

Chapter 31

HISTORIC DISTRICT OVERLAY ZONING

Sec. 31.01. Title.

The ordinance codified in this chapter shall be known as the Historic District Overlay Zoning Ordinance of the City of Livingston. (Ord. 1878, 9/21/98)

Sec. 31.02. Purpose and intent.

The purposes and intent of this chapter are as follows:

A. To promote the tourist industry in the City of Livingston through the preservation of historically significant building structures and the creation of a central business district that reflects the cultural and architectural past of the City;

B. To provide a means of informing owners of property and building structures within the historic districts of potential tax incentives and federal grants that might be obtained through the preservation of those historic structures;

C. To enhance the property values and to increase economic and financial benefits to the City of Livingston and its inhabitants through the preservation of historic buildings. (Ord. 1878, 9/21/98)

Sec. 31.03. Territorial jurisdiction.

A. Official Historic District Zoning Map. The properties to be included in the Historic District Overlay Zone are identified on the Historic District Overlay Zoning Map on file at the City Clerk's office, and entitled "The Historic District Overlay Zoning Map of the City of Livingston." The properties included in this zoning district are those properties accepted by the United States Department of the Interior for inclusion into the National Register of Historic Places.

B. Amendments to the Zoning Map. The Historic District Zoning Map may be amended from time to time through the procedure outlined in Section 30.71 of the Livingston Code of City Ordinances.

C. Criteria for Inclusion into Historic District Zone. Only those sites and structures that have been accepted as Historic Places by the National Register of Historic Places may be included in the Historic District Zone.

D. Exclusion of Properties from the Historic District Zone. The Livingston City Commission may eliminate certain properties from the Historic Zoning District, only after following the procedures outlined in Section 30.71 of the Livingston Code of City Ordinances. In such cases, the property shall maintain the zoning classification specified in the underlying district.

E. Fees. No fees shall be charged for any petition requesting either inclusion to or exclusion from the Historic District Zone. (Ord. 1868, 2/2/98; Ord. 1878, 9/21/98)

Sec. 31.04. Permitted uses.

Any building or structure within the designated historic district may be used for any purpose allowed in the underlying zoning district. Any request for a change in use not permitted as a use

by right in the underlying zoning district must be submitted to the Livingston Zoning Commission as a request for a Special Exemption or a Change in Zone in accordance with the procedures outlined in Chapter 30, Section 30.71 or Section 30.75. If such a Special Exemption Permit or Zone Change is granted by the Livingston City Commission such change shall not have any effect on the designation of the property as a historic district zone.

The Historic District designation shall be an overlay zone, and as such shall be in addition to existing zoning designations and the regulations appropriate thereto. (Ord. 1868, 2/2/98; Ord. 1878, 9/21/98)

Sec. 31.05. Historic Preservation Commission.

A. Establishment of Historic Preservation Commission. In order to carry out the purpose and intent of this chapter, a Historic Preservation Commission is created. The Historic Preservation Commission shall consist of nine (9) residents of the City and, inasmuch as possible, shall consist of the following mix:

1. Three (3) members shall have professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology, or other historic preservation-related disciplines such as cultural geography or cultural anthropology;
2. One (1) member of the Livingston Zoning Commission;
3. One (1) locally licensed contractor;
4. One (1) resident knowledgeable about the historical aspects of Livingston;
5. Three (3) owners or lessees of property within the historical district.

B. Appointment, Term, Vacancy.

1. All appointments to the Historic Preservation Commission shall be made by the Chairman and approved by the City Commission.

2. The terms of the Commission members shall be for three (3) years.

3. The terms of the Commission members are to be staggered in the following manner: Three (3) members shall be appointed by the Chairman at the first council meeting after January 1st of each year.

C. Officers, Quorum, Staff.

1. The Chairperson shall be elected by the members of the Commission at the first meeting held in each calendar year.

2. A quorum shall consist of five (5) members of the Commission.

3. The Building Official shall serve as the executive secretary to the Commission and the Zoning Coordinator shall perform all staff duties required by this chapter.

D. Conflict of Interest. No member of the Historic Preservation Commission may vote on any project which he or she or any partner has worked or in which he or she or any partner has any financial interest, including professional fee.

E. Meetings, Notice of Meetings.

1. The Board shall schedule a minimum of one (1) regularly scheduled meeting each month, except that the Chairperson may cancel the meeting if no project is pending review.

Additional special meetings may be called by the Chairperson when such meetings are necessary to carry out the provisions of this chapter.

2. Requirements for notice of meetings of the Historic Preservation Commission shall be determined by the Chairperson in consultation with the City Attorney. Notice of meetings should be calculated to reach all interested and affected members of the community in sufficient time to enable them to participate meaningfully in Board proceedings. Notice may be achieved by posting, through advertisements in newspapers of general circulation, radio public service announcements, news releases to local news media or any other method deemed necessary and appropriate.

F. Powers and Duties. The Historic Preservation Commission shall have the power to:

1. Establish criteria for designation of properties as a historic site or district, pursuant to the National Register of Historic Preservation criteria;

2. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning programs undertaken by city, county, state or federal agencies, as they relate to cultural and historical resources;

3. Establish guidelines to be used by the Board in reviewing applications for permits to construct, alter, change, modify, remove, or significantly affect any cultural resource;

4. Provide to all interested parties information available on surveys, technologies and funding sources needed to promote cultural resource preservation;

5. Approve or disapprove applications for permits;

6. Render advice and guidance upon request of the property owner as to the restoration, alteration, decoration, landscaping or maintenance of any cultural resource designation. (Amended by Ord. 1692, 7/1/91; Ord. 1868, 2/2/98; Ord. 1878, 9/21/98)

Sec. 31.06. Permit procedure for alteration or construction.

