

DR 85-6 - PROPOSED AMENDMENTS TO THE
HISTORIC LANDMARK ORDINANCE - Concerning
Title of Officers and Demolition by
Neglect.

ACTION

COMMITTEE H/2 PC - F. Appointed ^{DATE} 9/10/84
Approved with changes 3/11/85

M.A.P.C. _____

B.C.C./B. CO. C. Denied 3-2 3/19/85
requested to bring back
"revised" version of Section
2.12.1024(E) only.

Closed

FROM KIDD

DATE 5/24/88

ADMINISTRATION

- ~~Krou~~
- Lopez
- Eubanks
- Henderson
- Kelly
- Wasko
- Wimbley

ADVANCE PLANS

- Stockwell
- Young
- Bechtel
- Hart
- Kelley
- Kidd
- Mitchell
- Shen
- Miller
-
-

CURRENT PLANS

- Galbraith
- Lytle
- Harris
- Losew
- Nagley
- Olivarez
-

GRAPHICS

- Pierce
- Commer
- Crook
- Jones

REMARKS

Here's the MAPD's file on the
requested HP ordinance amendment
relaxing laws by neglect. Law Dept.

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type
- Initial

see that they've nothing additional. The Mr. H.R. Kuhn
you may see mentioned as an "Asst. City Attorney"
wasn't a bona fide staff member; rather, he
provided legal consulting for the MWD. "Might he
have any further printed material re: demo. by
neglect that we'd find useful?" I inquired
up in Law Dept. Their immediate response:
"Don't bother!"

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 20, 1985

TO: The Honorable Board of City Commissioners
(through E. H. Denton, City Manager)

FROM: Margaret McDonald Lahey, Preservation Planner

SUBJECT: (DR85-6) Proposed Amendments to the Historic Landmark
Preservation Ordinance Concerning Title of Officers and
Demolition by Neglect

Background

The Historic Landmark Preservation Committee (HLPC) is submitting proposed amendments to the Historic Landmark Preservation Ordinance (Attachment A). One amendment, which changes the designation of the title of officers of the Committee from Chairperson and Vice-Chairperson to President and Vice-President, is being made at the direction of the Board of City Commissioners. The remaining ordinance amendments pertain to the development of a new procedure providing for minimum maintenance standards for historic landmark properties. The HLPC has felt a need for this type of procedure for some time. After the Lawrence-Garrison Building, a local historic landmark which was located at 1026 Maple, was lost in 1984 due to advanced deterioration, the HLPC felt the time appropriate to recommend an ordinance amendment to prevent "demolition by neglect" of landmarks.

Proposal

It is suggested that the current code be changed to provide minimum standards for the maintenance of historic landmark properties. The intent is to prevent lack of maintenance of historic landmarks which leads to slow deterioration and consequent endangerment of the structural integrity or stability of such landmarks. This proposed amendment was prepared by the HLPC with the assistance and cooperation of the City's Central Inspection Division. The amendment has also been reviewed by the Department of Law as to form and legality.

The amending ordinance contains several new components. A delineated copy is attached for your reference with proposed additions underlined and deletions marked through (Attachment A). The terms "Demolition by Neglect" and "Owner" are defined. Standards for minimum maintenance are established. The language of this section is borrowed largely from Wichita's current housing code. Also, there is reference to the protection of the integrity of archaeological sites. The procedure for enforcement of these provision is set out as follows. In the event the HLPC, or any citizen, becomes aware of the existence of conditions constituting "demolition by neglect", it is their duty to notify the Superintendent of Central Inspection.

February 20, 1985

The Superintendent of Central Inspection will then make an inspection of the premises. If the Superintendent of Central Inspection finds evidence of demolition by neglect, he will notify the property owner, in writing, of the apparent violation(s) and specify a time and place for a hearing on the matter before the BCC.

After receipt of reports and recommendations from the Superintendent of Central Inspection, the HLPC and any other interested agency or official, the BCC will hold a hearing to determine if "demolition by neglect" is occurring. If it is determined that demolition by neglect is occurring, the BCC may establish a time for the commencement and completion of corrective repairs by the property owner.

The property owner will be considered to be in violation of the ordinance each day following the established commencement date repairs are not initiated and each day following the established completion date repairs are not completed.

If demolition by neglect is occurring to the extent that the existence of the landmark is imminently threatened, the BCC may, as an alternative, direct the Superintendent of Central Inspection to initiate corrective repairs. The cost of such repairs will be levied against the real property as a special assessment to be collected in the same manner as all other city taxes.

In the event an individually designated landmark is destroyed, the landmark boundaries will remain unchanged and the erection of any improvements shall fall under the regulation of the Landmark ordinance as amended. This last provision is intended to act as a deterrent to arson. The "Demolition by Neglect" ordinance amendment does not prevent a landmark owner from legally applying, as provided for by code, for a demolition permit.

On September 10, 1984 the HLPC committee unanimously took action to recommend that the Board of City Commissioners adopt the proposed amendments to the Preservation Ordinance (Attachment B).

Recommendation

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

Margaret McDonald Lahey
Preservation Planner

APPROVAL

Robert A. Lakin
Director of Planning

MML/lw
Attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE HISTORIC LANDMARK PRESERVATION PROVISIONS OF THE CODE OF THE CITY OF WICHITA, KANSAS; AMENDING SECTIONS 2.12.1015, 2.12.1016, 2.12.1024 AND 2.12.1025 BY CHANGING THE DESIGNATION OF THE TITLE OF OFFICERS OF THE COMMITTEE; DEFINING CERTAIN TERMS INCLUDING OWNER AND DEMOLITION BY NEGLECT AND ESTABLISHING REGULATIONS TO PREVENT DEMOLITION BY NEGLECT; ESTABLISHING THE PENALTY THEREFOR; AND REPEALING SAID ORIGINAL SECTIONS 2.12.1015, 2.12.1016, 2.12.1024 AND 2.12.1025 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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:

2.12.1015 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 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.

(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 president and vice-president from the members.

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

SECTION 2. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1016 Definitions. As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, certain terms and words are defined as follows:

(a) "Design review subcommittee" means a subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

(1) Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;

(2) Determining if a project submitted for certificate of appropriateness review is either major or minor; and

(3) Review, report and recommend action to the committee on requests for certificate of appropriateness for all major

projects. The design review subcommittee shall follow the guidelines adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

(b) "Historic landmark" means any buildings, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

(c) "Major and Minor Projects." For the purpose of the certificate of appropriateness review procedure, proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

(1) Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee;

(2) The following types of projects requiring a permit on local landmarks:

(A) Structural renovation/alteration of or visually significant changes in material of exterior walls or principal structures,

(B) Additions to principal structures,

(C) Additional principal structures,

(D) Accessory structures,

(E) Alterations requiring a permit on a designated interior,

(F) Demolition or moving projects;

(3) Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:

(A) Renovations and alterations undertaken to accommodate a change in the general use of the property,

(B) Demolition and moving projects;

(4) Any projects deemed major by any subcommittee member.

