

CHAPTER 158-HISTORIC DISTRICTS

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158.01 Purpose and Definitions

- (a) In order to:
 - (1) promote the educational, cultural and general welfare of the citizens of Richmond;
 - (2) insure the harmonious and orderly growth and development of the municipality;
 - (3) maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
 - (4) enhance property values and attract new residents;
 - (5) ensure the viability of the traditional Uptown area; and
 - (6) enhance tourism within the City of Richmond;

it is deemed essential by the City of Richmond that qualities relating to its history and harmonious outward appearance of its structures be preserved.

This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the City of Richmond through this ordinance to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the City and serve as visible reminders of its historic heritage.

- (b) Definitions: the following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular includes the plural, and the plural,

the singular. The word “shall” is always mandatory. The word “person” includes a firm, a partnership, limited liability company, unincorporated association, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

(1) Adjacent: any real property adjoining the property in question. This shall also include properties directly or diagonally across a street, alley or public way.

(2) Alteration: a material change in the external architectural features of any structure within an historic district.

(3) City: the City of Richmond, Indiana.

(4) Classifications of Structures or Buildings in Historic Districts

(a) Outstanding: the “outstanding” or “O” classification means that the structure or building has sufficient historic or architectural significance and is already listed, or is eligible for individual listing, in the National Register of Historic Places.

(b) Notable: a classification of “notable” or “N” means that the structure or building does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.

(c) Contributing: a “contributing” or “C” classification means the structure or building is at least 40 years old, but does not meet the criteria for an “O” or “N” classification. Such resources are important to the density or continuity of the area’s historic fabric. Contributing structures can be listed on the National Register only as part of an historic district.

(d) Non-Contributing: a structure or building classified as “non-contributing” or “NC” is property not described as one of the three above Historic classifications . Such properties may be less than 40 years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for the listing on the National Register.

(5) Commission: the Historic Preservation Commission established by this Chapter.

(6) Conservation District: a district established by ordinance in which the regulations are less stringent than in an Historic District.

(7) Demolition: the complete or substantial removal of any building or structure.

(8) Preservation Guidelines: locally developed criteria which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

(9) Historic District: a single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites designated by ordinance adopted pursuant to this chapter. Property not so designated will not be considered an Historic District within the terms of this title.

(10) Interested Party: any one of the following:

- (a) the Mayor.
- (b) the Common Council.
- (c) the Richmond Advisory Plan Commission.
- (d) a neighborhood association, a majority of whose members are residents of an historic district designated by an ordinance adopted under this chapter.
- (e) an owner or occupant of property located in an historic district established by an ordinance adopted under this chapter.
- (f) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.
- (g) the state historic preservation officer designated under I.C. 14-3-3.4-10.

(11) Routine Maintenance: in-kind work (e.g. replacing shingles with identical shingles) or work which would not require a building permit, and any change that is not construction, removal or alteration and for which no Certificate of Appropriateness is required, and specifically including painting.

(12) Streetscape: the appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e. g., street lights, trash receptacles, benches, etc.), the use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

(13) Visual Compatibility: those elements of design that meet the guidelines set out in Section 158.07 of this chapter.

158.02 Historic Preservation Commission Establishment and Organization

(a) Creation: pursuant to I.C. 36-7-11-4, there is hereby established the Historic Preservation Commission of the City of Richmond, Indiana (hereinafter referred to as the "Commission").

(b) Composition: the Commission shall consist of seven (7) voting members and one (1) non-voting advisory member appointed by the Unsafe Building Commission annually. The voting members shall be appointed by the Mayor of the City of Richmond, Indiana, subject to the approval of the Common Council of the City of Richmond, Indiana. The members of the Commission should include those interested in the preservation and development of historic areas and professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. Commission members shall serve without compensation and shall be residents of the City. (Ord. 15-2014)

(c) Term: members shall serve for a term of three (3) calendar years; however, in order for the terms to be staggered, the initial terms of members shall be as follows:

Two shall expire December 31, 2001;
Two shall expire December 31, 2002; and
Three shall expire December 31, 2003.

