oversees and applies the provisions of the Ordinance. The Ordinance was amended in 1987 and 2011.

The Ordinance recognized Madison’s important historic character, stating: “The oldest and most historic part of the city 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.” (Ordinance, General Provisions, 151.01)

The purpose of the Ordinance is “to safeguard the heritage of the city by establishing a historic district.” It was intended to “establish the means of protecting the district’s natural and man-made heritage while providing guidelines for compatible new architectural development. In addition, it was intended 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.”

PURPOSE:

The purpose of these rules is to establish procedures for organizing the business of Madison’s Historic District Board of Review (HDBR), including the process of applications for the historic designation of sites, buildings, structures, objects, or districts, and for Certificates of Appropriateness for resources within the historic district as described in the ordinance and the official maps.

GENERAL RULES:

The HDBR shall be governed by the terms of the Historic District Ordinance, as contained in the City of Madison Code of Ordinances, Section 151, which is in turn based on the State of Indiana enabling Act, IC 36-7-11. For procedures not covered by these rules, the HDBR shall follow Robert’s Rules of Order. In addition, the HDBR shall abide by the precepts contained in Madison’s Historic District Board of Review Code of Ethics adopted August 22, 2011.

BOARD OF REVIEW:

The HDBR shall consist of seven (7) members appointed by the Mayor, subject to the approval of the Common Council. The members of the Board shall include professionals or those who have a demonstrated interest in or knowledge of the disciplines of architectural history, planning, and other disciplines related to historic preservation. 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 years. Members must be residents of the city and fulfill other requirements as stated in the City of Madison Ordinance, Chapter 151.445 (A). Members of the HDBR serve without compensation.

OFFICERS STAFF AND DUTIES

Chair: Every year, the HDBR shall elect from its membership a chair who shall preside at all meetings and decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the HDBR in session at the time. The chair shall be a voting member and eligible for re-election.

Vice-Chair: Every year, the HDBR shall elect from its membership a vice-chair who shall perform the duties of the chair in the absence or disability of the chair. The vice-chair shall be a voting member and eligible for re-election.

Staff: As a collateral duty, the Preservation Planner shall serve in a staff capacity to the HDBR. The staff shall consult with applicants for Certificates of Appropriateness prior to their appearance before the board, and shall present written analyses to the board. The staff shall make presentations and reports to the HDBR and follow up on other actions as determined by the HDBR. The staff shall not be eligible to vote on matters which come before the HDBR in any regular or special meeting. The City Building Inspector shall assume these responsibilities if the Preservation Planner position is unfilled. **Secretary:** The HDBR shall appoint a secretary who will record and transcribe minutes of the meetings. The secretary may be an employee of the City of Madison. The secretary shall not be eligible to vote and shall have no decision making authority for HDBR matters.

MEETINGS:

Regular Meetings: The HDBR shall hold meetings once during each calendar month to entertain matters presented to the board. Meetings shall be held in City Hall or at such other place and on such date and at such time as shall be publicly announced. Meetings shall be scheduled no less than fifteen (15) days after the filing date for applications as stated in the ordinance. All such meetings are open to the public and shall conform to the requirements of the Indiana Open Door Meeting Law. Applicants and remonstrators may be heard in accordance with these rules.

Special Meetings: The HDBR may schedule a special meeting of the board at any time, subject to the provisions required by Indiana's Open Door Meeting Law. According to these provisions, notice of such a meeting shall be given by the staff, or by the chair to each member of the HDBR and the general public at least 48 hours prior to the meeting.

Quorum and Official Vote: A majority of the members of the HDBR shall constitute a quorum. However, no application for a Certificate of Appropriateness shall be denied unless four members of the HDBR vote for denial. If an application is not denied by four votes, it shall be approved.

Cancellation of meetings: Whenever there is no business for the HDBR, the chair may dispense with a regular meeting by giving notice to all the members and the public (via a legal notice) at least 48 hours prior to the time set for the meeting.

Notice: Regular meetings shall be held on the fourth Monday of each month, in the City Hall at a time to be set by the HDBR. Before meetings are held, which can be considered public hearings,

notice must be published in the local newspaper at least fifteen days (15) before the date of the meeting. The notice shall include the time and place of the meeting as well as the applications which are on the agenda for that meeting.

