

ORDINANCE NO. 2234

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO COMMITTEES AND COMMISSIONS; TO AMEND SECTION 10-1810 OF THE CRETE MUNICIPAL CODE; REQUIRING A PUBLIC HEARING FOR ALL REQUESTS TO ALTER OR DEMOLISH HISTORICAL SITES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That Chapter 2, Article 18, Section 2-1810 of the Crete Municipal Code be amended as follows:

2-1810 Landmarks and Landmark Districts; Actions Subject to Review; Certificate of Appropriateness; Procedure

- (1) No person shall carry out or cause to be carried out any action, for which a building or demolition permit is required by the City, on a landmark or property within a landmark district unless a certificate of appropriateness has been issued. All such actions shall be subject to the controls, standards, and procedures set forth in this section.
 - a. For the purposes of this section, action includes, but is not limited to, (i) any act or process that changes, obstructs, or is incompatible with the historic character of a landmark or property within a landmark district; (ii) changes to one or more of the significant historical features of any landmarks or property within a landmark district; (iii) demolition or partial demolition of a landmark or property within a landmark district; (iv) changes to noncontributing properties within a landmark district; (v) the construction of new structures within a landmark district; or (vi) additions to existing structures.
- (2) Prior to the commencement of any work requiring a certificate of appropriateness, the property owner shall file an application for such a certificate with the City in the form and manner prescribed by the City Administrator. All applications shall be reviewed by the City for completeness before being forwarded to the Historic Preservation Commission for action no later than thirty (30) days after receipt by the City Administrator,
 - a. All plans, projects, proposals, evaluations, specifications, sketches, and other information required by the application shall be made available to the Commission by the property owner or the City, along with a copy of the applications for a building or demolition permit and certificate of zoning compliance.
- (3) The Historic Preservation Commission shall review every request for a certificate of appropriateness at a public meeting and ~~may will~~ hold a public hearing ~~if deemed necessary~~. Notice of the public meeting and any associated public hearing shall be mailed to the property owner not less than ten days prior to the date of the meeting.
- (4) The Historic Preservation Commission shall apply the following criteria when evaluating a request for a certificate of appropriateness:
 - a. Actions taken on a landmark shall be compatible with its historic character and meet the Secretary of the Interior's Standards for Rehabilitation and such other landmark design guidelines as may have been adopted.
 - b. Actions taken on property within a landmark district shall be compatible with the historic character of the district and meet the Secretary of the Interior's *Standards for Rehabilitation* and such other district design guidelines as may have been adopted.
 - c. New construction in a landmark district shall be compatible with all city design standards and any additional zoning regulations that apply to Landmark Overlay Districts.
- (5) The Historic Preservation Commission may approve, approve with modifications, or deny an application for a certificate of appropriateness. In considering the appropriateness of any actions

and whether any modifications shall be required, the Commission shall consider the following items:

- a. The purposes of this Act, any state laws relating to historic preservation, and the National Historic Preservation Act of 1966;
 - b. The historic and architectural value and the significance of the landmark or properties within the landmark district;
 - c. The integrity of design, location, setting, feeling, association, materials, or workmanship of the property and its accessory structures;
 - d. Any alterations, additions, or new construction, including accessory structures, to the property;
 - e. The relationship of the property's historic features to similar features of other properties within the neighborhood or landmark district; and
 - f. The relationship of the property to the public streets and rights-of-way.
- (6) The Historic Preservation Commission shall, after applying the criteria specified in subsection (4) and considering the items listed in subsection (5), take one of the following actions:
- a. If the proposed actions meet the criteria specified in subsection (4) and are determined to be appropriate under subsection (5), the Commission shall issue a certificate of appropriateness with modifications.
 - b. If certain modifications or conditions are required by the Commission in order for the proposed actions to meet the criteria specified in subsection (4) or be appropriate under subsection (5) and the property owner agrees to such modifications or conditions, the Commission shall issue a certificate of appropriateness with modifications.
 - c. If the proposed actions cannot meet the criteria specified in subsection (4) or are not appropriate under subsection (5) or if the property owner does not agree to any required modifications or conditions, the Commission shall deny a certificate of appropriateness.
- (7) The decision of the Historic Preservation Commission to issue or deny a certificate of appropriateness shall be accompanied by written findings of fact, which shall become part of the permanent record specified in Section 2-1808(5).
- (8) The Historic Preservation Commission shall provide a copy of the decision to issue or deny a certificate of appropriateness, the written findings of fact, and a detailed description of any required modifications or conditions to the Building Inspector within five days after the decision is made. The Building Inspector shall not permit any actions to be taken on the property unless a certificate of appropriateness, and any modifications or conditions associated therewith, has been issued for such actions. No changes shall be made in the property owner's application for a building or demolition permit after a certificate of appropriateness has been issued unless the changes have been resubmitted to the Commission and approved in the same manner as provided herein.

Section 2. That the changes specified in the above section shall be codified as part of the Crete Municipal Code as stated herein.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 4. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 5. This ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED AND ENACTED the 4th day of February 2025.

Mayor

ATTEST:

City Clerk

Seal