A vacancy shall be filled by the same appointment authority within ninety (90) days from the time of vacancy and the new member shall serve for the unexpired duration of the term of the member who is being replaced.

(d) Commission Administrator: a City administrator designated by the Mayor shall serve as the ex-officio administrator of the Commission. The administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue Certificates of Appropriateness as directed by the Commission.

(e) Officers: the Commission shall elect from its membership a Chairperson and Vice-Chairperson who shall each serve for one (1) year and who may be reelected.

(f) Rules: the Commission shall adopt rules consistent with this title for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(g) Meetings: Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings, and actions. The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

158.03 Powers and Duties of the Commission

(a) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in an Historic District or Conservation District. Areas of concern may also include viewsheds, landscapes, and streetscapes of historic importance. The Commission may not

consider details of design, interior arrangements, or building features, if those details, arrangements, or features are not subject to public view.

(b) The Commission shall conduct a survey, or may adopt existing surveys, to identify historic buildings, structures, and places located within the city.

(c) The Commission shall draw or have drawn and submit to the Common Council for its approval a map or maps describing the boundaries of any Historic District or Conservation District, as defined within this Chapter, it deems necessary for the City of Richmond. The Commission shall also issue a report to the Common Council, based upon its survey, which designates each building or structure shown within an Historic or Conservation District, pursuant to the classifications shown within the Definition section herein. Final approval of a Historic District or Conservation District shall be by Common Council Ordinance.

(d) The Commission or its designee shall approve or deny applications for Certificates of Appropriateness.

(e) The Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(f) The Commission may recommend that the City, the Richmond Redevelopment Commission, or others:

- (1) acquire any real or personal property, including easements, that is appropriate for carrying out the purposes of the Commission; and
- (2) sell, lease, rent, or otherwise dispose of real and personal property at a public or private sale.

158.04 Historic Districts, Conservation Districts and Guidelines

(a) Initiation of District: All recommendations for the establishment of an Historic District or Conservation District shall be in the form of a written report and must be based on the criteria outlined in this section. A recommendation for establishing an Historic District or Conservation District may be initiated from either of the following two (2) sources:

(1) Based on its survey, the Commission may draw maps and reports for Common Council approval, as described above.

(2) Owners of property wishing to establish an Historic District or Conservation District which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property to the Common Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

(b) Commission Preparation of Maps: In order to establish an Historic District or Conservation District, the Commission shall first prepare (or cause to be prepared) a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted or adopted by the Commission which identifies historic buildings, structures, and sites located within the City of Richmond, Indiana.

(2) A Historic or Conservation District may be limited to the boundaries of a property containing a single building, structure, or site, or may contain multiple contiguous buildings structures, or sites.

(c) Classification of Buildings: The Commission shall classify and designate on the map all buildings, structures, and sites within each Historic or Conservation District described on the map as follows:

- (1) Outstanding;
- (2) Notable;
- (3) Contributing; or
- (4) Non-Contributing/Non-Historic

(d) Notice and Approval of Owners: Before Common Council may adopt any ordinance establishing an Historic District or a Conservation District, all owners of property within the proposed district must be notified by Certified mail, return receipt requested, at least thirty days before any public hearing is held with respect to such ordinance. For purposes of this subsection, only owners of record in the office of the Wayne County Auditor need be notified at their addresses of record according to said office. In addition, at least fifty percent (50%) of the parcel owners (based upon individual number of parcels and not size of parcels) in a proposed Historic District or Conservation District must agree to the designation of being in such a District which agreement must be evidenced by a written petition signed by such owners prior to submission to Council. Such petition may be one and the same as a petition filed by residents to establish an Historic District or Conservation District.

