

**Resolution No: 2022-02**

**A RESOLUTION RECOMMENDING THAT THE AVILLA TOWN COUNCIL OF THE TOWN OF AVILLA, INDIANA, APPROVE A PROPOSAL INITIATED BY THE PLAN COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE**

WHEREAS, The Plan Commission of the Town of Avilla did on July 6, 2022 hold a legally advertised public hearing on an amendment to the text of Section 3 of the Code of Laws of the Town of Avilla, Indiana, which is the zoning ordinance of said town until all objections and remonstrances were heard; and

**WHEREAS**, Restore Avilla, a member of Indiana Main Street on behalf of the Town of Avilla Indiana, has prepared and proposed zoning regulations for historic preservation in the downtown Central Business District; and

**WHEREAS**, the Plan Commission of the Town of Avilla Indiana has reviewed, amended and approved the proposed zoning regulations for historic preservation in downtown Avilla; and

WHEREAS, the Plan Commission proposes that said zoning ordinance be amended to include regulations for Design Guidelines for the Central Business Historic District Overlay as an overlay district for only the Central Business zoning district in downtown Avilla; and

WHEREAS, the Plan Commission proposes that said ordinance be added as:

**Section 3.7**

Design Guidelines for the Central Business Historic District Overlay

NOW, THEREFORE, BE IT RESOLVED, That the Plan Commission of Avilla, Indiana, certifies that said commission makes a favorable recommendation to the Town Council of Avilla, Indiana, that proposed Ordinance # 1646-7-22 Design Guidelines for Central Business Historic District Overlay amending the text of the zoning ordinance be adopted.

\_\_\_\_\_ Date

\_\_\_\_\_ President, Plan Commission

\_\_\_\_\_ Secretary, Plan Commission

**ORDINANCE NO. 1646-7-22**

**AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF AVILLA, INDIANA**

**WHEREAS**, the Town of Avilla has previously enacted a Replacement Zoning Ordinance for the Town of Avilla, Indiana; and

**WHEREAS**, Restore Avilla, a member of Indiana Main Street on behalf of the Town of Avilla Indiana, has prepared and proposed zoning regulations for historic preservation in the downtown Central Business District; and

**WHEREAS**, the Plan Commission of the Town of Avilla Indiana has reviewed, amended and approved the proposed zoning regulations for historic preservation in downtown Avilla; and

**WHEREAS**, the Plan Commission of the Town of Avilla Indiana has determined it is in the best interest of the citizens to amend the text of the Zoning Ordinance of the Town of Avilla to include the addition of zoning regulations for Design Guidelines for the Central Business Historic District Overlay as an overlay district for only the Central Business zoning district in downtown Avilla; and

**WHEREAS**, the Plan Commission of the Town of Avilla conducted a Public Hearing on July 6, 2022 for purposes of the citizens of the Town of Avilla and its jurisdictional area to make comment upon the proposed amendment to the text of the Avilla Zoning Ordinance.

**NOW THEREFORE BE IT ORDAINED** that the Zoning Ordinance of the Town of Avilla is hereby amended to include as:

**Section 3.7**

Design Guidelines for the Central Business Historic District Overlay

**ALL OF WHICH IS ORDAINED AND PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

AVILLA TOWN COUNCIL

\_\_\_\_\_  
Philip Puckett, Jr., President

\_\_\_\_\_  
William Krock, Jr., Member

ATTEST:

\_\_\_\_\_  
Paul Shepherd, Member

\_\_\_\_\_  
Rita Grocock, Clerk/Treasurer

# DESIGN GUIDELINES FOR THE CENTRAL BUSINESS HISTORIC DISTRICT OVERLAY

## Sections

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- 4 DESIGN REVIEW PROCESS: HOW IT WORKS
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- (b) Replacement of up to 50% of deteriorated roof shingles on any roof surface if they match the existing roof shingles.
- (c) Repair or re-roofing of any flat roof provided it is not visible from the ground and its shape is not altered.

(B) Below is a list – not an exhaustive list – of the common reasons a Certificate of Appropriateness is required.

- (1) Window or door replacement.
- (2) Cornice replacement/removal/ restoration.
- (3) Additions.
- (4) Exterior paint colors.
- (5) Signs/awnings.
- (6) Demolition.
- (7) Relocation of a structure.
- (8) New construction.
- (9) Storefront renovation.
- (10) Tuck pointing.
- (11) Antennas/satellite dishes.
- (12) Air conditioners.
- (13) Fencing.
- (14) Siding.

