

The Key to Providing a Better Future is in Honoring the Past.

Introduction

Local Control by Local People

The intent in seeking the establishment of a historic overlay zone or a stand-alone, historic preservation ordinance which incorporates design guidelines, zoning regulations and minimum maintenance standards, is to increase protections and encourage appropriate treatment of all properties within and adjacent to the West Boulevard Historic District, in order to preserve the unique historical character of the neighborhood. Adjacent properties are mentioned due to the fact that they have a direct visual impact on the historical integrity neighborhood be it positive or negative and should be reviewed as to such.

The impetus for seeking more definitive regulations and design standards has resulted from recent and not-so-recent losses of historic structures themselves, as well as inappropriate changes, not only to the architectural features of individual structures, but also to the historic context. Context is a set of things that define a sense of place, such as the spatial structure of the neighborhood, it's circulation patterns, it's landscape elements and anything that creates its general feeling.

The goals for taking on this necessary expansion of protections are the same as for the most general of all historic preservation efforts: to foster civic pride, promote economic development, enhance the quality of life for residents and enhance the attractiveness to visitors by providing sources of recreation, education and inspiration, to provide a sense of national, community and personal identity and to encourage patriotism.

Statement of Intent

The intent of the enhanced regulations is to:

1. promote the educational, cultural, economic and general welfare of the City by preserving the district's architectural integrity, streetscape patterns and cultural heritage.
2. preserve the district's historic pattern and distribution of building types that are characterized primarily by single-family residences, many of which were constructed during the late 19th century and the early 20th century.
3. ensure harmony and compatibility of visual qualities and spatial relationships that exist between buildings, and between buildings and the street, throughout the district.
4. preserve the residential character of all streets and thoroughfares in the district.
5. preserve the historic street and lot pattern and design that are significant elements of the district.
6. encourage and ensure development that is complementary to and compatible with the existing historic structures in the district.

Benefits – Intangible Yet Tangible

By embracing the enhanced regulations we will most certainly receive the quantifiable economic benefits as will be enumerated below. Yet, to list only the more easily digestible benefits of financial practicality, would be a disservice to the efforts of historic

preservationists everywhere throughout recorded time. We must also be good stewards of our cultural and heritage resources for the less tangible, but no less important reasons. We must not casually dismiss the intangible yet inherent values found in these materials.

Historic and cultural resources are physical, tangible links to our past. We have lived with them and they have become a part of who we are. They are recognizable and they are memorable. We value the historic pieces of the built environment:

- because of their beauty: architecture and landscape has always held an intrinsic value as art and we believe it is our right to live in an environment which is beautiful and pleasing in the midst of so much junk that assaults and insults our senses;
- because of the people who existed there: we seek to honor them by respecting their efforts to build the life which we eventually inherited and we can only do this by understanding the events, times, movements and people who can still offer much to guide us;
- because they reflect the development of our culture as we now experience it. In other words, they help us to understand continuity and who we are by providing familiarity and orientation; they point out and give us an opportunity, in a tangible manner, to maintain difference, unique character, diversity, individuality and personal identity in an age of ever increasing homogeneity; and
- because they provide a restatement of hallowed American values such as frugality, good craftsmanship, community investment and responsibility.

All these factors bespeak some basic philosophical values, which indicate that preservation is situated to serve higher human and social purposes.

Thus, the intangible benefits of historic preservation are a fulfillment of the goals previously stated:

- enhanced civic pride and community stability
- increased economic development opportunities
- a better quality of life for residents
- enhanced attractiveness for tourists and potential residents through the expansion and improvement of sources of recreation, education and inspiration
- a greater sense of national, community and personal identity, and
- heightened patriotic feelings

With all that being said, an accounting of the financial practicalities must be here expounded. For, in the long run, even though we may feel that the economic arguments for historic preservation are far less important than the philosophical and psychological ones, the great economist John Maynard Keynes stated, "In the long run we're all dead."

THE ECONOMIC BENEFITS OF HISTORIC PRESERVATION

This paper is an abbreviated summary of 150 or so sources and studies done in approximately 20 different states most of which originated in the last decade.

It is a fact that with appropriate guidelines in place a designated historic district will experience property appreciation greater than the surrounding neighborhood and greater than in similar undesignated neighborhoods. There is no evidence that historic districts reduce property values.

The economic impact of historic preservation is primarily local. Preservation's economic impact is less important than its educational, environmental, cultural, aesthetic, and social impact. No one can sit in Pierre, or anywhere else, without specific knowledge of these factors and make informed decisions about our historic district and its historic beauty as well as our home grown people.

A new ordinance for our existing historic district, which was formed in 1974 and expanded in 1995, would allow for local control. We presently operate under a joint powers agreement between the city of Rapid City and the South Dakota Office of History from Pierre. The Pierre office staff makes all final decisions on any recommendations made by our local Historic Preservation Commission.