(e) Conservation District: Notwithstanding anything to the contrary within this Chapter, before Common Council may adopt any ordinance establishing an Historic District, the area must first have been established as a Conservation District for at least three (3) years. At the end of the three (3) year period, the Commission may review the area and recommend elevating the District to an Historic District status (which will require the same notice and approval set forth with in Section 158.04(d)); continuing the status of a Conservation District; or removing all relevant status herein. Once established , a Conservation District or Historic District shall continue unless removed by ordinance.

(f) Common Council Approval of Maps of Historic Districts and Conservation Districts: Before an Historic District or Conservation District is established and the

building classifications take effect, the map setting forth the district's boundaries and building classifications must be submitted to, and approved in an ordinance by the Common Council, which may be in the same ordinance creating the District.

(g) Recording the Fact of Designation: The boundaries of any Historic District or Conservation District shall be recorded in the Office of the Wayne County Recorder.

(h) Additional Regulations: Each ordinance approved by Common Council establishing an Historic District or a Conservation District shall include any additional regulations or guidelines not contained in this chapter that will be applicable in said district to determine whether a Certificate of Appropriateness shall be issued. Each such ordinance shall be codified and placed in City Code as recommended by the City Law Department.

158.05 Interim Protection

(a) When submitting a map to the Common Council under this chapter, the Commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(b) Not more than two (2) working days after declaring a building, structure, or site to be under interim protection under this section, the Commission shall, by personal delivery or certified mail, provide the owner and occupant of the building, structure or site with a written notice of the declaration. For purposes of this subsection, only owners of record in the Office of the Wayne County Assessor need be notified at their addresses of record according to said office. The written notice must:

- (1) Cite the authority of the Commission to put the building, structure, or site under interim protection under this section;
- (2) Explain the effect of putting the building, structure, or site under interim protection; and,
- (3) Indicate that the interim protection is temporary.

(c) A building or structure put under interim protection under this section remains under interim protection until the map is approved or rejected in an ordinance by the Common Council of the City of Richmond, Indiana. If Common Council has not approved or rejected such an ordinance within 90 days after a building or structure is placed under interim protection, the Commission must reaffirm such interim protection status or it shall automatically cease. Interim protection may then continue up to an additional 90 days or until Common Council takes action on said ordinance as herein provided. Interim protection may only be reaffirmed one time, so that a building or structure may be under continuous interim protection for a maximum of 180 days. Once a building or structure ceases to be under interim protection, a one-year period must pass before it can again be placed under interim protection.

(d) While a building, structure, or site is under interim protection under this section:

- (1) The building, structure, or site may not be demolished or moved; and,
- (2) The exterior appearance of the building, structure, or site may not be conspicuously changed.

(e) The Commission may approve a Certificate of Appropriateness at any time during the Interim Protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in Section 158.06(e) of this chapter and any proposed preservation guidelines prepared for the building, structure, or site.

(f) The Historic Preservation Commission does not have authority to issue an interim protection order under this Chapter 158 once the Richmond Enforcement Authority has initially determined a property to be an unsafe or blighted property and a pre-hearing order has been issued and recorded by the Richmond Enforcement Authority in accordance with Richmond City Code Chapter 98 and Indiana Code 36-7-9. After a pre-hearing order has been issued and recorded for a property, the Richmond Enforcement Authority will seek a Continuous Enforcement Order from the Unsafe Building Commission in accordance with Chapter 98 and Indiana Code 36-7-9. The Richmond Historic Preservation Commission will not issue an interim protection order in accordance with this Chapter 158 for said property until such time as the property is brought into compliance as directed by a Continuous Enforcement Order issued by the Richmond Unsafe Building Commission under Richmond City Code Chapter 98 and Indiana Code 36-7-9. (Ord. 15-2014)

158.06 Certificates of Appropriateness (COA)

(a) Certificates of Appropriateness (COA) Required: A Certificate of Appropriateness must be issued by the Commission before a permit is issued for, or work is begun on, any of the following:

(1) In Historic Districts

- a) The demolition of any building or structure;
- b) The moving of any building or structure;
- c) A conspicuous change in the exterior appearance of any historic building (O, N, or C structures) or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs, by additions, reconstruction, or alteration (excluding routine maintenance);
- d) Any new construction of a principal building or accessory building or structure subject to view from a public way;
- e) A change in walls and fences, or the construction of walls and fences along public ways; or
- f) A conspicuous change in the exterior appearance on non-historic buildings (NC structures) subject to view from a public way by additions, reconstruction, and/or alteration (excluding routine maintenance).

