

ORDINANCE NO. 2227

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO COMMITTEES, COMMISSIONS, AND BOARDS; TO AMEND SECTIONS 2-1802, 2-1806, 2-1807, 2-1808, 2-1810 OF THE CRETE MUNICIPAL CODE; TO AMEND ORDINANCES FOR THE PURPOSE OF RECEIVING CERTIFIED LOCAL GOVERNMENT DESIGNATION; TO REMOVE PART OF THE DEFINITION FOR ALTERATION; GRANTING THE AUTHORITY TO DESIGNATE LANDMARKS AND LANDMARK DISTRICTS; AND TO INCLUDE TIME LIMITS FOR SUBMITTING INFORMATION TO THE COMMISSION AND CITY COUNCIL

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

Section 1. That Chapter 2, Article 18, Section 2-1802 of the Crete Municipal Code be amended as follows:

2-1802 Act; Definitions

For the purpose of the Historic Preservation Act, unless the context otherwise requires, the following definitions shall apply:

- (1) "Alteration" means any act or process that may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property as a landmark or part of a landmark district ~~or for inclusion in the National Register~~ in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.
- (2) "Certificate of Appropriateness" means a certificate from the Historic Preservation Commission approving plans for work on a historic property, alterations, demolition, or new construction within a landmark district.
- (3) "Commission" means the Historic Preservation Commission established by Section 2-1803.
- (4) "Compatible" means the general design and character of propose work to a landmark or property within a landmark district is consistent with the Secretary of Interior's standards for Rehabilitation and associated design guidelines.
- (5) "Design guidelines" means the design criteria for all work, alterations, renovations, and new construction, which includes applying the Secretary of the Interior's *Standards for Rehabilitation*.
- (6) "Landmark" means any single building, site, structure, object, or improvement that has special historical or cultural significance to the City of Crete, State of Nebraska, or the United States of America, or an integrated group of any of the above that are on a single lot or parcel that has been designated as a landmark pursuant to this Act.
- (7) "Landmark District" means an area or section of the city that contains a significant number of buildings, sites, structures, objects, or improvements that, when considered as a whole possess historical or cultural significance to the City of Crete, State of Nebraska, or the United States of America.
- (8) "National Register of Historic Places" or "National Register" means the official list of historic properties that have local, state, or national significance maintained by the United States Department of the Interior, National Park Service.
- (9) "Property" means a building, site, structure, object, or improvement.
- (10) "Rehabilitation" means the act or process of making possible an efficient compatible use for a property through repair, renovations, or additions while preserving those portions or features that convey its historical, cultural, or architectural values.
- (11) "Secretary of the Interior's *Standard for Rehabilitation*" means the standards promulgated by the United States Department of Interior, National Park Service to guide rehabilitation work on historic properties.
- (12) "Secretary of the Interior's *Standards for Identification and Registration*" means the criteria and procedures for the designations of historic properties promulgated by the United States

Section 2. That Chapter 2, Article 18, Section 2-1806 of the Crete Municipal Code be amended as follows:

2-1806 Commission; Powers And Duties

The Historic Preservation Commission shall have the power and duty:

- (1) To conduct ongoing surveys of the community to identify and maintain an inventory of historic and cultural properties and their potential eligibility as local landmarks or landmark districts;
- (2) To adopt criteria and procedures for the survey, evaluation, and designation of local landmarks and landmark districts that are consistent with this Act and the Secretary of the Interior's *Standards for Identification and Registration*;
- (3) To designate local landmarks and landmark districts following the criteria established in Section 2-1808;
 - ~~(3)~~ ~~(4)~~ To maintain and preserve a register of all properties that have been designated as local landmarks, are located within a landmark district, or are listed on the National Register of Historic Places;
 - ~~(4)~~ ~~(5)~~ To prepare and process nominations of properties potentially eligible for listing in the national Register of Historic Places and comment on properties nominated;
 - ~~(5)~~ ~~(6)~~ To advocate for the benefits of historic preservation and rehabilitation and the value in protecting and enhancing properties that have historical or cultural value;
 - ~~(6)~~ ~~(7)~~ To advise city officials regarding the preservation of properties having historical or cultural value;
 - ~~(7)~~ ~~(8)~~ To participate in all building and zoning processes that affect proposed or designated landmarks or landmark districts, which includes:
 - (a) Recommending zoning regulations or amendments that are appropriate for the protection and preservation of landmarks or landmark districts;
 - (b) Reviewing proposed zoning regulation amendments that may affect historic properties;
 - (c) Reviewing applications and providing recommendations on special use permits and variances; and
 - (d) Reviewing applications and holding public hearings on proposed work on landmarks or properties within landmark districts;
 - ~~(8)~~ ~~(9)~~ To adopt the Secretary of the Interior's *Standards for Rehabilitation* and historic design guidelines for the review of landmarks and properties within landmark districts;
 - ~~(9)~~ ~~(10)~~ To cooperate with all local, state, and federal agencies, departments, boards, and commissions in any matters relating to historic properties and historic or cultural preservation; and
 - ~~(10)~~ ~~(11)~~ To prepare and submit an annual report of its past actions and future goals to the City Council in September of each year.

