

TOWN OF NEWBURGH
HISTORIC PRESERVATION COMMISSION
Rules and Regulations

The Newburgh Historic Preservation Commission's statutory mission is to assist in the preservation and protection of historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of historic districts created by the Town Council under 1C 36-7-11. Pursuant to 1C 36-7-11-4, the Commission has adopted these Rules and Regulations for the conduct of business before it.

In accordance with Newburgh Ordinance 1997-27, the Newburgh Historic Preservation Commission shall be composed of seven (7) members appointed by the Town Council for a term of three (3) years each. Commission members shall be residents of the Town of Newburgh who are interested in the preservation and development of historic areas of the Town. The Commission is authorized to nominate, as non-voting members, up to five (5) advisory members for approval by the Town Council. Advisory members need not be residents of the Town and shall serve a term of three (3) years each. The Town of Newburgh Zoning Administrator shall serve as Administrator to the Commission. The Commission shall annually elect, from its voting members, a Chairman and a Vice-Chairman. The Administrator shall serve as the Commission's Secretary.

RULE 1. COMMISSION FOCUS. The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in established historic districts. It has no authority regarding details of design, interior arrangements, or building features which are not subject to public view and may not make any requirement except for the purpose of preventing development, alteration, or demolition in an historic district obviously incongruous with the district.

RULE 2. CERTIFICATE OF APPROPRIATENESS. An application for a Certificate of Appropriateness shall be filed with the Commission's Administrator on forms provided by the Administrator. Drawings, photos, or renderings, if referenced in the application, shall be tendered to the Administrator. A twenty-five dollar (\$25.00) application fee shall also be included. Instructions for a Certificate of Appropriateness are contained in the *Newburgh Historic Preservation Guidelines* as amended June 8, 2006.

RULE 3. ASSIGNING NUMBER. The Administrator shall assign each application for a Certificate of Appropriateness a number which shall be made up of a number consisting of the year and a number assigned serially after a hyphen.

RULE 4. BURDEN OF PROOF. The burden is upon the applicant to prove the elements necessary for approval by the Administrator or Commission review. In the event of Commission review, failure of the applicant to receive a majority vote of a duly constituted quorum in favor of the application for a Certificate of Appropriateness shall be deemed a denial of the application by the Commission.

RULE 5. RECORD OF HEARINGS. All proceedings of the Commission shall be conducted publicly pursuant to legal notice. All hearings on applications for Certificates of Appropriateness shall be electronically recorded. Recordings shall be part of the record of the Commission and shall be retained by the Administrator.

RULE 6. JUDICIAL REVIEW. Decisions of the Commission are subject to judicial review, pursuant to 1C 4-21.5-5, as if the decision of the Commission were that of a State Agency.

RULE 7. REGULAR AND SPECIAL MEETINGS. The Commission shall meet at the Town Hall on a schedule to be adopted annually at the first meeting of the year. Special meetings may be called by the Chairman, or the Vice-Chairman in the Chairman's absence, or upon request of three (3) members of the Commission communicated to the Administrator. Notice of such special meetings shall be given to each member of the Commission and to the public according to law.

RULE 8. STANDARDS FOR REHABILITATION. *The United States Secretary of the Interior's Standards for Rehabilitation*, are herewith adopted by the Commission.

RULE 9. AFFIRMATION. Any person presenting evidence at any hearing on an application for a Certificate of Appropriateness shall affirm that such testimony is truthful.

RULE 10. ADMINISTRATOR'S ANALYSIS. The Administrator shall provide a written analysis of applications for Certificate of Appropriateness requiring Commission review and shall present such analysis at the hearing on the application.

RULE 11. ORDER OF PRESENTATIONS. At a Commission review, the Administrator shall first present an analysis of the application or issue before the Commission. Next the applicant shall present in favor of the application. The Commission shall then hear any remonstrators. The applicant shall close the public hearing by rebuttal, if any, to the remonstrance. The presiding officer may, in such officer's discretion, alter the order of presentation and reasonably limit the time for such presentations.

RULE 12. ADMINISTRATOR'S ISSUE. Certain work does not require review by the Commission. If the proposed work complies with the *Newburgh Historic Preservation Guidelines*, the Administrator may issue a Certificate of Appropriateness.

RULE 13. NON COMPLIANCE. If the proposed work does not comply with the *Newburgh Historic Preservation Guidelines* or if the Administrator determines the necessity for Commission review, the applicant shall then appear before the Historic Preservation Commission.

RULE 14. COMMISSION REVIEW. The following require Commission review as prescribed by IC 36-7-11-4.3:

- The demolition of a building.
- The moving of a building.
- The construction of an addition to a building.
- The construction of a new building.

RULE 15. REVIEW SCHEDULE. The Administrator will advise the applicant if Commission review is required and the scheduled date thereof.

RULE 16. ADMINISTRATOR'S REPORT. The Administrator shall present a list of all Certificates of Appropriateness issued by the Administrator since the last full Commission meeting at each Commission meeting.

RULE 17. EXEMPTIONS. A Certificate of Appropriateness is not required for the following actions relating to property in a District:

- Replacement of trees or shrubs, if the replaced item does not exceed four (4) feet at full maturity.
- Landscape maintenance, pruning of foliage, and replacement of plants with similar types and sizes of plants.
- Repair or replacement of existing sidewalks, driveway or steps, if repaired or replaced to match the existing style. This applies to steps that are not an integral part of a structure.
- Storm damaged areas of a roof, if the repaired surface matches the existing surface.
- Replacement of up to 50% of deteriorated roof shingles, if the replacement shingles match the existing remaining roof shingles.
- Repair or replacement of a flat roof, if the roof is not visible from the ground and the roof shape is not altered by the work.
- Replacement of gutters and downspouts, if the work is not visible from the ground or the replacement matches the existing gutters or downspouts.
- Removal of chain link, board on board, board and batten, basket weave, louver, split rail or stockade fences.
- Installation of a single wall mounted mail box near the main entrance of a structure.
- Mechanical equipment and accessories (air conditioners, roof fans, skylights, etc.) not visible from a public way.
- Any other work which, in the opinion of the Administrator, does not change the property from its present form and is done as normal maintenance to the property.

RULE 18. APPLICATION. Any application for a Certificate of Appropriateness shall remain valid for ninety (90) days after it has been filed.

References:

- 1: *The Secretary of the Interior's Standards for Rehabilitation*
- 2: IC 36-7-11, Chapter 11. Historic Preservation Generally
3. *Newburgh Historic Preservation Guidelines*, as amended June 8, 2006
4. Town of Newburgh Ordinance 1997-27, *An Ordinance Creating a Historic Preservation Commission*