CERTIFICATE OF APPROPRIATENESS

General: Nothing shall be construed to prevent 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; review by the Board of Review of colors is not mandatory. A certificate of appropriateness may be issued by the Historic District Board of Review and shall be required before a building permit is issued and before any work is commenced, for any of the following within all areas of the historic district:

- a) Demolition or sandblasting of any building;
- b) Moving any building or structure;
- c) Conspicuous change in the exterior appearance of existing buildings classified as historic (contributing) or non-historic (non-contributing) by additions, reconstruction, or alteration other than changes in color; if such change is visible from a public street or alley;
- d) Any new construction of a principal building, accessory building or structure subject to view from a public street or alley;
- e) Any change in the type of material or in the design of an existing sidewalk as well as changes in existing walls and fences or construction of new walls and fences, if along a public street or alley.
- f) Additions or alterations to signs which do not meet the sign specifications described in the ordinance.

Property owners must obtain an application from the Preservation Planner or the Building Inspector and are encouraged to consult with the staff prior to completing the form and providing the information requested. The information will include a complete description of the scope of work planned, accompanied by photographs of the property, plans and/or other materials which demonstrate the actions, including samples and/or materials produced by suppliers. These must be submitted with the application, by the deadline and at the time of application. Property owners or their representatives must attend the meeting to discuss their application with the HDBR.

Notice: Before the regular meeting, applicants shall post signs obtained from the Preservation Planner, which announce the date, time, and location of the Historic Board of Review meeting and the applicant's proposed changes as published in the appropriate legal notice. The sign shall also contain language which specifies that the meeting is open to all residents of Madison who wish to attend. Signs shall be posted at the property for 15 days immediately prior to the meeting and must be visible from all adjoining public streets and alleys. A fee of \$2.00 per sign will be charged the applicant at the time of filing.

Filing Fee: In addition, a notification fee of \$10.00 will be requested from the applicant at the time of filing. Unless the fee is paid, no action shall be taken on the application.

Procedure: Staff will present background information on each application to introduce it to the HDBR when called upon by the chair. Owners will have an opportunity to present additional information. Following questions and discussion by the HDBR, the chair will ask for any responses from the public in attendance. The chair will ask for a motion on the application and each member will be polled. The motion should reference the section and page from the Madison

Commercial or Residential Design Review Guidelines and/or the article and section of the Ordinance that justifies the decision. Based on the outcome, an application may be approved as submitted, approved with revision(s) agreed to by the applicant, denied or extended (with permission of the applicant) until the next HDBR meeting. Such actions can be made providing the applicant has submitted sufficient documentation for the Board to render a decision. If approved, the HDBR will immediately issue the Certificate of Appropriateness (COA). The COA will expire within 12 months if work has not commenced by that time.

An application may be amended, either orally or in writing, at any time before a vote. If a COA has been denied and the applicant immediately wishes to amend the application, he/she may do so one time without further application and notice. Following an opportunity for discussion, the board members shall vote to approve, deny or extend the amended application.

A board member who fails to vote when called by the secretary will be considered to have abstained on that particular vote.

When an application for a COA has been denied, a written statement of the reasons for denial (citing the appropriate sections/articles or pages of the Guidelines and/or Ordinance) will be prepared as soon as possible, approved by the board and provided to the applicant, but no later than the next regular meeting of the HDBR.

When an application for a COA to demolish a building has been denied [Ordinance Section 10 (b)], in order for the matter to be reconsidered, another application must be filed, stating any circumstances that have changed. This application will require the same procedures as a new application, to be considered at the next regular meeting of the HDBR.

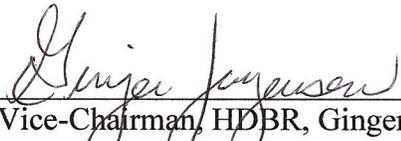
Fast-Track Certificate of Appropriateness: The HDBR may authorize the Building Inspector to grant a COA without going through a full board review. This authorization is limited to applications for COAs for signs which meet the sign specifications and for Mon-Ray Storm Windows, Series #500 (approved by the HDBR, April 25, 2011.) Fast-Track COAs require documentation of the signs, but no notification fee, no notice to neighboring property owners, no advertising and no approval by the full HDBR.

APPEALS: Appeals from the actions of the HDBR shall be made as provided by Indiana law.

AMENDMENTS

This procedure and its incorporated rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a simple majority of the members of the HDBR, provided that such amendment shall have first been presented to the board in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Approved


By Vice-Chairman, HDBR, Ginger Jorgensen
Presiding for Chairman, HDBR, Dirk Cheatham

Date: August 22, 2011