By truly valuing the beauty of our heritage it helps us to understand and appreciate where we were and who we are. Because many homes may not be owned by historic preservationists it becomes very important that everybody understands the economic dynamics. For some people their only questions maybe very simple. How much will it cost? How much will it make?

At the most elemental level, economics and preservation are fundamentally about the same thing ---- saving scarce resources. These days when resources are scarce we need to be fiscally responsible. A systematic look at the economics of historic preservation is certainly not a luxury but an economic necessity. All over the county historic preservation has emerged has having a very positive impact. The U.S. Department of Commerce measures the impact of production within a given industry three ways: the number of jobs created the increase in local household incomes, and the impact on all other industries. In state after state historic building rehabilitation outperforms new construction on each of these measurements. The most successful economic development efforts in 20 cities were the ones with the greatest amount of historic rehabilitation creating an economic competitive edge for each city.

Most residential preservation projects are rather modest in scale, but each should be taken seriously. The point that is often missed is that success isn't measured by work done on a single home but through the compounding impact that a number of projects will have over time. The lessons and understanding of this incremental preservation approach should not be forgotten. Some of the most desirable neighborhoods from Atlanta to

Portland are historic districts where preservation has been tried and then measured, there has been but one conclusion: **Preservation Pays.**

With additional protectors in place (ordinance) each property owner within the historic district has the assurance that someone else within the district can not do something that is inappropriate and reduce property values. It must always be remembered that no one can ever duplicate our historic resources and the beauty of our heritage.

As you read this summary you will realize that it is not filled with lots of numbers, only with economic common sense.

Quality of life is becoming the critical ingredient in economic development and historic preservation is a very important part of the quality of life equation for two reasons. 1. more than any other man made element, historic properties differentiate one community from all others. 2. The quality of historic properties and the quality of their preservation says much about a community's self image. A community's commitment to itself is a prerequisite for nearly all quality of life elements. It can serve as either a dampener or catalyst for tourism and other economic and cultural activities.

Preservation efforts (protectors) certainly provide a comfort level for private investment. People buy into a neighborhood that takes pride. Real estate values are determined not only by the individual owner's investment but by the investment and pride of others in the district. It is this collective effort that will insure future certainty. Uncertainty, instability and concern about disinvestment by others will discourage an individual from buying in a historic district. An ordinance by local government acts as a positive catalyst for future buyers. By creating a more secure (stable) environment property values will rise. Clear public policy favoring historic preservation provides that level of certainty and stability. It attracts purchasers and financing and creates a clear identity that strengthens the neighborhood. It insures the financial future of every property owner within the district.

The idea that historic districts with restrictions reduce property values is blatantly untrue. Not a single study had demonstrated reductions in property values ----- not **one**. What some label "restrictions" can more properly be called "**protectors**". Investor confidence is enhanced because he knows he will not be adversely affected.

During the decade of the 1990's when Washington lost 35,000 residents, 25 historic districts added residents. People found the charm and individuality of historic architecture more appealing than the blandness of cookie cutter subdivisions.

Local ordinance offers legal protections and review of most all proposed exterior projects. It sends a message to citizens that they live in a city that cares about itself, about its residents and respects its history.

Property owners often mistakenly believe that the value of their asset only emerges from within the boundaries of their lot lines. This is simply not true. Real estate is an

intensively interrelated asset. Much of its value comes from beyond the property boundaries. When the historic significance of property is maintained the financial benefits are not the owners alone. Everyone benefits including local government. The appreciation of renovated historic properties is substantially greater than the appreciation rates from new construction and un-restored historic properties.

Property renovation is a catalytic activity; one renovation spurs another. The size of a home and number of bathrooms are important in determining the value of a home, but characteristics of the neighborhood affect price the most. At its best, historic preservation isn't mostly about preserving properties; it is more about preserving neighborhoods.

Our historic district accommodates a mix of household incomes. We have learned that people living in historic neighborhoods feel attached (rather than afraid of). Historic homes add significantly to that sense of attachment. That sense of community.

Homes from our past will continue to inspire the generations of our future. People want to be literally where the history of that place occurred. It is widely acknowledged in the travel industry that the character and charm of small historic cities is a major factor in attracting tourism. Historic sites are now more important than recreational assets as a tourism draw. Historic tourism travelers spend more money and stay longer. They want to see the real thing. Beauty isn't things trying to look like something else --- Beauty is things being just what they are. It increases the appeal of the community as a place to live and work. A place to go see.

Real estate is an asset that is most prudently held as an intermediate to long term investment. For anyone looking for get rich quick schemes, historic properties are not the answer otherwise preservation provides a profitable opportunity. Private sector owners need to measure life cycle cost; almost none do.

A local ordinance will not cost anybody anything, it will only cost if we don't maintain its integrity. Imagine where we would be if a historic district was never created and there was no Preservation Historic Commission and no West Boulevard Neighborhood Association. All volunteers.