Minor projects include all projects requiring permits on historic landmarks and in historic districts other than those identified as a major project.

(d) "Preservation staff" means personnel assigned to provide staff services for the historic landmark preservation committee.

(e) "Demolition by Neglect." Lack of maintenance which leads to slow deterioration and consequent endangerment of the structural integrity or stability of a landmark.

(f) "Owner." That person or entity having ownership of, or legal custody or control over, a building, structure, interior or site.

SECTION 3: Section 2.12.1Q24 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1024 Historic landmark - Demolition or removal.

(a) If an application is received by the central inspection division for demolition or removal of any designated historic landmark, the board of city commissioners, upon the recommendation of the committee, shall hold a hearing within thirty days after the application is initially filed and forwarded to the committee. The board of city commissioners shall hear all other interested parties. The commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historic landmark, the character of the neighborhood and all other factors which it finds appropriate. The commission may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure should not be demolished, and in that event the application shall be suspended for a period not exceeding ninety days from the date of application. Within the suspension period, the commission, upon the advice of the committee, after notice to applicant and public hearing, upon determination that there is reasonable ground for preservation, may extend the

suspension period for an additional period not exceeding one hundred twenty days, to a total of not more than two hundred forty days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the building or structure. If no action is taken by the board of city commissioners within two hundred forty days from the date of application, the demolition permit shall issue and the central inspection division shall so advise the applicant.

(b) Demolition by Neglect. Historic landmarks shall be preserved against decay, deterioration, and free from certain faults and defects which may endanger structural integrity or stability or which may adversely effect any of the historical, architectural, archaeological or cultural characteristics or qualities which qualified the property to meet the criteria for historic landmark designation. The owner shall maintain such designated historic landmarks according to the minimum standards below.

(1) Buildings and Structures:

(A) Every foundation, exterior wall and roof shall be substantially weathertight, watertight, and rodentproof, and shall be kept in sound condition and good repair, and structural supports shall be of sufficient size to carry the imposed loads with safety, provided that all wood, composition or metal siding shall be surface-coated as required to prevent deterioration;

(B) Every floor, interior wall and ceiling shall be kept in sound condition and good repair, and constructed of a building material recognized for that purpose;

(C) Every window and exterior door shall be reasonably weathertight, watertight and rodentproof, and shall be kept in sound working condition and in good repair;

(D) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair;

(E) Members of walls, partitions or other vertical supports shall not split, lean, list or buckle due to defective material or deterioration, or be of insufficient size to carry imposed loads with safety;

(F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members shall not sag, split, or buckle due to defective material or deterioration, or be of insufficient size to carry imposed loads with safety;

(G) Fireplaces or chimneys shall not list, bulge or settle due to defective materials or deterioration.

(2) Sites:

The integrity of archaeological sites shall be protected and erosion prevented to the fullest extent possible.

(3) Procedure:

(A) In the event the committee shall become aware of the existence of conditions which may constitute "demolition by neglect," it shall be the duty of the committee to notify the superintendent of central inspection of the City of Wichita, and any other responsible officials deemed necessary by the committee, of such conditions.

(B) Upon receipt of such notification, the superintendent of central inspection, and any other responsible officials deemed necessary by the committee, shall make an inspection of the premises, and the committee, the superintendent of central inspection, and any other said officials, shall make their reports and recommendations to the board of city commissioners.

(C) Written notice shall be given to the owner by the superintendent of central inspection of the alleged violation. Such notice shall meet the following criteria:

(1) Identify the violation;

(2) Give notification of time and place the board of city commissioners shall set the matter for disposition according to its agenda; and

(3) Notice shall be forwarded to the owner by registered mail. If the notice cannot be served by the aforesaid, notification may be given by posting the notice in a conspicuous

place in or about the building, structure or site affected by the notice; in which event the superintendent of central inspection shall make a statement for inclusion in the record as to why such posting was necessary. Such notice may contain an outline of remedial action which, if taken, will effect correction of the identified alleged violations.

(D.) Upon receipt of reports and recommendations from the Committee, superintendent of central inspection and any other involved official, the Commission shall hold a hearing on the question of demolition by neglect.

In the event the Commission determines that demolition by neglect is occurring to the extent that the existence of the building, structure, interior, site or other designated landmark is imminently threatened, the Commission will establish the time for commencement and completion of repairs by the owner, or as an alternative, may direct the superintendent of central inspection to cause the repairs necessary to stabilize and preserve the designated historic landmark. The superintendent of central inspection shall keep an account of reasonable costs of such repairs, including as a part thereof allowance of his costs and any necessary attorney's fees. Such reasonable costs and fees shall be assessed as a special assessment against the lot or parcel of land on which the structure is located and the city clerk shall at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.

In the event the Commission determines that demolition by neglect is occurring to the extent that the existence of the building, structure, interior, site or other landmark is not imminently threatened, the Commission will establish the time for commencement and completion of repairs by the owner.

The owner of a building, structure, interior, site, or other designated landmark determined to be experiencing demolition by neglect shall be in violation of the provision of the section each calendar day following the established commencement date repairs are not initiated and each calendar date following the established completion date repairs are not completed.

(E) In the event of the destruction of an individually designated landmark structure, the restrictions of this ordinance shall remain upon the land to the same extent as if said land were located within a designated historic landmark district, as provided by this ordinance, and the land shall be subject to the same restrictions concerning erection of any improvements thereon as shall be provided for erection of improvements upon vacant property within a designated historic landmark district.

SECTION 4. Section 2.12.1025(b) of the Code of the City of Wichita is hereby amended to read as follows:

(b) Any person who violates any provision of the ordinance codified in the sections cited above shall be-guilty-of-a-separate-offense-for-each day-or-portion-thereof-during-which-any-such-violation-is-committed, continued-or-permitted,-and-each-offense-shall-be-punishable-by-a-fine of-not-more-than-two-hundred-dollars, upon due conviction, be punished as provided in Section 1.04.060 of this Code, and in addition to the above penalty such actions at law or suits in equity may be maintained by the city or any interested persons, as may be authorized by law.

SECTION 5. The original Sections 2.12.1015, 2.12.1016, 2.12.1024, and Section 2.12.1025(b) of the City Code are hereby repealed.