Section 3. That Chapter 2, Article 18, Section 2-1808 of the Crete Municipal Code be amended as follows:

2-1808 Landmarks and Landmark Districts; Eligibility; Procedure for Designation

- (1) A landmark or landmark district shall possess integrity of design, location, setting, feeling, association, materials, or workmanship. To be eligible for designation, a proposed landmark or landmark district shall be at least fifty years of age, unless exceptional significance can be demonstrated, and meet on or more of the following criteria:
 - a. Be the site of or associated with a specific historic event;
 - b. Be associated with a pattern of events or a historic trend that contributed significantly to the broad pattern of history or culture of the community;
 - c. Be associated with the life of a significant historic person;
 - d. Exemplify the cultural, historical, political, educational, social, or aesthetic values of the

- community;
- e. Embody the distinctive characteristics of a style, type, period, or method of architecture or construction, represent the work of a master craftsman or artisan, possess high artistic value, or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - f. Exhibit archeological significance by yielding or being likely to yield important information regarding history or prehistory.
- (2) Landmark or landmark district designations may be proposed by the Historic Preservation Commission or city officials or may be petitioned by any person, owner, resident, or group thereof. Any proposal or petition shall be filed with the City Clerk and shall include all of the information required by the City and the Commission, including, but not limited to, a description of the proposed landmark or landmark district and a statement of the historic or cultural significance that justifies the designation. In the case of a landmark district, provisions shall be made to define an accurate boundary and to identify properties that contribute to the historical significance of the district and those that, because of age or lack of integrity, do not contribute.
 - (3) The Historic Preservation Commission or a subcommittee thereof shall review proposals and petitions to determine whether the proposed landmark or landmark district is eligible for designation according to the criteria listed in subsection (1). If the proposed landmark or landmark district is deemed eligible, the Commission shall hold a public meeting to discuss the designation and may approve, disapprove, or modify the proposal or petition of a landmark or landmark district. The Commission shall notify the proposer or petitioners of any actions taken within ten days of the public meeting.
 - (4) The Historic Preservation Commission shall hold a public hearing on all proposed landmarks or landmark districts. Notice of the time, place, and purpose of the public hearing shall be given in a legal newspaper of general circulation in the City not less than ten days prior to the date of the hearing and shall be mailed to all current property owners of the proposed landmark or of parcels within the proposed landmark district. For the purpose of notice, the names and addresses shown by the county property tax records shall be used to determine the current property owners. This subsection shall not apply if all property owners of a proposed landmark or of property within a proposed landmark district petitioned for the landmark or landmark district designation.
 - (5) A record of all pertinent information, evidence, testimony, and objections shall be made for each proposed landmark and landmark district and shall be maintained by the Historic Preservation Commission and the City as a permanent public record.
 - (6) Proposed landmarks shall not be approved if the property owners explicitly object to the designation. Proposed landmark districts shall not be approved if the property owners of fifty-one percent (51%) or more of the front footage of the parcels to be included within the proposed district explicitly object to the designation.
 - (7) Approved proposals and petitions shall be submitted to the City Council for final approval and designation within fourteen (14) days of approval by the Historic preservation commission. The City Council shall take into consideration the record created by the Historic Preservation Commission pursuant to subsection (5) and may hold a public hearing if deemed necessary. If a public hearing is held, notice shall be given in the same manner as prescribed in subsection (4). Designations shall be made by ordinance or resolution.
 - (8) Within seven days after enactment of an ordinance or adoption of a resolution designating property as a landmark or a set of properties as a landmark district, the City shall send a copy of such ordinance or resolution and a letter outlining the basis of such designation and the obligations and restrictions that result from such designation to the current property owners of the landmark or of property within the landmark district.

Section 4. 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 landmark 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 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 the property within a landmark district shall be compatible with the historic character of the district and meet the Secretary of the Interior's *Standard 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.
 - 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 or 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 5. That the above section shall be codified as part of the Crete City Code as stated herein.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 17th day of December 2024.

Mayor

ATTEST:

City Clerk

Seal