We must draw our nourishment from local roots. Adequate historic guidelines will assist us to meet the challenges of tomorrow by being firmly grounded in the physical history of yesterday.

Respectfully,

Bill Kessloff

Chapter 17.58 Historic Districts

Article I. In General

The City of Rapid City bases its power to regulate certain architectural activity in its historic district upon State Statute _____, *Chapter 1-19A, Preservation of Historic Sites. SDCL 1-194-1 Legislative findings and declaration*, states: The South Dakota Legislature finds and declares that it is in the best interest of the state and its citizens to provide for the preservation of its historical, architectural, archaeological, paleontological, and cultural sites by protecting, restoring, and rehabilitating sites, buildings, structures, and antiquities of the state which are of historical significance.

Purpose, Intent and Policy

Purpose

It is the purpose of the city council by the enactment of this chapter, to establish the framework for a comprehensive historic preservation program in the city, in order to enhance the quality of life by preserving the built as well as the natural environment and to promote economic vitality and diversity of the community through preservation of historically and/or architecturally significant buildings and sites.

Intent

The intent of the preservation program is six-fold:

- (1) To promote the educational, cultural, economic and general welfare of the City by preserving the district's architectural integrity, streetscape patterns and cultural heritage.
- (2) To preserve the district's historic pattern and distribution of building types that are characterized primarily by single-family residences, many of which were constructed during the late 19th and the early 20th century.
- (3) To ensure harmony and compatibility of visual qualities and spacial relationships that exist between buildings, and between buildings and the street, throughout the district.
- (4) To preserve the residential character of all streets and thoroughfares in the district.
- (5) To preserve the historic street, and lot pattern and design, that are significant elements of the district.
- (6) To encourage and ensure development that is complementary to and compatible with the existing historic structures in the district.

Policy Statement

The City Council finds that a need exists to establish a program for the preservation of buildings, structures, and sites of historic and/or architectural significance to the City, and that substantial benefits will inure to the benefit of the citizens of the City

by the implementation of a preservation program. Thus, it is declared to be the policy of the city to protect and preserve unique historic and cultural resources by identifying and designating historic districts, preventing the destruction of historic landmarks, and enhancing public awareness of the City's historic and cultural resources. It is further the policy of the City to discourage the demolition of sound structures and provide special consideration to projects that involve the use of older structures. <<<<*This would mean such things as financial incentives....*

Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any change affecting the outward appearance of the building, structure, or site because of construction, repair, maintenance or otherwise to a building, structure, or site.

Applicant means the record owner of a site and/or building located thereon, the lessee thereof, or a person holding a bona fide contract to purchase the site and/or building who makes application for a certificate of appropriateness.

Commission and ***Preservation Commission*** mean the historic resources commission of the city.

Building means any building or other structure built for shelter or enclosure of persons, animals, or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and with or without openings in such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

Certificate of appropriateness means a document evidencing approval of the board for work proposed by the applicant.

Construction means the erection of an on-site improvement to a building or structure or site located within the historic district, whether the site is improved or unimproved or hereafter becomes unimproved by demolition or as a result of destruction of an improvement located thereon by fire, windstorm or other casualty, or otherwise.

Contributing property means a building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant because it (i) was present during the period of significance of the district and possesses historic integrity reflecting its character at that time, (ii) is capable of yielding important information about the period, or (iii) independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR 60.4, incorporated by reference.

Demolition means the complete or constructive removal of a building on any site including the moving intact of any part or whole of a building.

Department of state means the department of state of this state.

Design review official refers to a city employee designated by the city manager.

Division means the division of historical resources of the department of state.

Environs means an area designated surrounding a historic property within which a project would have an impact upon that property.

Exterior means all outside surfaces of a building.

Facade means the exterior face of a building, that which is readily visible to the public and is often seen within the context of other buildings facing a street or other public right-of-way.

Historic district means an area so designated by the city commission.

Historic property means a building, site, structure, or object which is designated by the city commission as a historic property or landmark under this chapter; or a contributing property in a historic district designated by the city commission under this chapter.

Improvements means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation or rehabilitation of such property. Improvements include additions and accessory structures (i.e., a garage) necessary for efficient contemporary use.

Minor changes means repainting, minor repairs in roofing, siding, windows, railing, and doors, or other changes which do not involve the significant alteration of a building's exterior.

Noncontributing property means a building, site, structure, or object which does not add to the historic architectural qualities, historic associations, or archaeological values for which a district is significant because (i) it was not present during the period of significance of the district, (ii) due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or (iii) it does not independently meet the National Register of Historic Places criteria for evaluation.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or to correct any deterioration or decay of a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration or decay.

Owner of record means the owner in fee simple of real property as indicated in the official records of the county, regardless of any liens, mortgages, or other interest in the property.

Reconstruction means the rebuilding or extraordinary repair of a building or structure which has been damaged, which has fallen into disrepair, or which for any other reason is substantially rebuilt.