SECTION 6. 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 _____

Mayor

ATTEST:

(SEAL)

City Clerk

Approved as to form:

City Attorney

B. Application to Revolving Fund Loan

Applicant: Craig Miner
Hillside Cottage
303 Circle Drive

LAHEY advised the Committee that an application to the loan fund had been received from Craig Miner for an amount of \$5,000 for proposed work to Hillside Cottage, an individually designated historic landmark. The proposed work is to include the reconstruction of the chimney, above the roof line, located on the northwest corner of the structure. The applicant stated that the reconstruction would match the original height, stone, cut and masonry as nearly as possible to match the existing original chimney. Also, the project includes stabilization of a metal deck above the porch on the west side of house to include carpentry repair and waterproofing which will not alter the appearance of the house. After reviewing the loan application, the Committee discussed the need for submittal of a Certificate of Appropriateness. The Committee had no problem with the proposed work.

MOTION: KEYNON moved and GUY seconded (1) to authorize the design review subcommittee to act for the full committee in giving a final recommendation on whether to grant or deny the Certificate of Appropriateness after a completed application form is received, and (2) to recommend approval of the loan application from Craig Miner for \$5,000 for the repair of Hillside Cottage, pending final approval of the Certificate of Appropriateness. The motion was passed unanimously.

AGENDA ITEM #3 - THE PRESERVATION PLAN

LAHEY advised the committee that the first draft of the preservation plan should be completed by September 30, 1984. The inventory and survey section may not be completed by then but should be finished within just two or three weeks after the plan draft is completed. STAFF briefly reviewed the plan for the Committee and asked if there were any questions. Discussion followed and LAHEY went over the review procedure. After the draft is reviewed by Planning Department staff, the draft will be submitted to the Plan Review Subcommittee.

AGENDA ITEM #4 - UNFINISHED BUSINESSA. Subcommittee Report - Proposed Amendment to Preservation Ordinance to Include Minimum Maintenance Standards

At the request of the Committee, the Subcommittee appointed to draft a proposed ordinance amendment on "demolition by neglect" had met and drafted a proposed amendment to the preservation ordinance. It had been mailed to the Committee for their review. Discussion followed. Additional wording was added to include that, in the event the Committee becomes aware of demolition by neglect, it shall not only notify the Superintendent of Central Inspections, but also other appropriate city officials.

MOTION: FISHBACK moved and GUY seconded that the proposed amendment to the preservation ordinance with the approved additions be processed and forwarded to the Board of City Commissioners with the recommendation that the preservation ordinance be amended to include the proposed section on "demolition by neglect".

AGENDA ITEM #5 - NEW BUSINESS

There was no new business.

AGENDA ITEM #6 - STAFF REPORT

LAHEY gave the staff report. Items presented and discussed included the proposed Parking Garage/Transit Center; the Preliminary Project Study Report on the Rehabilitation and Reconstruction of the . . . John Mack Bridge; the National Televideo Conference on Downtown Revitalization is being held on September 18, 1984; and, the problems North High School is having with their terra cotta restoration efforts. No actions were taken.

AGENDA ITEM #7 - CALL FOR ADJOURNMENT

MOTION: Burk moved to adjourn the meeting. Fishback seconded and it passed unanimously.

The meeting was adjourned at 5:00 p.m.

Jack H. Galbraith
Chief Planner

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 13, 1985

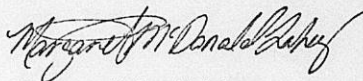
TO: John Dekker, Director of Law and City Attorney

FROM: Margaret McDonald Lahey, Preservation Planner

SUBJECT: (DR85-6) Proposed Amendments to the Historic Landmark
Preservation Ordinance Concerning Title of Officers and
Demolition by Neglect

Attached are the proposed ordinance amendments to the Historic Landmark Preservation Ordinance. The original proposed amendments were forwarded to your department by memorandum on January 31, 1985 requesting your review and approval as to form. These were referred to H. R. Kuhn by your department. With some suggested changes, the proposed amendments have been found satisfactory as to form by Mr. Kuhn.

This item is scheduled for the Board of City Commissioner's consideration at their regularly scheduled meeting on March 19, 1985. The original undelinated proposed ordinance amendments are attached hereto for your signature, approving them as to form.



Margaret McDonald Lahey
Preservation Planner

MML/lw
Attachments
cc: H. R. Kuhn, Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE HISTORIC LANDMARK PRESERVATION PROVISIONS OF THE CODE OF THE CITY OF WICHITA, KANSAS; AMENDING SECTIONS 2.12.1015, 2.12.1016, 2.12.1024 AND 2.12.1025 BY CHANGING THE DESIGNATION OF THE TITLE OF OFFICERS OF THE COMMITTEE; DEFINING CERTAIN TERMS INCLUDING OWNER AND DEMOLITION BY NEGLECT AND ESTABLISHING REGULATIONS TO PREVENT DEMOLITION BY NEGLECT; ESTABLISHING THE PENALTY THEREFOR; AND REPEALING SAID ORIGINAL SECTIONS 2.12.1015, 2.12.1016, 2.12.1024 AND 2.12.1025 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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:

2.12.1015 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 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.

(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 president and vice-president from the members.

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

SECTION 2. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1016 Definitions. As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, certain terms and words are defined as follows:

(a) "Design review subcommittee" means a subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

(1) Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;

(2) Determining if a project submitted for certificate of appropriateness review is either major or minor; and

(3) Review, report and recommend action to the committee on requests for certificate of appropriateness for all major projects. The design review subcommittee shall follow the guidelines

adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

(b) "Historic landmark" means any buildings, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

(c) "Major and Minor Projects." For the purpose of the certificate of appropriateness review procedure, proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

(1) Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee;

(2) The following types of projects requiring a permit on local landmarks:

(A) Structural renovation/alteration of or visually significant changes in material of exterior walls or principal structures,

(B) Additions to principal structures,

(C) Additional principal structures,

(D) Accessory structures,

(E) Alterations requiring a permit on a designated

interior,

(F) Demolition or moving projects;

(3) Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:

(A) Renovations and alterations undertaken to accommodate a change in the general use of the property,

(B) Demolition and moving projects;

(4) Any projects deemed major by any subcommittee member.

Minor projects include all projects requiring permits on historic landmarks and in historic districts other than those identified as a major project.

(d) "Preservation staff" means personnel assigned to provide staff services for the historic landmark preservation committee.

(e) "Demolition by Neglect." Lack of maintenance which leads to slow deterioration and consequent endangerment of the structural integrity or stability of a landmark.

(f) "Owner." That person or entity having ownership of, or legal custody or control over, a building, structure, interior or site.

SECTION 3: Section 2.12.1024 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1024 Historic landmark - Demolition or removal.

