

DR 81-14 - Proposed Amendment to
the Historic Landmark Preservation
Ordinance concerning membership
and action by the Board of City
Commissioners.

ACTION

DATE

COMMITTEE

M.A.P.C.

B.C.C./B.C.C. *Placed on* 4-7-81

1st Reading

Bcc *Adopted* 4-14-81

HISTORIC LANDMARK PRESERVATION COMMITTEE

MEMBERSHIP ROSTER

with Pat
with [unclear]

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Expiration of Term</u>
James Guy	1116 Bitting 67203	262-6885	9-1-83
L. David Harris	1450 Fairmount 67208	688-0065	9-1-83
	Office	689-3115	
Jack Hicks	1731 North St. Clair 67203		9-1-83
	KWKN Radio	685-8461	
F. Lee Jones	354 North Westfield 67212	267-4265	9-1-83
Kenneth Kallenbach	901 Faulkner 67203	262-0451	9-1-83
	Planning Development Services	262-0451	
Andrew Peressin	8310 Brentmoor 67206		9-1-83
	ABKO (Koch)	832-5986	
<u>Ex Officios</u>			
Sam Mobley	455 North Main (mail station 1-71A)	268-4463	
Robert A. Puckett	204 South Main	265-3205	
Suzanne Umphrey	455 South Main (mail station 111)	268-4638	

Bob Lakin

Received 4/2/81

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 1, 1981

TO Board of City Commissioners
(through E. H. Denton, City Manager)
FROM Robert A. Lakin, Director of Planning
Don E. Anderson, Director, Housing & Economic Development
SUBJECT Historic Landmark Preservation Committee

Background

On March 10, the City Commission requested that the Landmark Committee ordinance be amended to allow greater latitude as to criteria for appointees. As a local landmark ordinance, the City Commission may include whatever criteria, if any, they want in the ordinance. However, in order for certain tax benefits to be gained on future and/or existing landmark districts, the Federal government must be able to certify the landmark ordinance as being adequate to meet certain preservation tests. One of these criteria is that the landmark group be representative of certain areas of expertise.

The landmark ordinance currently requires six professions or disciplines be members on the Committee. These include an architect, a historian, an archaeologist, a planner, a landscape architect, and a real estate appraiser. Other members may be appointed at large.

Proposal

It is suggested that we follow the minimum guidelines for certification recommended in the Federal regulations. We believe that half of the board could come from certain disciplines or have experience, knowledge or interest in those disciplines. The balance of the ten person board would be from the citizenry at large. The disciplines recommended (from the Federal Register) are architecture, history, architectural history, planning, archaeology or related areas. This will allow each Commissioner to appoint one from the disciplines and one at large. Such a change has not yet been discussed with the State Historical officer (upon whose recommendations National certification is often based). It may be too loose a designation.

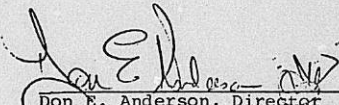
The additional change in the ordinance is to allow the City Commission to issue certificates of appropriateness directly in the event the landmark committee or its officers do not perform within the time span set forth in the ordinance. This provision is being added so that normal business can be conducted in the event a quorum is not able to be obtained or that other factors prevent the committee from doing business.

Board of City Commissioners
April 1, 1981
Page 2

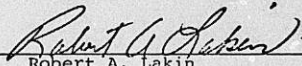
These changes have not been approved by the current landmark membership as they have been unable to meet as of this date due to lack of a quorum.

Recommendation

It is recommended that the attached ordinance be placed on the first reading.