Renovation and rehabilitation, for historic properties or portions thereof which are historical or of architectural significance, mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological values. For historic properties or portions thereof that are of archaeological significance or are severely deteriorated, the term "renovation" and "rehabilitation" mean the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.

Restoration means the act or process of recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Site means a parcel of ground, whether improved or unimproved, under single or multiple ownership by any public or private corporation, association, trust or individual, or any combination thereof.

Solid fencing means fencing which is not transparent.

Structure means any improvement to a site which is placed or constructed by man, regardless of size, materials, purpose or design.

Transparent means no less than 40 percent open when viewing the fence or wall from a 90-degree angle (directly facing the fence).

Vinyl coated chainlink fences means chainlink fences which are coated in green or black vinyl by the manufacturer.

Visual Impact means....

Others definitions to include????- I can think of several others...

Article II. Historic Preservation Commission

Creation, Composition, Residency

The Historic Preservation Commission established in this chapter is intended to have citywide jurisdiction and serve as the City's primary agency responsible for furthering historic preservation within the City.

There is created a Historic Preservation Commission (HPC) of the City. The Commission shall consist of ten members appointed by the Mayor and confirmed by the City Council. The members shall be legal residents, each residing within the city limits. No member of the HPC may hold any elected office in the City municipal government. To the extent such persons are available within the city, the Mayor shall appoint professional members from the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation related disciplines such as urban planning, history, American studies, American civilization, cultural geography or cultural anthropology, or laypersons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of the Commission if there are not enough professionals within the city. Other professions that may be represented include: construction, real estate, public education, business and the law.

Terms of office

The terms of office of each member of the historic preservation commission shall be for three (3) years. A vacancy shall be filled within 60 days after the end of a term. A member shall serve until the appointment and qualification of the member's successor is made. Vacancies occurring other than through the expiration of term shall be filled within 60 days and the person selected shall be appointed for the remainder of the unexpired portion of the term.

Compensation

All members of the HPC, shall serve without compensation except for actual expenses which shall be subject to the approval of the HPC and the City Commission.

Attendance

The terms of any member absent three consecutive regular meetings without justifiable excuse as determined by the Commission, shall be deemed vacant. Absences due to sickness or an emergency shall be recognized as approved absences and shall not affect the member's status on the commission.

Officers and Duties of Officers

The following offices shall be maintained: Chair, Vice-Chair and Secretary. Such additional offices as may be necessary may be created from time to time. The officers shall be elected by the Commission at its first meeting each January. The term of office shall be one year and all officers are eligible for reelection. The chair shall preside at meetings of the commission and shall have the right to vote. The chair shall be the spokesperson for the board in presenting its policy to the public. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair.

1. The Chair shall preside at all meetings of the HPC, shall notify the City Council and other involved bodies of the recommendations and actions of the Commission, shall sign documents on behalf of the Commission, shall see that all decisions of the Commission are properly carried out, shall recommend a historic preservation agenda to the commission and shall perform other duties and functions as may be determined by the Commission. The chair may select other members of the Commission to assist in carrying out the duties of the office.
2. The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair and shall perform other duties as may be assigned by the Commission. The Vice-Chair may select other members of the Commission to assist in the carrying out of the duties of the office.
3. The Secretary shall assist such staff as is available to keep the minutes and records of the Commission, to prepare the agenda of regular and special meetings under the direction of the Chair, provide notice of all meetings to Commission members, arrange proper and legal notices of hearings, attend to the correspondence of the Commission and such other duties as are normally carried out by the Secretary. The Secretary shall act for the Chair and the Vice-Chair should both be absent.

Rules of procedure.

The historic preservation commission shall adopt and make public rules for the transaction of its business. A quorum shall consist of a majority of the board. A majority of those present shall be required for decisions involving recommendations on the

designation of landmarks, landmark sites, historic districts and for approval and denial of applications for certificates of appropriateness.

Meetings

1. Regular Meetings. The historic preservation commission shall meet at least once per month at a regularly scheduled time with advance notice given and an agenda available prior to the meeting. The chair may cancel a regularly scheduled meeting if there is no business or quorum to conduct the meeting. Additional meetings may be called by the chair or upon the request of a majority of the commission. All meetings of a quorum of the Commission, or committees thereof, at which any public business is discussed shall be open to the public at all times except as otherwise provided in this article. Applicants shall be given notice of the commission's meetings and its decision on their applications for Certificates of Appropriateness.
2. Executive Sessions. The HPC may hold executive sessions for the purpose of considering personnel matters, employment contracts, negotiations or pending litigation within the confines of the attorney client privileges recognized by State law, or other information provided in confidence to the Commission, which shall not be subject to the provision of this section; provided, however, that nothing in this section is intended to authorize executive sessions where the same are otherwise prohibited by the statutes of the State of South Dakota or the Rapid City Municipal Code.
3. Special Meetings. Special meetings shall be held upon the call of the Chair or Vice-Chair or upon the written request of two members of the Commission. Notice of special meetings shall be given at least twenty-four hours prior to any meeting by posting a copy of the notice, visible to the public at the principal office of the Historic Preservation Commission. Such notice shall set forth the time, place and purpose of the meeting.
4. Time and Length of Meetings. The regularly scheduled meetings of the HPC shall convene at a time set by the Commission. However, should the agenda be lengthy, the Chair may continue the meeting to a specific date and time as set by the Commission.
5. Presence of Applicants for Certificates of Appropriateness or Others with Business to come before the Commission. If an individual with business before the Commission or authorized representative is not present, the item may be tabled; however, the Chair may move the item to the end of the agenda to allow the applicant more time to appear.
6. Quorum. A quorum for the conduct of business at any meeting shall be a simple majority of the currently appointed Commission. No action shall be

taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

7. Commission Action. In all applications coming before the Commission, the affirmative vote of a majority of those present and voting shall be required to approve, approve with conditions or deny an item. In the event of a tie vote, the motion shall fail. The Chair may vote on all matters to come before the Commission. Members voting shall be in attendance at the meeting. Commission members may attend and vote in the meeting via technological means such as a telephone conference call. No voting by proxy shall be allowed.
8. Rules of Procedure. All meetings shall be conducted in accordance with the rules adopted and made public by the Commission for the conduct of its meetings and transaction of its business. In the event that the rules do not prescribe specific procedural conduct, the HPC shall conduct all business in general compliance with Parliamentary Procedure.
9. Disclosure of Conflict of Interest(s). No member of the Historic Preservation Commission shall participate in the voting on any matter before the HPC in which the member has a potential personal or pecuniary interest not common to other members of the Commission. That member shall disclose the conflict and abstain from the vote which shall be so noted in the minutes.

Committees

- (1) Appointments. The Chair, with the concurrence of the HPC may establish such committees as may be necessary for the conduct of the business of the Commission. The Chair shall appoint the members of such committees.
- (2) Committee Meetings. Any meetings of committees created pursuant to this section, shall be held in accordance with all applicable sections of the South Dakota Codified Laws (SDCL) and the requirements of the Rapid City Municipal Code. *(may want to cite the laws/codes)* All members of the Commission shall be entitled to attend meetings of the committees.

Minutes

The Historic Preservation Commission shall prepare and maintain minutes of the meetings of the Commission. The minutes shall be taken of any meeting open to the public pursuant to the provisions of this section. The minutes shall be open and available to the public at the City Planning Department office during normal business hours and on-line at the City of Rapid City website.

Staff

The Mayor and, through his direction, all his subordinate officers and employees including, but not limited to: the planning department and planning staff, the city attorney; city finance director and the city clerk, shall act as staff to the historic preservation commission.

Duties, responsibilities and powers

- (a) The historic preservation commission shall be responsible for the following:
- (1) The identification of buildings and areas that it will recommend to the city council for designation as landmarks, landmark sites and historic districts;
 - (2) Except for minor repairs as described in section ____, the control of alterations, demolitions, relocations or new construction involving designated landmarks, landmark sites or historic districts, which alterations, demolitions, relocations or new construction will affect the landmark, landmark site or historic district;
 - (3) Nominate historically significant properties to the State and National Registers of Historic Places; Review, comment and recommend to the City Council all nominations to the National Register of Historic Places;
 - (4) Initiate, maintain and update an inventory of historic properties within the city, and a collection of historic preservation information and archival data on historically significant structures within the City;
 - (5) Identify city policies which impact upon preservation;
 - (6) Coordinate local activities with state and national preservation efforts, and review relevant legislation;
 - (7) Further public awareness of the City's past, and of preservation in general and assist private property owners by providing them with technical assistance and information regarding local, state and federal historic preservation programs;
 - (8) Inform the public of the Commission's activities and of preservation needs in the community;
 - (9) Adopt rules of procedure, subject to approval by the city attorney;
 - (10) Draft and recommend design guidelines for use in reviewing applications for certificates of appropriateness, which shall be reviewed by the City Planning Commission and approved by the City Council;
 - (11) Seek advice and expertise from other professionals on matters requiring evaluation by a professional of a discipline not represented on the Commission, provided that such advice and expertise is provided to the Commission without compensation;

- (12) Make non-binding recommendations to the City Council regarding public works projects within the historic district.
 - (13) Make recommendations to the City Council on requests for City funding or action on historic preservation issues;
 - (14) Make an annual report to the City Council on or before July first of each year and at such other times as the City Council may direct;
 - (15) Carry out all duties and functions as set forth in Chapter _____;
- (b) Each commission member should make a reasonable effort to attend the state historic preservation office orientation program and subsequent training programs for certified local governments. Each commission member should make every effort to be attend any informational or educational meetings, conferences, or workshops pertaining to the work and functions of the Commission scheduled by the State Historic Preservation Office (SHPO) or other so dedicated body.