(a) If an application is received by the central inspection division for demolition or removal of any designated historic landmark, the board of city commissioners, upon the recommendation of the committee, shall hold a hearing within thirty days after the application is initially filed and forwarded to the committee. The board of city commissioners shall hear all other interested parties. The commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historic landmark, the character of the neighborhood and all other factors which it finds appropriate. The commission may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure should not be demolished, and in that event the application shall be suspended for a period not exceeding ninety days from the date of application. Within the suspension period, the commission, upon the advice of the committee, after notice to applicant and public hearing, upon determination that there is reasonable ground for preservation, may extend the suspension period for an additional period not exceeding one hundred twenty days, to a total of not more than two hundred forty days from the date of application for demolition. During the period of

suspension of the application, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the building or structure. If no action is taken by the board of city commissioners within two hundred forty days from the date of application, the demolition permit shall issue and the central inspection division shall so advise the applicant.

(b) Demolition by Neglect. Historic landmarks shall be preserved against decay, deterioration, and free from certain faults and defects which may endanger structural integrity or stability or which may adversely effect any of the historical, architectural, archaeological or cultural characteristics or qualities which qualified the property to meet the criteria for historic landmark designation. The owner shall maintain such designated historic landmarks according to the minimum standards below.

(1) Buildings and Structures:

(A) Every foundation, exterior wall and roof shall be substantially weathertight, watertight and rodentproof, and shall be kept in sound condition and good repair, and structural supports shall be of sufficient size to carry the imposed loads with safety, provided that all wood, composition or metal siding shall be surface-coated as required to prevent deterioration;

(B) Every floor, interior wall and ceiling shall be kept in sound condition and good repair, and constructed of a building material recognized for that purpose;

(C) Every window and exterior door shall be reasonably weathertight, watertight and rodentproof, and shall be kept in sound working condition and in good repair;

(D) Every inside and outside stair, every porch, and every appurtenance thereto, shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair;

(E) Members of walls, partitions or other vertical supports shall not split, lean, list or buckle due to defective material or deterioration, or be of insufficient size to carry imposed loads with safety;

(F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members shall not sag, split, or buckle due to defective material or deterioration, or be of insufficient size to carry imposed loads with safety;

(G) Fireplaces or chimneys shall not list, bulge or settle due to defective materials or deterioration.

(2) Sites:

The integrity of archaeological sites shall be protected and erosion prevented to the fullest extent possible.

(3) Procedure:

(A) In the event the committee shall become aware of the existence of conditions which may constitute "demolition by neglect," it shall be the duty of the committee to notify the superintendent of central inspection of the City of Wichita, and any other responsible officials deemed necessary by the committee, of such conditions.

(B) Upon receipt of such notification, the superintendent of central inspection, and any other responsible officials deemed necessary by the committee, shall make an inspection of the premises, and the committee, the superintendent of central inspection, and any other said officials, shall make their reports and recommendations to the board of city commissioners.

(C) Written notice shall be given to the owner by the superintendent of central inspection of the alleged violation. Such notice shall meet the following criteria:

(1) Identify the violation;

(2) Give notification of time and place the board of city commissioners shall set the matter for disposition according to its agenda; and

(3) Notice shall be forwarded to the owner by registered mail. If the notice cannot be served by the aforesaid, notification may be given by posting the notice in a conspicuous place in or about the building, structure or site affected by the notice; in which event the superintendent of central inspection shall make a statement for inclusion in the record as to why such posting was necessary. Such notice may contain an outline of

remedial action which, if taken, will effect correction of the identified alleged violations.

(D) Upon receipt of reports and recommendations from the committee, superintendent of central inspection and any other involved official, the commission shall hold a hearing on the question of demolition by neglect.

In the event the commission determines that demolition by neglect is occurring to the extent that the existence of the building, structure, interior, site or other designated landmark is imminently threatened, the Commission will establish the time for commencement and completion of repairs by the owner, or as an alternative, may direct the superintendent of central inspection to cause the repairs necessary to stabilize and preserve the designated historic landmark. The superintendent of central inspection shall keep an account of reasonable costs of such repairs, including as a part thereof, allowance of his costs and any necessary attorney's fees. Such reasonable costs and fees shall be assessed as a special assessment against the lot or parcel of land on which the structure is located and the city clerk shall at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.

In the event the Commission determines that demolition by neglect is occurring to the extent that the existence of the building, structure, interior, site or other landmark is not imminently threatened, the Commission will establish the time for commencement and completion of repairs by the owner.

The owner of a building, structure, interior, site, or other designated landmark determined to be experiencing demolition by neglect shall be in violation of the provision of the section each calendar day following the established commencement date repairs are not initiated and each calendar date following the established completion date repairs are not completed.

(E) In the event of the destruction of an individually designated landmark structure, the restrictions of this ordinance shall remain upon the land to the same extent as if said land were located within a designated historic landmark district, as provided by this ordinance, and the land shall be subject to the same restrictions concerning erection of any improvements, thereon, as shall be provided for erection of improvements upon vacant property within a designated historic landmark district.

SECTION 4. Section 2.12.1025(b) of the Code of the City of Wichita is hereby amended to read as follows:

(b) Any person who violates any provision of the ordinance codified in the sections cited above shall, upon due conviction, be punished as provided in Section 1.04.060 of this Code; and in addition to the above penalty such actions at law or suits in equity may be maintained by the city or any interested persons, as may be authorized by law.

SECTION 5. The original Sections 2.12.1015, 2.12.1016, 2.12.1024, and Section 2.12.1025(b) of the City Code are hereby repealed.

SECTION 6. 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 _____

Mayor

ATTEST:

(SEAL) _____ City Clerk

Approved as to form: _____ City Attorney

jo

THE CITY OF WICHITA

**OFFICE OF
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE February 11, 1985

TO Robert A. Lakin, Director of Planning

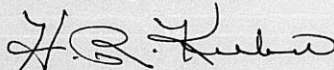
**FROM H. R. Kuhn
Assistant City Attorney**

**SUBJECT: Proposed Amendments to the
Historic Landmark Preservation
Ordinance**

I have been asked to review your memo of January 31, 1985 with the proposed amendments to the existing code provisions. Except for the suggested changes in the title of the ordinance, the proposed amendments seem satisfactory as to form. I am respectfully suggesting that the title of the ordinance read substantially as follows:

" An ordinance amending the historic landmark preservation provisions of the Code of the City of Wichita, Kansas; amending sections 2.12.1015, 2.12.1016 and 2.12.1024 by changing the designation of the title of officers of the committee; defining certain terms including owner and demolition by neglect and establishing regulations to prevent demolition by neglect; and repealing said original sections 2.12.1015, 2.12.1016 and 2.12.1024 of the Code of the City of Wichita, Kansas."