#### SECTION 6 AWNINGS AND CANOPIES.

- (A) An awning is a sloped projection from a building facade, historically metal with a cloth covering, while a canopy is a flat projection.
- (B) Design guidelines.
  - (1) New awnings shall be made of canvas or other durable fabric.
  - (2) Unless deteriorated beyond repair, metal awnings that have historical significance shall be retained.
  - (3) The color of the awning shall complement the color of the building, and patterns shall be simple. Themed designs and backlights are prohibited.
  - (4) The positioning of awnings shall be designed to complement other facade elements, such as windows and doors, and shall not detract from the integrity of such elements.
- (C) Helpful tips.
  - (1) Use awnings to prevent harmful UV rays from entering a storefront or upper floors.
  - (2) Awnings help protect customers and pedestrians from the elements.
  - (3) Awnings provide a great place for signage for a business.
  - (4) Use awnings to add color to the building.

#### SECTION 7 CORNICES.

- (A) Cornices are an important element to historic commercial buildings because they form a visual “cap” on a building, can give a building a unique identity, and contribute to the horizontal alignment of a streetscape. Generally, cornices are made of brick, metal or wood.
- (B) Design guidelines.
  - (1) Retain and repair existing original cornices.

- (6) Storm windows shall have minimal visual impact on the historic windows. This can be achieved by painting the window, matching the location of the rails, and not covering detail.
- (7) If a window has deteriorated beyond repair, window replacements shall match the original or the style of the building in proportion, pane configuration, profile, texture and color.
- (8) True divided lights are encouraged.

#### SECTION 10 FOUNDATIONS.

- (A) Foundations found above ground level are often of rough or cut stone or brick. Some have windows or grills to provide light in the basement or crawl space or to create circulation.
- (B) Design guidelines.
  - (1) New concrete block/concrete/brick foundations shall be faced to blend with surrounding buildings.

#### SECTION 11 GUTTERS AND DOWNSPOUTS.

- (A) Gutters and downspouts serve the important purpose of collecting and channeling water away from a building and preventing moisture damage. Besides serving an essential function, gutter systems also add to the aesthetics of a historic building. Gutter systems may be constructed of historic building materials, a part of a unique design, or have their own design characteristics. Gutters usually fall into two categories, including hung or built-in. Often, gutters were built in, and some even formed the crown molding of a building. It is very important to remove debris from the gutters on a regular basis. Make sure that the downspouts are secure and that the water is running away from the building and into a street or alley. (Gutters should be appropriately routed)
- (B) Design guidelines.
  - (1) Repair gutters and downspouts. If gutters and/or downspouts have deteriorated beyond repair, the new materials shall match the appearance of the original as closely as possible.
  - (2) New gutters and downspouts shall not cover important architectural features.

#### SECTION 12 MASONRY; CLEANING.

- (A) Abrasive cleaning methods, although a quick way to achieve results, will cause severe damage by eroding the protective surface of a masonry building. Once the protective surface is removed, the exposed material will be highly susceptible to rapid deterioration. It is suggested that professionals be consulted if building materials need to be cleaned.
- (B) Design guidelines.
  - (1) Use the gentlest means possible cleaning a building. A test patch will determine the cleaner's effects on the material.
  - (2) Never sandblast or use other strong chemicals on masonry or wood buildings.
  - (3) Protect surrounding buildings that are not being cleaned.

#### SECTION 13 MASONRY; TUCK POINTING.

- (A) Lime-based mortars are found in historic masonry buildings. Portland cement, although commonly used today, is destructive to historic masonry because Portland cement mortar is much harder than the masonry brick or stone. Therefore, when the wall expands and contracts with changes in temperature, the bricks "give" rather than the mortar. The visual impact is also an important

greatly to the historic character of the buildings and the entire district and shall be retained. The primary historic building materials found in downtown Avilla include brick, glazed brick and limestone.