(c) The Historic Preservation Commission may expend funds as may be provided by the City Council or other sources, for training and education, travel and other expenses which may be incurred in carrying out the duties and functions delegated to the Commission by the City Council and as prescribed by statute and ordinance. The Commission may contract, with the approval of the City Council, with planners, engineers and architects and other consultants or persons or entities for such services, as it requires. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose when specified by the City Council. The City Council shall provide the equipment and accommodations necessary for the Commission's work.

Article III. Historic Districts

Criteria

A historic district shall be a geographically definable contiguous or noncontiguous area possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Compliance required

No historic district shall be established within the city except as provided in this article.

Procedures for designation

The City Council, upon recommendation by the Historic Preservation Commission, may identify an area as being suitable for designation as a historic district. It shall then have the area surveyed and studied for the purpose of determining the age

and significance of each building, site, or structure within the area. The results of that survey and study shall be reported to the City Council, which may, following a public hearing, establish a district and the boundary thereof.

Article IV. Historic Designation Process

Division I. Generally *Not sure what this means, but we could put a justification here.*

DIVISION 2. Criteria

Procedure for designating local historic landmarks

(a) A local landmark is an unimproved parcel of ground or a parcel of ground with improvements of particular historic or cultural significance which:

- (1) Reflects the broad cultural, political, economic or social history of the city, state or nation;
- (2) Is identified with historic personages or important events in local, state or national history;
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or
- (4) Is representative of the notable work of a master builder or designer whose individual ability has been recognized or who influenced his age.

(b) No historic landmark within the city shall be designated except as provided in this section.

(c) The Historic Preservation Commission shall seek and accept nominations of buildings, sites and structures for designation as local historic landmarks. It may initiate such designation itself. The Commission shall be responsible for reviewing a proposed landmark to determine its local, state, or national significance. The Commission shall make its recommendation to the city council, and a building, site, or structure approved by the city council for landmark designation shall be designated to that effect.

(d) The following properties are hereby designated as local historic landmarks within the city:

- (1)
- (2) etc.

DIVISION 3. Certificate of Appropriateness

Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Exterior architectural features includes but is not limited to the architectural style, scale, size and proportion, general design and arrangement, or exterior of a building, including the kind and texture of a building material and the type and style of roofs, windows, doors and signs.

Other definitions?????

Contributing and noncontributing properties designated.

(a) The city council finds that the properties within the West Boulevard Historic District described in section _____, which are designated by the National Register of Historic Places as contributing properties, together with the following properties are contributing:

- (1)
- (2)
- (3)
- (4)
- (5)

(b) Until such time the City Council, with the recommendation of the Historic Preservation Commission, designates any other properties within the districts as contributing, all other properties within such districts are hereby designated noncontributing properties. However, if non-contributing properties fall within the environs of the historic district, they shall be reviewed as to visual impacts upon the integrity of the designated district ?

Application

Except for minor repairs and alterations, demolition, reconstruction and relocation of noncontributing properties as described in section _____, no building, structure, or site of any kind shall be erected, altered, constructed, restored, moved or demolished within the historic district until an application for a certificate of appropriateness of exterior architectural features has been approved by the commission.

Ordinary maintenance and repairs

Nothing in this chapter shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or alter the outward appearance of a building. Maintenance of all properties shall comply with the International Property Maintenance Code, adopted by the City in Chapter 15.12.910. *(or Minimum Maintenance Standards can be created that are not general as the IPMC)*

Recommendations for changes or modifications to plans and specifications

The Historic Preservation Commission may make such recommendations for changes or modifications to building plans and specifications as deemed necessary to enable the applicant to satisfy the criteria for issuance of a certificate of appropriateness as set forth in section _____. The Commission shall state its reasons for approving, approving with modifications, or not approving the issuance of a certificate.

Procedure by board

(a) The Historic Preservation Commission shall adopt rules prescribing the procedure for making and reviewing applications for a certificate of appropriateness and the form and content thereof, in concert with planning and building department officials. *(This is currently the 1.11 review process as shown of the top sheets of the current application.)*

(b) The Commission shall hold a hearing upon each application and shall provide adequate notice thereof to the applicant, City staff and the public. Such hearings shall be conducted at the next regular meeting or a special called meeting of the Commission, provided that the hearing shall be held no sooner than ten days after the application is received and no later than 60 days from the date the application is received.

(c) The Commission shall (i) approve the application, (ii) approve the application with modifications, or (iii) disapprove the application, and shall state the reasons for its decision. If it approves the application, with or without modifications, it shall require any change in the building plans or specifications as deemed necessary and appropriate to cause the proposed construction to satisfy the criteria set forth in this chapter.

(d) The certificate of appropriateness shall describe the project for which issued and the type of work to be done. The commission may require certain terms or conditions as a prerequisite for the approval of a certificate, which shall be clearly stated thereon.