Respectfully submitted



H. R. Kuhn
Assistant City Attorney

HRK:gm

cc: Mr. John Dekker
Director of Law

Margaret Lahey
Preservation Planner

RECEIVED

FEB 12 1985

METROPOLITAN PLANNING

ROUTE _____

Document Name:
PL6 HLPC ORD UNDELINEATED FORM

Requestor's ID:
OP6PLAN

Author's Name:

Document Comments:

Manohar
9/13/85

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE HISTORIC LANDMARK PRESERVATION PROVISIONS OF THE CODE OF THE CITY OF WICHITA, KANSAS; AMENDING SECTIONS 2.12.1015, 2.12.1016 and 2.12.1024 BY CHANGING THE DESIGNATION OF THE TITLE OF OFFICERS OF THE COMMITTEE; DEFINING CERTAIN TERMS INCLUDING OWNER AND DEMOLITION BY NEGLECT AND ESTABLISHING REGULATIONS TO PREVENT DEMOLITION BY NEGLECT; AND REPEALING SAID ORIGINAL SECTIONS 2.12.1015, 2.12.1016 AND 2.12.1024 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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:

2.12.1015 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 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.

(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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: January 31, 1985

TO: John Dekker, Director of Law

FROM: Robert A. Lakin, Director of Planning

SUBJECT: Proposed Amendments to the Historic Landmark Preservation Ordinance

Attached for your review and for those receiving copies of this memo, is a delineated copy of a proposed ordinance amending Sections 2.12.1015, 2.12.1016 and 2.12.1024 of the Code of the City of Wichita. These sections relate to what is commonly referred to as the historic landmark preservation ordinance and particularly to a new section to prevent demolition by neglect. The attached amendments have been prepared and approved by the Historic Landmark Preservation Committee.

We are submitting this for your review and approval as to form. If you have any questions, please contact Margaret McDonald Lahey, Preservation Planner (4421).

Robert A. Lakin
Director of Planning

RAL/MML/lw
Attachments

cc: H. R. Kuhn, Assistant City Attorney
Jim Jorgensen, Acting Superintendent of Central Inspections
Jack Galbraith, Chief Planner, Current Plans

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 2.12.1015, 2.12.1016 and 2.12.1024 OF THE CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO A CHANGE IN THE DESIGNATION OF THE CHAIRPERSON AND VICE-CHAIRPERSON TO PRESIDENT AND VICE-PRESIDENT, RESPECTIVELY; DEFINING NEW TERMS; AND ESTABLISHING A REGULATION TO PREVENT DEMOLITION BY NEGLIGENCE; AND REPEALING SAID ORIGINAL SECTIONS 2.12.1015, 2.12.1016 AND 2.12.1024 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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:

2.12.1015 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 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.

(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

Supon rec'd

the anniversary of said primary terms. The members shall serve without compensation. The committee shall designate a ~~chairperson~~ and ~~vice chairperson~~ president and vice-president from the members.

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

SECTION 2. Section 2.12.1016 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1016 Definitions. As used in the ordinance codified in Sections 2.12.1015 through 2.12.1025, certain terms and words are defined as follows:

(a) "Design review subcommittee" means a subcommittee of three voting members with one alternate to be appointed by the committee for the purpose of reviewing certificates of appropriateness. The design review subcommittee shall work closely and informally with the preservation staff for the purpose of:

(1) Developing and recommending to the committee criteria, guidelines and procedures for the certificate of appropriateness process;

(2) Determining if a project submitted for certificate of appropriateness review is either major or minor; and

(3) Review, report and recommend action to the committee on requests for certificate of appropriateness for all major projects. The design review subcommittee shall follow the guidelines adopted by the committee for certificate of appropriateness review. If the subcommittee recommends denial of a certificate of appropriateness, it shall accompany such a denial with a written explanation detailing why the request should be denied.

(b) "Historic landmark" means any buildings, structures, interiors, land, areas, or districts of historical, architectural, archaeological, or cultural importance or value, which the board of city commissioners determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

(c) "Major and Minor Projects." For the purpose of the certificate of appropriateness review procedure, proposed work involving an historic landmark for which a building permit is required shall be classified as major or minor. Major projects include:

(1) Projects requiring a permit on a National or State Register landmark or in a National or State Landmark District, unless deemed minor by the design review subcommittee;

(2) The following types of projects requiring a permit on local landmarks:

(A) Structural renovation/alteration of or visually significant changes in material of exterior walls or principal structures,

(B) Additions to principal structures,

(C) Additional principal structures,

(D) Accessory structures,

(E) Alterations requiring a permit on a designated interior,

(F) Demolition or moving projects;

(3) Projects requiring permits within historic districts that may effect the overall visual or functional character of the district such as:

(A) Renovations and alterations undertaken to accommodate a change in the general use of the property,

(B) Demolition and moving projects;

(4) Any projects deemed major by any subcommittee member.

Minor projects include all projects requiring permits or historic landmarks and in historic districts other than those identified as a major project.

(d) "Preservation staff" means personnel assigned to provide staff services for the historic landmark preservation committee.

(e) "Demolition by Neglect." Lack of maintenance which leads to slow deterioration and consequent endangerment of the structural integrity or stability of a landmark.

(f) "Owner." That person or entity having ownership of, or legal custody or control over, a building, structure, interior or site.

SECTION 3: Section 2.12.1024 of the Code of the City of Wichita is hereby amended to read as follows:

2.12.1024 Historic landmark - Demolition or removal.

(a) If an application is received by the central inspection division for demolition or removal of any designated historic landmark, the board of city commissioners, upon the recommendation of the committee, shall hold a hearing within thirty days after the application is initially filed and forwarded to the committee. The board of city commissioners shall hear all other interested parties. The commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historic landmark, the character of the neighborhood and all other factors which it finds appropriate. The commission may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure should not be demolished, and in that event the application shall be suspended for a period not exceeding ninety days from the date of application. Within the

suspension period, the commission, upon the advice of the committee, after notice to applicant and public hearing, upon determination that there is reasonable ground for preservation, may extend the suspension period for an additional period not exceeding one hundred twenty days, to a total of not more than two hundred forty days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the building or structure. If no action is taken by the board of city commissioners within two hundred forty days from the date of application, the demolition permit shall issue and the central inspection division shall so advise the applicant.

(b) Demolition by Neglect. Historic landmarks shall be preserved against decay, deterioration, and free from certain faults and defects which may endanger structural integrity or stability or which may adversely effect any of the historical, architectural, archaeological or cultural characteristics or qualities which qualified the property to meet the criteria for historic landmark designation. The owner shall maintain such designated historic landmarks according to the minimum standards below.