Within the Historic District, all projects affecting the exterior appearance of a building or structure, including work not requiring a building permit, shall require review by the Historic Preservation Commission and must obtain an Historic District Review Certificate prior to any required building permits being issued and before the work is started. The basis for all such review shall be those guidelines provided in the publication "The Secretary of the Interior's Standards for Rehabilitation" as that document may be amended from time to time.

B. Application Procedure.

1. Applications for permits for construction, renovation and/or demolition of any structure within an historic district shall be made to the Building Official on forms supplied by that office.

2. Upon receipt of an application, the Building Official shall inform the Chairperson of the Historic Preservation Commission of such application. The Chairperson shall then hold a meeting of the Historic Preservation Commission within twenty (20) days of receiving such an application.

3. The Chairperson of the Historic Preservation Commission shall cause a notice of public hearing to be published within a newspaper of local circulation no sooner than seven (7) days and no longer than fourteen (14) days prior to the date of the public hearing.

C. Permit Criteria. In considering applications for construction, renovation or demolition permits, the Historic Preservation Commission shall base its decision on whether the proposal therein is architecturally compatible with the buildings, structures and landmarks within the district. In applying such standard, the Commission shall consider, among other factors, the following:

1. Exterior architectural features, including all signs;

2. General design, scale and arrangement;
3. Texture, material and color scheme;
4. The relationship of subsections (C)(1), (2) and (3) of this section, to other structures and features of the district;
5. The purposes for which the district was created;
6. The extent to which the denial of the permit would constitute a deprivation to the owner of a reasonable use of his property;
7. The relationship of the site and siting of any new or reconstructed structure to the landscape of the district.

All approvals or denials by the Commission shall include a statement of the reasons for such approval or denial, and the conditions to be met, where applicable, whereby the applicant could make his application acceptable to the Commission;

8. The Historic Preservation Commission may approve signage extending over the public right-of-way, and such approval shall take precedence over all other City sign and building Ordinances provided the Historic Preservation Commission specifically finds:

- a. That the proposed sign has a legitimate historical basis relating to the original design of the building, and
- b. That the sign does not unduly obstruct signage and business operation of adjoining properties, and
- c. That any support obstructions in the public right-of-way be minimized.

D. Appeals. Decisions of the Historic Preservation Commission shall be treated as administrative. Any decision of the Commission may be appealed by any aggrieved party to the Livingston City Commission.

E. Appeals Procedure. Any aggrieved party may appeal directly to the Livingston City Commission by filing a request for appeal with the Livingston City Clerk within a reasonable time, as provided by the rules of time for the hearing of appeal, not to exceed thirty (30) days, give public notice thereof as well as due notice to the parties in interest, and render a decision within a reasonable period of time, not to exceed ten (10) days thereafter. At the hearing any party may appear in person, or be agent or attorney.

F. Fees. No special fees, other than the appropriate building permit fees, shall be charged to any applicant for construction, renovation, or demolition of any historic structure or any structure located within a designated historic district. (Amended by Ord. 1692, 7/1/91; Ord. 1868, 2/2/98; Ord. 1878, 9/21/98)

Sec. 31.07. Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance and/or repair of any structure when such maintenance or repair does not alter the exterior appearance of the building or structure. (Ord. 1878, 9/21/98)

Sec. 31.08. Hazardous buildings or structures.

Nothing in this chapter shall prevent the razing or demolition, without consideration of the Historic Preservation Commission, of any building or structure within the historic district which

is in such an unsafe condition that it would endanger life or property as determined by the Building Official or the Livingston Fire Chief in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings or the Uniform Housing Code. (Amended by Ord. 1692, 7/1/91; Ord. 1878, 9/21/98)

Sec. 31.09. Interior arrangement.

The Historic Preservation Commission shall not have authority to consider interior arrangements. (Amended by Ord. 1692, 7/1/91; Ord. 1878, 9/21/98)

Sec. 31.10. Severability clause.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of this provision to other persons or circumstances is not affected. (Ord. 1498, 7/19/82; Ord. 1515, 7/6/83; Ord. 1557, 10/21/86; Ord. 1878, 9/21/98)

Sec. 31.11. Preservation Officer.

A. Establishment of a Preservation Officer. In order to carry out the purpose and intent of this chapter, the position of Preservation Officer is created.

B. Appointment, Term. The Preservation Officer shall be a salaried employee of the City, appointed by the Chairman for an indefinite term.

C. Qualifications. The Preservation Officer shall have professional expertise in one (1) or more of the following areas: history, planning, archaeology, architecture, architectural history, historic archaeology, of other historic preservation related disciplines such as cultural geography or cultural anthropology.

D. Duties, Responsibilities. The Preservation Officer shall coordinate the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the local Historic Preservation Commission, government agencies, and the public, and ensure, to the extent practicable, that the duties and responsibilities delegated to the CLG by the SHPO are satisfactorily carried out. (Ord. 1692, 7/1/91; Ord. 1868, 2/2/98; Ord. 1878, 9/21/98)

CITY OF LIVINGSTON
HISTORICAL DISTRICT MAP