Don E. Anderson, Director
Housing & Economic Development



Robert A. Lakin
Director of Planning

RAL:rme
Attachment

cc: John Dekker, Director of Law
H. R. Kuhn, Assistant City Attorney
Historic Landmark Committee Members

ORDINANCE NO. _____

AN ORDINANCE AMENDING 2.12.1015 AND SECTION 2.12.1023 OF THE CODE OF THE CITY OF WICHITA PRESCRIBING THE MEMBERSHIP OF THE HISTORIC LANDMARK PRESERVATION COMMITTEE, AND PROVIDING FOR THE GOVERNING BODY TO ACT IN THE EVENT THE COMMITTEE FAILS TO ACT IN A TIMELY MANNER CONCERNING CERTIFICATION OF APPROPRIATENESS AND REPEALING ORIGINAL SECTIONS 2.12.1015 AND 2.12.1023 OF THE CODE OF THE CITY OF WICHITA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. Section 2.12.1015 of the Code of the City of Wichita is hereby amended to read as follows:

"Historic landmark preservation committee - Established. (a) There is created a committee to be known as the "historic landmark preservation committee" of the city, hereinafter called the committee, composed of the members to be appointed by the mayor with the approval of the board of city commissioners within sixty days from the effective date of the ordinance codified in Sections 2.12.1015 through 2.12.1025. The membership of the committee shall include ~~one-architect, one-historian, one-archaeologist, one-planner, one-landscape architect and one-real-estate-appraiser.~~ All members shall have knowledge and experience in the field of history, art or architecture, and shall be appointed from a list of nominees solicited from:

(1)-The-Wichita-chapter-of-the-American-Institute
of-Architects;
(2)-The-Midwest-Genecological-Society;
(3)-The-Wichita-membership-of-the-American-Institute
of-Certified-Planners;
(4)-The-Wichita-chapter-of-the-American-Society
of-landscape-Architects;
(5)-The-Wichita-Historical-Society;
(6)-The-Wichita-Bar-Association;
(7)-The-Wichita-Chapter-of-the-American-Society
of-Real-Estate-Appraisers;
(8)-The-metropolitan-area-planning-commission;
(9)-The-board-of-city-commissioners;
(10)-And-such-other-individuals-and-organizations
as-the-commission-may,-in-its-discretion,-wish-to
consult-or-consider, five members who shall be pro-
professionals in the disciplines of architecture, history,
architectural history, planning, archaeology or
related areas or who shall have demonstrated special
interest, experience or knowledge in such disciplines;
and five members from the citizenry-at-large. Names of
potential members from the disciplines named above
shall be solicited from organizations involved with
such disciplines and from those having a special
interest in preservation.

(b) Appointments to the committee shall be for a term of four years, six to serve until September 1, 1979; and four to serve until September 1, 1977; and thereafter for four years beginning upon the anniversary of said primary terms. The members shall serve without compensation. The committee shall designate a chairperson and vice chairperson from the members.

(c) The committee shall meet at least once each month, with additional meetings upon call by the committee

chairperson or upon petition of a simple majority of committee members. Six members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The minutes of each meeting shall be filed in the office of the city clerk.

(d) In addition to the ten members appointed by the mayor with the approval of the board of city commissioners, a representative from the urban renewal-agency, central inspection division of the housing and economic development department, the Historic Wichita director and the board of park commissioners shall sit on the committee as ex officio members. None of the ex officio members shall have voting power, but shall assist the committee in its various functions. (Ord. No. 35-912, (part); Ord. No. 33-790, (part).)"

SECTION 2. Section 2.12.1023 of the Code of the City of Wichita is hereby amended to read as follows:

"Certificate of appropriateness review. (a) No building permit for proposed work to the exterior of a designated historic landmark subdistrict or a specifically designated interior landmark shall be issued to any applicant by the central inspection division unless the application has first been reviewed by the committee and a certificate of appropriateness has been issued by the board of city commissioners.

(b) When applying for such a permit, the applicant shall forward two copies of all detailed plans, elevations, perspectives, specifications and other documents pertaining to the work, to the central inspection

division, who shall forward such application to the committee chairperson within five days of receipt thereof. Any applicant may request a meeting with the committee before submitting an application, and may consult with the committee during the review of the permit application.

