



## Municipal Code, Mishawaka, Indiana

### Chapter 2 / Article IV / Division 10

#### Sec. 2-421. - Historic preservation commission.

- (a) *Established; members; vacancies.* There is hereby established the city historic preservation commission. The commission shall consist of nine voting members. One voting member shall be appointed from the membership of the common council. The other eight voting members shall be appointed by the mayor, subject to the approval of the common council. A vacancy shall be filled within 90 days for the duration of the term of the member who is being replaced.
- (b) *Qualifications for membership.* All members shall be residents of the city who are interested in the preservation and development of historic and conservation areas. The members of the commission should include, to the extent that those professionals are available to the community, professionals in the disciplines of architecture, history, architectural history, planning, preservation planning, archaeology or other disciplines related to historic preservation, such as urban planning, American studies, art history, American civilization, cultural geography, cultural anthropology or other city residents who have an interest, experience or background in historic preservation.
- (c) *Appointment of members.* The mayor may, with the approval of the common council, appoint nonvoting advisory members as the common council considers appropriate.
- (d) *Administrative staff.* The staff of the department of city planning shall serve as the administrative staff for the commission. The staff shall provide assistance to the commission, act as the commission secretary, and issue certificates of appropriateness after approval has been made by the commission.
- (e) *Compensation.* Members of the commission shall serve without compensation, but may be paid for reasonable expenses incurred in the performance of its duty, if funds are available within the civil city budget.
- (f) *Election of chairman and vice-chairman; rules and bylaws; meetings open to the public.* The commission shall elect from its voting membership a chairperson and vice chairperson, who shall serve for one year and who may be reelected. The commission shall adopt bylaws and rules for the transaction of its business which are consistent with the provisions of this section and chapter 125 pertaining to historic preservation. The bylaws and rules shall include the time and place of regular meetings and a procedure for the calling of special meetings. Meetings of the commission must be open to the public, in accordance with the Open Door Law, and a public record shall be kept of resolutions, proceedings, and actions of the commission.
- (g) *Meetings.* The commission shall hold meetings, at least once per month, unless there is no business pending.
- (h) *Technical, administrative and clerical assistance; legal council.* Each official of the city who has responsibility for building inspection, building permits, planning or zoning shall provide such technical, administrative and clerical assistance as may be required by the commission. The attorney for the city is the attorney for the commission; however, the commission may employ other legal counsel authorized to practice law in the state if it considers it to be necessary or desirable.
- (i) *Powers and duties.*
  - (1) The commission shall be concerned with those elements of development, redevelopment, rehabilitation and preservation that affect visual quality in an historic or conservation district. The commission may not consider details of design, interior arrangements, or building features, if those details, arrangements, or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration or demolition in the historic district or conservation district obviously incongruous with the historic district and conservation district.

- (2) The commission shall conduct an historic survey to identify historic buildings, structures and sites located within the city; however, neither the survey nor any other action of the commission shall affect any property which is located outside the corporate limits of the city. The commission shall update the historic survey as needed.
- (3) Based on its survey, the commission shall submit to the common council a map describing the boundaries of historic districts or conservation districts. A district shall contain one or more buildings, structures, or sites. The map may be divided by district into primary and secondary areas.
- (4) Owners of property, in fee simple, wishing to establish an historic district or conservation district which includes their property, may petition the commission to consider drawing and submitting a map of said property to the common council for approval. The commission may establish in its rules criteria to be met before it considers a petition.
- (5) The commission shall also classify and designate on the map all buildings, structures and sites within each historic district described on the map. Buildings, structures and sites shall be classified as historic or nonhistoric in the manner set forth in subsections (j) and (k) of this section.
- (6) The commission shall promote a public interest in historic preservation by initiating and carrying on a public relations and community education program.
- (7) The historic preservation commission may:
  - a. Acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the commission;
  - b. Hold title to real and personal property; and
  - c. Sell, lease, rent, or otherwise dispose of real and personal property, in accordance with state law, at a public or private sale on the terms and conditions that the commission considers best.
- (8) Any money received by the commission shall be deposited in a special historic preservation commission fund. Before the commission expends any money, it shall follow all cash handling, purchasing and appropriation procedures of the city.
- (j) *Buildings classified as historic; further classification.* Buildings, structures and sites classified as "historic" under this section must possess identified historic or architectural merit of a degree warranting their preservation. They may be further classified as:
  - (1) Outstanding;
  - (2) Notable; or
  - (3) Contributing.
- (k) *Nonhistoric buildings and structures.* Nonhistoric buildings and structures are those not classified on the map as historic under subsection (i)(5) of this section.

(Code 1985, §§ 160.04, 160.05; Ord. No. 3444, 11-19-1990; Ord. No. 3793, 12-6-1993; Ord. No. 4343, 11-16-1998)