(1) Buildings and Structures:

(A) Every foundation, exterior wall and roof shall be substantially weathertight, watertight, and rodentproof, and shall be kept in sound condition and good repair, and structural supports shall be of sufficient size to carry the imposed loads with safety, provided that all wood, composition or metal siding shall be surface-coated as required to prevent deterioration;

(B) Every floor, interior wall and ceiling shall be kept in sound condition and good repair, and constructed of a building material recognized for that purpose;

(C) Every window and exterior door shall be reasonably weathertight, watertight and rodentproof, and shall be kept in sound working condition and in good repair;

(D) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair;

(E) Members of walls, partitions or other vertical supports shall not split, lean, list or buckle due to defective material or deterioration, or be of insufficient size to carry imposed loads with safety;

(F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members shall not sag, split, or buckle due to defective material or deterioration, or be of insufficient size to carry imposed loads with safety;

(G) Fireplaces or chimneys shall not list, bulge or settle due to defective materials or deterioration.

(2) Sites:

The integrity of archaeological sites shall be protected and erosion prevented to the fullest extent possible.

(3) Procedure:

(A) In the event the committee shall become aware of the existence of conditions which may constitute "demolition by neglect," it shall be the duty of the committee to notify the superintendent of central inspection of the City of Wichita, and any other responsible officials deemed necessary by the committee, of such conditions.

(B) Upon receipt of such notification, the superintendent of central inspection, and any other responsible officials deemed necessary by the committee, shall make an inspection of the premises, and the committee, the superintendent of central inspection, and any other said officials, shall make their reports and recommendations to the board of city commissioners.

(C) Written notice shall be given to the owner by the superintendent of central inspection of the alleged violation. Such notice shall meet the following criteria:

(1) Identify the violation.

(2) Give notification of time and place the board of city commissioners shall set the matter for disposition according to its agenda.

(3) Notice shall be forwarded to the owner by registered mail. If the notice cannot be served by the aforesaid, notification may be given by posting the notice in a conspicuous place in or about the building, structure or site affected by the notice; in which event the superintendent of central inspection shall make a statement for inclusion in the record as to why such posting was necessary. Such notice may contain an outline of remedial action which, if taken, will effect correction of the identified alleged violations.

(D) The commission shall hold a hearing upon receipt of the reports to determine if demolition by neglect is occurring. In the event the commission makes a determination that a building, structure, site or other landmark is being "demolished by neglect" it shall make a determination of the following matters:

(1) The establishment of a time for commencement and completion of repairs; and,

(2) In the event the existence of the building, structure, interior, site or other landmark is not imminently threatened, determine that a fine of not more than \$500 per day for each calendar day during which such deteriorated condition remains in effect following the scheduled completion date, or for each calendar day during which such deteriorated condition is not in the process of repair following the scheduled commencement date for repairs against the owner; or,

(3) In the event the existence of the building, structure, interior, site or other landmark is imminently threatened, notify the superintendent of central inspection to cause such repairs to be made. The amount of cost of such repairs shall be a lien against the real property upon which such cost as incurred, and such lien, including as a part thereof allowance of costs and the necessary attorneys' fees, may be foreclosed in judicial proceedings

in a manner provided or authorized by law for loans secured by liens on real property.

(C) In the event of the destruction of an individually designated landmark structure, the restrictions of this ordinance shall remain upon the land to the same extent as if said land were located within a designated historic landmark district, as provided by this ordinance, and the land shall be subject to the same restrictions concerning erection of any improvements thereon as shall be provided for erection of improvements upon vacant property within a designated historic landmark district.

SECTION 4. The original Sections 2.12.1015, 2.12.1016 and Section 2.12.1024 of the City Code are hereby repealed.

SECTION 5. 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 _____

Mayor

ATTEST:

(SEAL)

City Clerk

Approved as to form:

City Attorney

HISTORIC LANDMARK PRESERVATION COMMITTEE

AGENDA

September 10, 1984

The regular meeting of the Historic Landmark Preservation Committee will be held Monday, September 10, 1984, at 3 p.m. in the Metropolitan Area Planning Department Conference Room, City Hall, 10th Floor, 455 North Main, Wichita, Kansas.

1. APPROVAL OF THE MINUTES (Attachment A) *1788°*
2. REVOLVING FUND LOAN PROGRAM FOR HISTORIC PROPERTIES
 - A. Update of Proposed Guideline Changes
 - B. Application (Attachment B) *has been pending, review*
Applicant: Craig Miner
Hillside Cottage
303 Circle Drive
3. THE PRESERVATION PLAN - A STATUS REPORT *pending*
4. UNFINISHED BUSINESS
 - A. Subcommittee Report - Proposed Amendment to Preservation Ordinance to Include Minimum Maintenance Standards (Attachment C)
5. NEW BUSINESS
6. STAFF REPORT
7. CALL FOR ADJOURNMENT

Mail final copy to Members

B. Application to Revolving Fund Loan

Applicant: Craig Miner
Hillside Cottage
303 Circle Drive

LAHEY advised the Committee that an application to the loan fund had been received from Craig Miner for an amount of \$5,000 for proposed work to Hillside Cottage, an individually designated historic landmark. The proposed work is to include the reconstruction of the chimney, above the roof line, located on the northwest corner of the structure. The applicant stated that the reconstruction would match the original height, stone, cut and masonry as nearly as possible to match the existing original chimney. Also, the project includes stabilization of a metal deck above the porch on the west side of house to include carpentry repair and waterproofing which will not alter the appearance of the house. After reviewing the loan application, the Committee discussed the need for submittal of a Certificate of Appropriateness. The Committee had no problem with the proposed work.

MOTION: KEYNON moved and GUY seconded (1) to authorize the design review subcommittee to act for the full committee in giving a final recommendation on whether to grant or deny the Certificate of Appropriateness after a completed application form is received, and (2) to recommend approval of the loan application from Craig Miner for \$5,000 for the repair of Hillside Cottage, pending final approval of the Certificate of Appropriateness. The motion was passed unanimously.

AGENDA ITEM #3 - THE PRESERVATION PLAN

LAHEY advised the committee that the first draft of the preservation plan should be completed by September 30, 1984. The inventory and survey section may not be completed by then but should be finished within just two or three weeks after the plan draft is completed. STAFF briefly reviewed the plan for the Committee and asked if there were any questions. Discussion followed and LAHEY went over the review procedure. After the draft is reviewed by Planning Department staff, the draft will be submitted to the Plan Review Subcommittee.

AGENDA ITEM #4 - UNFINISHED BUSINESS**A. Subcommittee Report - Proposed Amendment to Preservation Ordinance to Include Minimum Maintenance Standards**

At the request of the Committee, the Subcommittee appointed to draft a proposed ordinance amendment on "demolition by neglect" had met and drafted a proposed amendment to the preservation ordinance. It had been mailed to the Committee for their review. Discussion followed. Additional wording was added to include that, in the event the Committee becomes aware of demolition by neglect, it shall not only notify the Superintendent of Central Inspections, but also other appropriate city officials.