(2) Conservation Districts

- (a) The moving of any building;
- (b) The demolition of any building; or
- (c) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(b) Application for Certificates of Appropriateness: An application for a Certificate of Appropriateness shall be made in the office of the Commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission.

(c) Approval or Denial of Certificates of Appropriateness: The Commission or its designee shall approve or deny applications for Certificates of Appropriateness. If an application for a Certificate of Appropriateness is approved, or is not acted on within thirty (30) days after it is filed, a Certificate of Appropriateness shall be issued. The Commission may grant an extension of the thirty-day limit with prior written approval of the applicant. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the Certificate of Appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the Certificate of Appropriateness is provided by the applicant with the application. If a building or demolition permit is not obtained within one year after a Certificate of Appropriateness is approved, said Certificate of Appropriateness shall expire and the applicant must reapply before obtaining a building or demolition permit.

(d) Re-Applications: If an application for a Certificate of Appropriateness is denied by the Commission, the applicant must wait at least one year before submitting a new application for the same work.

(e) Criteria for Considering Effect of Actions on Historic Buildings: The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of an historic building, structure, site or any part of or appurtenance to such building, structure, or site, including walls, fences, light fixtures, steps, paving, and signs, shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

- (1) The purposes of this chapter;
- (2) The historical and architectural value and significance of the building, structure, site or appurtenance;

- (3) The compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
- (4) The texture, material, style, and detailing of the building, structure, site or appurtenance;
- (5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
- (6) The relationship of buildings, structures, appurtenances, or architectural features similar to one within the same historic district, including for primary areas, visual compatibility as defined in Section 158.07(b) herein; and,
- (7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

158.07 Visual Compatibility

(a) Purpose: The purpose of this section is to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work. The construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance, or repair conspicuously affecting the external appearance of any building, structure, or appurtenance within the boundaries of the primary area of a structure within an Historic District must be generally of a design, form, proportion, mass, configuration, building material, texture, and location on a lot compatible with other buildings in the Historic District and with places to which it is visually related.

(b) Criteria for Considering Visual Compatibility Within Historic Districts: Within an Historic District, new buildings and structures, as well as existing buildings, structures, and appurtenances that are moved, reconstructed, materially altered, or repaired, must be visually compatible with buildings and places to which they are visually related. The following compatibility factors should be considered when applicable:

- (1) Height: the height of proposed buildings shall be visually compatible with adjacent buildings.
- (2) Proportion of Building's Front Facade: the relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares, and places to which it is visually related.
- (3) Proportion of Openings Within the Facility: the relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
- (4) Relationship of Solids to Voids in Front Facades: the relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
- (5) Rhythm of Spacing of Buildings on Streets: the relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, squares, and places to which it is visually related.

- (6) Rhythm of Entrances and Porch Projections: the relationship of entrances and porch projections of a building to sidewalks must be visually compatible with buildings, squares, and places to which it is visually related.
- (7) Relationship of Materials and Texture: the relationship of the materials and texture of the facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
- (8) Roof Shapes: the roof shape of a building must be visually compatible with buildings, squares, and places to which it is visually related.
- (9) Wall of Continuity: appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.
- (10) Scale of the Building: the size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings and places to which it is visually related.
- (11) Directional Expression of Front Elevation: a building shall be visually compatible with buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.