(c) Upon review of the application, the committee shall determine whether the proposed work is of a nature which will adversely affect any historical, architectural, archaeological or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of the ordinance codified in Sections 2.12.1015 through 2.12.1025. It shall recommend approval or disapproval to the board of city commissioners within thirty days of receipt of the application. Upon receipt of the committee's recommendation, the board of city commissioners shall deny, with or without prejudice, or approve and issue through the city clerk a certificate of appropriateness and forward such action to the central inspection division of the department of housing and economic development department within ten days. The central inspection division shall immediately notify the application of the board of city commissioners' action.

(d) If no action has been taken by the committee and the board of city commissioners within forty-five days of original receipt of an application by the central inspection division, the building permit shall be issued by the central inspection division.

(e) No change shall be made in the application for any building permit after issuance of a certificate of appropriateness without resubmittal to the

committee and approval thereof in the same manner as provided above.

(f) After a decision is reached by the board of city commissioners denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the committee. Denial of a certificate of appropriateness without prejudice permits reapplication immediately. (Ord. No. 35-912, (part); Ord. No. 33-790 (part).)

(g) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of a quorum or otherwise) to process the certificates of appropriateness, then the board of city commissioners are hereby empowered to act without the review procedure set forth above."

SECTION 3. Sections 2.12.1015 and 2.12.1023 of the City Code are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS _____

ATTEST:

Mayor

(SEAL) _____ City Clerk

Approved as to form _____ City Attorney

ORDINANCE NO. _____

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(b) Appointments to the committee shall be for a term of four years, six to serve until September 1, 1979; and four to serve until September 1, 1977; and thereafter for four years beginning upon the anniversary of said primary terms. The members shall serve without compensation. The committee shall designate a chairperson and vice chairperson from the members.

(c) The committee shall meet at least once each month, with additional meetings upon call by the committee chairperson or upon petition of a simple majority of committee members. Six members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The minutes of each meeting shall be filed in the office of the city clerk.

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SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS _____

ATTEST:

Mayor

(SEAL) _____ City Clerk

John Decker

Approved as to form City Attorney

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 1, 1981

TO Board of City Commissioners
(through E. K. Denton, City Manager)
FROM Robert A. Lakin, Director of Planning
Don E. Anderson, Director, Housing & Economic Development
SUBJECT Historic Landmark Preservation Committee

Background

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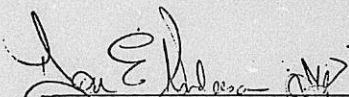
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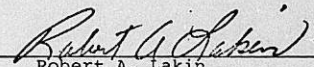
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Recommendation.

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Housing & Economic Development



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- (4) ~~The Wichita chapter of the American Society of Landscape Architects;~~
- (5) ~~The Wichita Historical Society;~~
- (6) ~~The Wichita Bar Association;~~
- (7) ~~The Wichita Chapter of the American Society of Real Estate Appraisers;~~
- (8) ~~The metropolitan area planning commission;~~
- (9) ~~The board of city commissioners;~~
- (10) ~~And such other individuals and organizations~~

~~as the commission may, in its discretion, wish to consult or consider. five members who shall be professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related areas or who shall have demonstrated special interest, experience or knowledge in such disciplines; and five members from the citizenry-at-large. Names of potential members from the disciplines named above shall be solicited from organizations involved with such disciplines and from those having a special interest in preservation.~~

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(g) In the event the staff assigned to the committee certifies to the city manager that the committee and/or its chairman are unable in a timely fashion (through lack of a quorum or otherwise to process the certificates of appropriateness, then the board of city commissioners are hereby empowered to act without the review procedure set forth above."

SECTION 3. Sections 2.12.1015 and 2.12.1023 of the City Code are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS _____

ATTEST:

Mayor

(SEAL) City Clerk

John Decker

Approved as to form City Attorney

Eddie,

set up a DK file
entitled
"Proposed amendment to the
Historic Landmark Preservation
Ordinance concerning
memberships and action
by the Bd. of City Commissioners."

D.G.