Criteria for approval, non-approval

(a) *Design guidelines adopted.* The architectural design guidelines for the City, dated _____, a copy of which is on file with the city clerk, is adopted as the criteria which shall be the basis on which the Historic Preservation Commission

approves or disapproves an application for a certificate of appropriateness regarding new construction or alterations to an existing building, structure or site.

(b) **Demolition.** The following criteria shall be used by the Commission in granting or denying certificates of appropriateness for demolition of buildings or structures:

- (1) The historic or architectural significance of the building or structure.
- (2) The importance of the building or structure to the historic district.
- (3) The future utilization of the site, including any replacement buildings or structures.
- (4) The difficulty or impossibility of reproducing such a building or structure because of its design, texture, material, detail, or unique location.
- (5) Whether the building or structure is one of the last remaining examples of its kind in the neighborhood or in the city.
- (6) Whether reasonable measures can be taken to save the building or structure.
- (7) If the building is income-producing property, whether the building or structure is capable of earning a reasonable economic return.
- (8) Whether the anticipated expense of rehabilitation would be economically feasible.

(c) **Reconstruction.** The reconstruction of a building or structure damaged by fire, storm or other act of God shall be reviewed by the Commission according to the criteria in the adopted design guidelines for alterations to existing buildings, structures or sites. Totally or substantially new construction, regardless of reason, shall be reviewed according to the criteria set forth in the design guidelines for new construction.

(d) **Relocation.** The following criteria shall be used by the Commission in granting or denying certificates of appropriateness for relocation of buildings or structures:

- (1) The historic character of the building or structure contributes to its present setting.
- (2) The reasons for the proposed move.
- (3) The proposed new setting and the general environment of the proposed new setting.
- (4) Whether the building or structure can be moved without significant damage to its physical integrity, or change in or loss of significant characteristics. Elements removed in order to move the building or structure shall be replaced following relocation.

- (5) Whether the proposed relocation site is compatible with the historic and architectural character of the building or structure.
- (6) When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
- (7) The effect of relocation on subsurface resources.

Administrative review.

The following shall not require approval by the board, but shall be reviewed by the design review official/staff...

(1) Minor changes of structures within the city's historic districts, for both contributing and noncontributing buildings, which shall be reviewed in accordance with the criteria of section 38-162 herein.

(2) Alterations, reconstruction, demolition and/or removal of buildings on noncontributing properties, including new or relocated accessory buildings on noncontributing lots, which shall be reviewed in accordance with section 38-162 herein.

(3) Fencing on all properties within the historic district, in accordance with the following criteria:

(a) *[Basic criteria.]* Except as otherwise provided herein, all fencing shall be done in accordance with section _____, Rapid City Code.

(b) *Permitted materials.*

1. The following materials are permitted for transparent fencing:

a. Wrought iron, wood, and/or masonry; and/or

b. Vinyl coated chainlink fencing in the side and rear yard.

2. The following materials are permitted for solid fencing:
Wood and brick.

3. Materials made to appear as the above-described materials shall be permitted (e.g. vinyl fencing made to appear as wood, or aluminum made to appear as wrought iron).

(c) *Prohibited materials.* The following materials are prohibited from all locations that are visible from the street:

1. Chainlink (except as otherwise permitted in subsection (b) herein), barbed wire, hog wire, chicken wire, field fence, and other similar agricultural/rural fencing.
2. Slats inserted in chainlink fences.
3. Any other materials that are not permitted pursuant to subsection (b) above.

(d) *Solid fencing.* Solid fencing is prohibited in the front yards of historic properties and in the side and rear yards abutting a street. Solid fencing is permitted in side and rear yards not abutting a street.

(e) *Height.* The maximum height of fences is as follows:

1. *Front yard:* 48 inches.
2. *Rear and side yards, not adjacent to a street:* 72 inches, except that chainlink fences shall be limited to 48 inches.
3. *Rear and side yards, adjacent to a street:* 48 inches.
4. [*Minimum vision clearance area.*] Notwithstanding the above provisions, in no case shall any part of the fence be taller than 30 inches within the "minimum vision clearance area" as established by subsection(s) _____ Rapid City Code.

(f) *Special decorative fencing.* The decorative support posts and/or columns of wrought-iron fencing for front yards, and/or side and rear yards abutting streets, which are wrought iron or masonry, may exceed the 48-inch height limitation stated in subsection (e)3. by up to 18 inches, provided that the width or diameter of such decorative posts and columns are at least six inches, but no larger than 18 inches; and provided that such columns are no closer together than ten feet (measured on center), except when such columns are placed on either side of a driveway and/or sidewalk leading into a residential site. Support posts smaller than six inches in width and/or diameter, and which are 48 inches or less in height, may be closer than ten feet (measured from center). When masonry columns are used to support gates and/or positioned in locations where the wall makes a turn, then such column may be as wide as 24 inches and may exceed the wall height limitation by 24 inches. When a wrought-iron fence is positioned on a supporting wall, that foundation wall may be as high as 12 inches, and in those cases the total fence/wall height may be as high as 54 inches. Gates may exceed the maximum fence height by 24 inches.