MOTION: FISHBACK moved and GUY seconded that the proposed amendment to the preservation ordinance with the approved additions be processed and forwarded to the Board of City Commissioners with the recommendation that the preservation ordinance be amended to include the proposed section on "demolition by neglect". The motion passed unanimously.

AGENDA ITEM #5 - NEW BUSINESS

There was no new business.

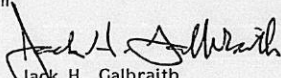
AGENDA ITEM #6 - STAFF REPORT

LAHEY gave the staff report. Items presented and discussed included the proposed Parking Garage/Transit Center; the Preliminary Project Study Report on the Rehabilitation and Reconstruction of the . . . John Mack Bridge; the National Televideo Conference on Downtown Revitalization is being held on September 18, 1984; and, the problems North High School is having with their terra cotta restoration efforts. No actions were taken.

AGENDA ITEM #7 - CALL FOR ADJOURNMENT

MOTION: Burk moved to adjourn the meeting. Fishback seconded and it passed unanimously.

The meeting was adjourned at 5:00 p.m.


Jack H. Galbraith
Chief Planner

HISTORIC LANDMARK PRESERVATION COMMITTEE

AGENDA

August 6, 1984

The regular meeting of the Historic Landmark Preservation Committee will be held on Monday, August 6, 1984 at 3 p.m. in the Metropolitan Area Planning Department Conference Room, City Hall, 10th Floor, 455 North Main, Wichita, Kansas.

1. APPROVAL OF THE MINUTES (attachement A)
2. CERTIFICATE OF APPROPRIATENESS

MAJOR: Friends University (84-15)
Davis Hall Administration Building
Applicant: Friends University
Agent: Ray Winchester

Temporary replacement of three (3) full length windows with doors in order to convert three basement classrooms for use as a day care center. Will not require any removal of original building fabric.

3. UNFINISHED BUSINESS
4. NEW BUSINESS

Request from the City Manager to review and comment on the need for a Minimum Maintenance Requirement in the Wichita Preservation Ordinance (attachment B)

5. STAFF REPORT
6. CALL FOR ADJOURNMENT

HISTORIC LANDMARK PRESERVATION COMMITTEE

MINUTES

August 6, 1984

The regular meeting of the Historic Landmark Preservation Committee was held Monday, August 6, 1984 at 3 p.m., in the Metropolitan Area Planning Department Conference Room, City Hall, 10th Floor, 455 North Main Wichita, Kansas.

The following committee members were present: Donald Arnold, Jr., David Burk, Dee Connett, Jennifer Fishback, James Guy, Esther Hockett, Pat Kenyon, and Pat Nelson. Jackie Brant, and Woodrow W. Goodvin, Jr. were not present.

Ex Officio members present were Bill Ellington and Bob Puckett. Staff members present were Margaret McDonald Lahey, Preservation Planner; and June Scott, Secretary.

AGENDA ITEM #1 - APPROVAL OF THE MINUTES

PRESIDENT CONNETT called the meeting to order and entertained a motion for approval of the minutes.

MOTION: FISHBACK moved to approve the minutes of the July 9, 1984 meeting as written. GUY seconded and it passed unanimously.

STAFF explained that a mistake was found in the minutes of the February 13, 1984 meeting and requested it be corrected. Page 6 --Agenda Item 3 -- New Business Request for Determination of Impact Proposed Transit Center Drive and Parking Garage at the northwest corner of main and Century Drive. She had stated in the minutes that both Old City Hall and the Carnegie Library were listed on the local, State, and National Registers. However, while the Old City Hall is listed on all three registers; the Carnegie Library is listed on the local register only.

MOTION: GUY moved to correct the minutes of the February 13, 1984 meeting. FISHBACK seconded and it passed unanimously.

AGENDA ITEM #2 - CERTIFICATE OF APPROPRIATENESS

MAJOR: Friends University (84-15)
Davis Hall Administration Building
Applicant: Friends University
Agent: Ray Winchester

PRESIDENT CONNETT turned the meeting over to VICE PRESIDENT HOCKETT and abstained from taking part in discussion on this item because as an employee of Friends University, her participation could be construed as a conflict of interest.

STAFF reviewed the Certificate of Appropriateness application in conjunction with a slide presentation. Discussion ensued relative to the time factor involved concerning the temporary aspect of the doors to be installed.

MOTION: FISHBACK moved to recommend approval, to the Board of City Commissioners, of the Certificate of Appropriateness on a temporary basis subject to review in five years. GUY seconded and it passed unanimously. (Dee Connett abstained)

AGENDA ITEM #3 - UNFINISHED BUSINESS

DISTRICT TASK FORCE

GUY furnished the committee with the names of two residents willing to serve on the Task Force for the Topcka-Emporia Historic District. They were: Dennis Johnson and Walt Wattman. PRESIDENT CONNETT officially appointed each volunteer to the Topeka-Emporia Historic District. Discussion was held relative to the procedures to follow for contacting the members of the Task Force and the necessity of holding a training session for the Task Force appointees. It was decided to hold a training session for the district task force on August 23, 1984 at 7:30 p.m. at St. Paul's United Methodist Church located at 13th and Broadway. Details about the content of the training session were discussed.

AGENDA ITEM #4 - NEW BUSINESS

Request from the City Manager to review and comment on the need for a Minimum Maintenance Requirements in the Wichita Preservation Ordinance.

* Lahey explained the committee had received the above request. Members indicated that they had felt a strong need for this type of provision for over three years. GUY stated that if the ordinance had contained a provision requiring minimum maintenance in the preservation ordinance, the tragedy of losing the Lawrence-Garrison Building, which was located at 1026 West Maple, could have been averted. Lengthy discussion followed.

MOTION: GUY moved that the committee comment back in response to the request that the committee feels it is imperative that a provision providing for a minimum maintenance requirement be put in place as quickly as possible and in reference to increased cost, that it could be handled with existing staff and a slight increase in staff load and that a subcommittee be appointed by the President to draft a proposed amendment to the ordinance and be prepared to report back at the next meeting of the HLPC. FISHBACK seconded and it passed unanimously.

CONNETT appointed GUY to chair the subcommittee and NELSON and HOCKETT to sit on that subcommittee. Jim Jorgensen was asked, as the ex-officio representative of the Central Inspections Division, to assist. CONNETT also requested the subcommittee to report back to the full committee at the next regular meeting.

MOTION: BURK moved to take up an off-the-agenda item concerning a request for a certificate of appropriateness for the Lassen Hotel, an individually designated landmark located at 155 North Market. It was seconded by KENYON and moved to take this item off the agenda.