158.08 Staff Approvals of Certificates of Appropriateness

- (a) Subject to the provisions of subsection (b) herein, the Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a Certificate of Appropriateness.
- (b) The Commission must specify the types of applications for minor classifications of work that the staff of the Commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a Certificate of Appropriateness for the following:
 - (1) The demolition of a building, structure, or site.
 - (2) The moving of a building or structure.
 - (3) The construction of an addition to a building or structure.
 - (4) The construction of a new building or structure.
- (c) Any staff decision to deny a Certificate of Appropriateness may be appealed to the Commission by the property owner or other Interested Party by written notice to the Commission within thirty (30) days after the staff decision.

158.09 Appeal Provisions

(a) If the Commission denies the issuance of a Certificate of Appropriateness, the property owner may appeal said denial to Wayne County Circuit or Superior Court in accordance with I.C. 4-21.5-5.

(b) In addition to subsection (a), if the Commission denies the issuance of a Certificate of Appropriateness for the demolition of a building or structure, a request for reconsideration of a demolition permit may be made to the Commission in writing within six (6) months after the initial denial and the Commission shall grant such certificate, but only after the following is established:

(1) The property owner must demonstrate to the Commission that an historic building or structure is incapable of earning an economic return on its value, as established by a licensed and qualified real estate appraiser.

(2) The property owner shall file with the Commission documented evidence that a good faith effort is being made to sell or otherwise dispose of such property at fair market value to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such property. Such documented evidence shall be provided at the property owner's expense and shall include:

- (a) offering price;
- (b) date the offer of sale began;
- (c) name and address of listing real estate agent, if any;
- (d) a copy of an advertisement which offers the property for sale; and
- (e) an appraisal of the property's fair market value by a licensed real estate appraiser.

(3) Notice of the proposed demolition must be given for a period of no less than 90 days nor more than 1 year from the date of proposed demolition, according to the rating of the building as follows:

- (a) "O" (Outstanding) - 1 Year
- (b) "N" (Notable) - 9 Months
- (c) "C" (Contributing) - 6 Months
- (d) "NC" (Noncontributing) - 90 Days

(4) Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in the local newspaper one time not more than sixty (60) days nor less than thirty (30) days prior to expiration of the notice period established in subsection (3) herein.

(5) The Commission may approve a Certificate of Appropriateness at any time during the notice period under the above section, but shall be required to take action on the petition for reconsideration prior to the end of the notice period. If the Certificate is approved, a demolition permit shall be issued without further delay and demolition may proceed.

158.10 Maintenance

(a) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute and local code for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

(b) Nothing in this section shall be construed so as to prevent the ordinary repairs, maintenance and painting of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, location, or external visual appearance of any structure, or part thereof.

158.11 Relationship with Zoning Districts

(a) Zoning districts lying within the boundaries of a Historic District are subject to regulations for both the zoning district and the Historic District. If there is a conflict between the requirements of the zoning district and the requirements of the Historic District, the more restrictive requirements shall apply.

158.12 Enforcement, Penalties, and Judicial Review

(a) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this chapter shall be subject to a fine as follows, for each offense:

- (1) One hundred dollars (\$100.00) for demolition; and,
- (2) Fifty dollars (\$50.00) for all other offenses.

(b) Each day of the existence of any violation of this chapter shall be a separate offense.

(c) The erection, construction, enlargement, alteration, repair, demolition, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The City of Richmond, Indiana, may institute a suit for injunction in the Circuit or Superior Court of Wayne County to restrain any person or entity from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be

instituted by any property owner who is adversely affected by the violation of any provision of this chapter.

(d) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(e) Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review hereof in accordance with I.C. 4-21.5-5.

158.13 Severability

(a) If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

158.14 APPLICABILITY

(a) This Chapter shall be immediately applicable to all property within any designated Historic or Conservation District for which the owner has signed the original Petition requesting such District designation. It shall apply to all other property within a District upon the first transfer of ownership in such property by deed, contract, or inheritance, after the adoption date of the ordinance establishing the applicable District, or twenty (20) years from the date of adoption for such ordinance, whichever event shall first occur.

(Ord. 26-2000)