(g) *Grace period to repair and maintain existing nonconforming fencing.* A grace period until _____, is provided to allow for the repair and maintenance of existing, legally established, nonconforming fencing not conforming to the regulations of this section. During this grace period, such fencing may be repaired, and/or fencing sections replaced, by a property owner subject to the following limitations:

1. *Replacement and repair amount.* Up to a maximum of 50 percent of the fencing of a residential site may be replaced with its original materials or repaired to new condition during the established grace period, as a part of normal repair and maintenance and/or for a casualty loss. Should more than 50 percent of a legal nonconforming fencing length of a home site be destroyed by any one casualty loss, then any and all replaced fencing shall be required to meet the current regulations.

2. *Appearance of repaired fencing.* In no case, shall a fence be allowed to be repaired and/or maintained in such a way so that the resulting fencing facade provides a haphazard and irregular appearance along any one side of a yard or home site.

Compliance

(a) Except for minor repairs as described in this division and alterations, reconstruction, demolition and relocation of noncontributing properties as described in section _____, the design review official shall not issue a building permit for any exterior alteration or demolition of a building, structure or site within a historic district unless a certificate of appropriateness has been approved and issued by the Commission.

(b) Any exterior alteration to a building, structure, or site shall be accomplished in strict compliance with the certificate of appropriateness. The design review official shall, as part of his duties, inspect the building to determine compliance with the certificate. Failure to comply with the certificate of appropriateness shall be treated in the same manner as any other building code or building permit violation, including citation, revocation of the permit and fine.

(c) Notwithstanding anything in this chapter to the contrary, if any building is determined by the building inspector to be unsafe and a nuisance pursuant to article _____ of chapter _____, the building inspector may issue orders pursuant to section _____ without having to receive a certificate of appropriateness from the commission.

Appeals

- (a) An appeal may be taken to the City Council within 30 days by the applicant of the Historic Preservation Commission's decision in granting or denying any certificate or from the design review official's decision pursuant to section 38-163. The City Council shall conduct a de novo hearing on the appeal and may hear additional testimony or other evidence and may reverse or modify the decision of the Commission by a majority vote of the City Council members present. All approvals by the Historic Preservation Commission for new construction, alterations, demolitions, reconstruction and relocations shall be stayed pending the expiration of the 30-day period. If appeal is taken to the City Council, no permit shall be given for such construction, alteration, demolition, reconstruction and relocation until decision on the appeal by the City Council.
- (b) Any appeal, by the applicant or the owner, of the City Council's decision to make a designation pursuant to this article shall be in the nature of certiorari, shall be made within 30 days after the decision of the city commission and shall be heard by the circuit court in the Thirteenth Judicial Circuit, as provided by law.

The West Boulevard Historic District

Description

The West Boulevard Historic District is located to the southwest of the commercial/business center of Rapid City, Pennington County, South Dakota. The district is residential in nature and encompasses thirty-four (34) complete and fourteen (14) partial blocks of Original Town, the West Boulevard Addition and the Boulevard Addition. It covers 182 acres. The district contains primarily single-family detached residential houses and their related out-buildings. The district also includes an elementary school, a park and two buildings that historically served as hospitals.

Houses in the district date from the late 1870s through the 1970s, with the largest percentage representing the era from the 1900s to the 1940s. The district demonstrates change in architectural styles from the late 1870s to the 1940s, ranging from large, high-style homes to vernacular architectural styles.

The district is surrounded by modern and non-contributing residential to the south and west sides. The eastern boundary has been encroached upon by modern commercial strip development on Mt. Rushmore Road. The northern boundary is a major thoroughfare of the district, Saint Joseph Street, a one-way street directed towards the east.

The West Boulevard Historic District is characterized by a combination of perpendicular and angled tree-lined streets. The central focus of the district is West Boulevard, running north-south. A central, grassy median with two parallel rows of trees, divides the two lanes of traffic on West Boulevard. The majority of the homes are built on rectangular

lots and are set back from the streets at least 50 feet. There is a wide buffer zone between the street and the sidewalks. The blocks of the district are divided by north-south alleys and east-west alleys. Concrete curbs and sidewalks are found throughout the district.

The period of significance, as determined by the National Register of Historic Places, is from 1878 to 1945. The district was listed on the National Register, initially, in 1974. An amendment to increase the boundaries of the original National Register district was accepted by the keeper of the National Trust in July of 1995.

Establishment

The West Boulevard Historic District is established within the City, which boundaries are described as follows:*Legal Description here.....or state that the NR boundaries, or reiterate those boundaries, as the boundaries being adopted for local designation if that is what is so desired at this time.*