AGENDA ITEM - REHABILITATION OF THE LASSEN HOTEL

Discussion followed concerning this project. Although plans and specifications had been received, no application had been filled out and no final decision had been made on which replacement windows were to be selected. This project will also be undergoing review of the National Park Service for compliance to the Secretary of Interior's Standards in order to qualify for the 25% Investment Tax Credit. The guidelines used by the Committee are the same guidelines used by the National Park Service.

The design review subcommittee met with the project architect, Lynn Walker of Law/Kingdon, Inc. On August 9, 1984. BURK presented the concerns of the design review subcommittee. There were as follows:

The replacement windows potentially being proposed are Efco windows which are aluminum double-hung windows with muntins (secondary framing numbers) between the two panes of glass. This presents a problem to the design review subcommittee and will probably present a problem to the National Park Service.

The two story structure to the south of the main structure has been proposed for demolition, and an addition would then be added south of the main structure for use as space for elevator shafts, a staircase and an atrium. Also the third, fourth, and fifth levels of this atrium would be filled in with floor space.

The addition itself is of very modern design and the proposed materials will be of brick and reflective bronze glass. These materials will also be used in a new entrance area on the south facade which will be covered by a canopy. The subcommittee questioned the use of reflective bronze glass and felt the design did not make much of an attempt to be compatible with the existing structure.

The design problems presented by the air rights owned by the abutting property owner to the south were discussed.

MOTION: ARNOLD moved that the committee not oppose the demolition of the two story annex structure to the south of the main structure.

KENYON seconded and it passed unanimously.

It was agreed that no action could be taken until a complete application requesting a certificate of appropriateness had been received. LAHEY stated she would forward correspondence to the appropriate parties informing them of the action and of the stated concerns of the design review subcommittee.

AGENDA ITEM #6 - CALL FOR ADJOURNMENT

MOTION: BURK moved to adjourn the meeting. FISHBACK seconded and it passed unanimously.

The meeting was adjourned at 4:24 p.m.

Jack H. Galbraith
Chief Planner

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE July 24, 1984

TO Robert A. Lakin, Director of Planning
FROM Robert G. Finch, Deputy City Manager

SUBJECT "Demolition by Neglect" of
Historic Landmark Buildings

The City Manager has reviewed your memorandum to him of July 18, 1984, on the above subject.

Mr. Denton asks that you refer the question of the need for a minimum maintenance requirement in the Wichita ordinance to the Historic Landmark Preservation Committee for review and comment.

The analysis of the question should include cost of enforcement of the minimum maintenance provision.



Robert G. Finch
Deputy City Manager

RCF/pd
cc: John Dekker, Director of Law

RECEIVED

JUL 25 1984

METROPOLITAN PLANNING
ROUTE _____

WICHITA, SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT July 18, 1984

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning

SUBJECT "Demolition by Neglect" of Historic Landmark Buildings

In response to your request for information on provisions used by other cities to prevent demolition by neglect of historic buildings, the following is submitted.

According to the latest published information readily available, as of April, 1980, at least six cities had demolition by neglect provisions in their preservation ordinances. These cities are: Savannah, Georgia; Coral Gables, Florida; Charleston, South Carolina; New Orleans, Louisiana; Galena, Illinois; and Louisville, Kentucky. This provision, which is also referred to as a minimum maintenance requirement, is designed to reduce the incidence of "demolition by neglect." This slow deterioration sometimes occurs when an owner does nothing to maintain a building in hopes that it will eventually be in such poor condition that local building inspectors will issue a demolition order for it.

Several preservation ordinances provide that a municipality may repair a building whose owner refuses to repair it, and treat the cost of repairs as a lien against the building. A minimum maintenance requirement may require only that local buildings be maintained in conformity with local building codes, or may be extremely detailed and specify a number of structural defects that may not be allowed to occur or continue. The minimum maintenance provision of the Vieux Carre Ordinance in New Orleans was upheld in Maher vs. City of New Orleans, 516 F. 2d 1051 (5th Cir., 1975).

Samples of the provisions of the six cities cited are attached. If Wichita were to consider adopting a provision to prevent demolition by neglect, the preservation ordinance already contains a penalty provision which could be used to carry out its enforcement.

If you like any further information, please advise.

Robert A. Lakin
Director of Planning

RAL:MML:jps
Attachment

C. MINIMUM MAINTENANCE REQUIREMENT

Protective maintenance of historic buildings. Historic buildings shall be maintained to meet the requirements of the Minimum Housing Code and the Building Code. (Savannah, Georgia, Ordinance, Section 9(4)).

Structures and sites designated as significant shall be maintained to meet requirements of the Minimum Housing Code, the South Florida Building Code and any other regulatory codes. (Coral Gables, Florida, Ordinance, Section 8(3)).

The board of architectural review, on its own initiative, may file a petition with the public safety and housing officer requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this article so that such structure shall be preserved and protected in consonance with the purpose of this article and the public safety and housing ordinance. (Charleston, South Carolina, Ordinance, Section 51-31).

All buildings and structures in that section of the city known as the Vieux Carre Section and so defined generally in section 65-6, section 65-7, under the jurisdiction of the Vieux Carre Commission, as provided by Article 14 of Section 22A of the Louisiana Constitution, shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof. The owner or other person having legal custody and control thereof shall repair such building if it is found to have any of the following defects:

- (a) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (b) Deteriorated or inadequate foundation.
- (c) Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety.
- (d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (f) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

(g) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.

(h) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.

(i) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(j) Deteriorated, crumbling or loose plaster.

(k) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including brooken windows or doors.

(l) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(m) Any fault or defect in the building which renders the same structurally unsafe or not properly watertight. (New Orleans, Louisiana, Vieux Carre, Ordinance, Section 65-36).

All property, real estate or improvement thereon within the area officially described in Section I, whether owned or controlled privately or by any public body, shall receive reasonable care, maintenance and upkeep appropriate for the preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use in compliance with the terms of this Ordinance. (Galena, Illinois, Ordinance, Section IV).

Every person in charge of a landmark, landmark site or building in a preservation district shall keep in good repair:

(1) All of the exterior portions of such improvements, and

(2) All interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvements to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. (Louisville, Kentucky, Ordinance, Section 10).

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE July 11, 1984

RECEIVED

JUL 12 1984

METROPOLITAN PLANNING

ROUTE

TO Robert A. Lakin, Director of Planning

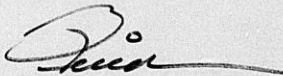
FROM Robert G. Finch, Deputy City Manager

SUBJECT "Demolition by Neglect" of
Historic Landmark Buildings

The subject matter was mentioned during the July 10, 1984, discussion of the condition of the building at 1026 Maple.

The City Manager has asked to see any material available as to what provisions other cities may have to prevent the neglect of historic buildings. The material is for his information only at this time.

Please provide this material at your earliest convenience.



Robert G. Finch
Deputy City Manager

RCF/pd