

## DIVISION 1. - GENERALLY

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### **Sec. 27-80. - Definitions.**

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

*Adaptive use* means the process of adapting a building to a use other than that for which it was designed, e.g., a piano factory being converted into housing or a mansion into offices. This may involve restoration and/or rehabilitation, and may be accomplished with varying changes to the appearance of a structure from minimal to major.

*Day* means any day other than a Saturday, Sunday or legal holiday; provided, however, that for the purposes of section 27-83, the term "day" means every day of the week.

*Exterior architectural feature* means the general arrangement and components of all of the outer surfaces of a building, structure, or object, including, but not limited to, the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building, structure or object.

*Historic, cultural or architectural significance* means that quality present in districts, sites, buildings, structures and objects having integrity of location, design, setting, materials, workmanship, feeling and association and that:

(1)

Is associated with events that have made a significant contribution to the broad patterns of our history;

(2)

Is associated with the lives of persons significant in our past;

(3)

Embodies the distinctive characteristics of a type, period or method of construction, that represents the work of a master, that possesses high artistic values, or that as a district represents a significant and distinguishable entity whose components may lack individual distinction; or

(4)

Has yielded, or may be likely to yield, information important to prehistory or history.

*Historic district* means a geographically definable area possessing a substantial concentration, linkage or continuity of sites, buildings, structures or objects united associationally by historic events or physically by historic plan, historic design or historic development within a contiguous configuration of land, designated by the unified government board of commissioners as having particular historic, cultural or architectural significance, and limited in size to that reasonable area needed to sustain the integrity and to maintain the proper identification of the district.

*Historic landmark* means any single site, building, structure or object designated by the unified government board of commissioners as having particular historic, cultural or architectural significance.

*Improvement* means any building, structure, wall, fence, steps, paving, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

*Normal maintenance and repair* means any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

*Preservation* means the application of measures designed to sustain the form and extent of a district, site, building, structure or object essentially as existing.

*Rehabilitation* means the process of returning a building, structure or object to a state of usefulness by repairs or alterations when its significance does not justify full restoration and when its condition or proposed use precludes preservation in its existing form.

*Restoration* means the process of accurately recovering, by the removal of later work and the replacement of missing earlier work, the form and details of a building, structure or object, together with its setting, as it appeared at a particular period of time.

(Code 1964, § 2-26(2); Code 1988, § 27-76; Ord. No. 49004, § 2, 9-1-1970; Ord. No. 63524, § 1, 11-12-1981; Ord. No. 64598, § 1, 2-2-1984)

**Cross reference**— Definitions generally, § 1-2.

## **Sec. 27-81. - Policy.**

(a)

The unified government board of commissioners finds and declares that the present and future economic and general welfare of the people of the city and of the public generally are founded on the contributions of the past. Many of these contributions are manifested in districts, sites, buildings, structures and objects that reflect the richness and diversity of the city's history by their design, association and integrity. The history so reflected includes the emigrant Indian tribes, the struggle against slavery, the railroads and the opening of the West, the Kansas Fever Exodus of 1879—1880, the development of major industries and the arrival of European immigrants, and all those factors attendant on the growth and development of a midwestern urban area.

(b)

The unified government board of commissioners further finds that many historic properties have been lost through demolition and destructive rehabilitation, notwithstanding the feasibility of preserving and continuing the use of such properties and without adequate consideration of the irreplaceable loss to the people of the city of the historic, cultural and architectural values represented by such sites, buildings, structures and objects. In addition, distinct areas and districts may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. It is the sense of the unified government board of commissioners that the economic and general welfare of the city cannot be maintained or enhanced by disregarding the historic, cultural and architectural heritage of the city and by countenancing the destruction of such assets.

(Code 1964, § 2-26(1)(A); Code 1988, § 27-77; Ord. No. 49004, § 2, 9-1-1970; Ord. No. 63524, § 1, 11-12-1981; Ord. No. 64598, § 1, 2-2-1984)

## **Sec. 27-82. - Purpose.**

The purposes of this article are:

(1)

To identify, protect, enhance and perpetuate districts, sites, buildings, structures and objects that represent or reflect distinctive and important elements of the city's historic, cultural and architectural heritage.

(2)

To safeguard the city's historic, cultural and architectural heritage as embodied and reflected in such districts, sites, buildings, structures and objects.

(3)

To stabilize and improve property values in such locations.

(4)

To encourage the conservation and preservation of neighborhoods having distinct historic, cultural or architectural characteristics.

(5)

To foster civic pride in the beauty and noble accomplishments of the past.

(6)

To protect and enhance the city's attractions for tourists and visitors and provide incidental support and stimulus to business and industry.

(7)

To strengthen the economy of the city.

(8)

To promote the use of historic landmarks and historic districts for the culture, economy, education and welfare of the people of the city.

(9)

To promote the safety, health, morals and general welfare of the city as a whole.

*(Code 1964, § 2-26(1)(B); Code 1988, § 27-78; Ord. No. 49004, § 2, 9-1-1970; Ord. No. 63524, § 1, 11-12-1981; Ord. No. 64598, § 1, 2-2-1984)*

### **Sec. 27-83. - Compliance, violations and penalty.**

(a)

It shall be unlawful for any person to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze, maintain, excavate, zone, or place signs in or on any historic landmark or within a historic district in violation of the provisions of this article.

**(b)**

In addition to other remedies, the city may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful construction, restoration, demolition, razing, maintenance, excavating, zoning or placement of a sign to restrain, correct or abate such violation.

**(c)**

Any person violating any provision of this article shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted, and each offense shall be punishable by a fine of not more than \$200.00.

*(Code 1964, § 2-26(8)(A)(2), (B); Code 1988, § 27-79; Ord. No. 49004, § 2, 9-1-1970; Ord. No. 63524, § 1, 11-12-1981; Ord. No. 64598, § 1, 2-2-1984)*

**Sec. 27-84. - Enforcement.**

The building official shall enforce this article.

*(Code 1964, § 2-26(8)(A)(1); Code 1988, § 27-79; Ord. No. 49004, § 2, 9-1-1970; Ord. No. 63524, § 1, 11-12-1981; Ord. No. 64598, § 1, 2-2-1984)*

**Secs. 27-85—27-111. - Reserved.**