- (B) A good general rule when choosing wall materials is that nothing will be more appropriate than the original materials. Adding aluminum or vinyl generally requires covering up or removing decorative molding or trim and makes projecting details like doors and windows become flush or inset. This takes away the dimension of the building and makes it look flat, which causes a negative impact to not only the building, but also to the historic district.
- (C) Siding shall not be installed over brick.
- (D) Design guidelines.
  - (1) Original materials and historic siding shall be preserved and repaired.
  - (2) If the existing historic materials or siding is irreparable, deteriorated or missing, the substitute materials shall match the original in properties, proportion and appearance.
  - (3) The use of artificial siding is prohibited in the district.
  - (4) Siding shall be installed only without irreversibly damaging, removing or obscuring the architectural features and historic materials of a building and shall cover only areas that were originally covered by siding.

#### SECTION 17 MAINTENANCE.

- (A) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.
- (B) Maintenance tips.
  - (1) Periodically inspect the building or structure for water and other problems.
  - (2) Try to correct the source of any problem right away, not just the symptoms. This will save time, money and effort in the long run.
  - (3) Keep property in good repair.

#### SECTION 18 NEGLECT.

- (A) If a building in the Historic District suffers from any neglect from the owner, such as broken windows, doors or canopies, the responsible party will be notified in writing that repairs must be made in a timely manner.
- (B) The Town will follow building code guidelines when dealing with this section.

#### SECTION 19 DEMOLITION.

Demolition refers to the substantial deterioration or complete or substantial removal or destruction of any structure. The loss of a historic building that contributes to the district will negatively impact the visual quality and cohesiveness of the area. All demolition within the Historic District must be approved by the Plan Commission or Zoning Administrator.

#### SECTION 20 NEW CONSTRUCTION.

## SECTION 21 PERMANENT SIGNAGE.

- (A) A pleasing physical appearance and image is beneficial when attracting potential customers and business. In historic areas, people are attracted to the variety of architectural styles, materials and well-crafted details. For this reason, there is no need to have large, unsightly signs to lure customers; instead use well-placed and well-designed signs.
- (B) Historically, buildings from the late 1800s and early 1900s featured signs that were located on flat, continuous surfaces of a building. Spaces for signs typically included glass windows and doors, between the ground and second floors of a building, portions of the cornice and side walls. After the 1920s, signage often projected perpendicularly from the wall to attract passing automobiles.
- (C) The following are some typical design types:
- (1) Projecting-leading edge extends perpendicularly from a building wall.
  - (2) Suspended-hung from underneath an awning or canopy
  - (3) Flush-mounted wall - attached directly to the face of an exterior wall, parallel to the building.
  - (4) Wall painted - usually painted directly on a side wall, often faded with age.
  - (5) Masonry relief - carved into stone or cast into molded brick or terra cotta.
  - (6) Painted glass - painted directly onto storefront display windows or glass doors.
  - (7) Transom - painted on, colored or stained glass, spelling out a store's name above the display windows.
- (D) Design guidelines.
- (1) Historically significant signs shall be retained and repaired.
  - (2) Acceptable signs include projecting, flush-mounted wall, painted glass, transom or masonry relief signs.
  - (3) Projecting signs shall not exceed 18 inches in height.
  - (4) The length of flush-mounted wall signs shall be no more than two-thirds of the width of the building, and the height shall not exceed 20% of the sign's length.
  - (5) Signs shall complement and fit in with existing facade in color, composition and materials. Plywood, barn wood or other homemade signs are prohibited.
  - (6) Signs shall not cover architectural elements or obscure the display area.
  - (7) A letter style shall be chosen that is easy to read. Because the contrast between lettering and background greatly influences legibility, light-colored letters on a dark background are preferred. Letter sizes shall be between eight and 18 inches.
  - (8) Illuminated signs shall use an indirect lighting method, such as overhead or gooseneck lights. Internally lit signs and fluorescent lighting will be considered on a case-by-case basis. Neon lighting is discouraged.
  - (9) Refer to existing signage guidelines in the Avilla Zoning Ordinance.
- (E) Tips for filling out a COA application and approval by Zoning Administrator for signage:
- (1) Include exact location, dimensions and area of the sign.
  - (2) Include exact message of the sign (lettering and graphics).
  - (3) Include sign colors and materials, and method of illumination (if applicable).
  - (4) Include the method that will be used to fasten or support the sign.

of Avilla Zoning Administrator who will set a date for the appeal to be heard by the Avilla Board of Zoning Appeals.

#### SECTION 27 COMPLIANCE.

All repairs and improvements must comply with the current International Code Council Building Codes.

#### SECTION 28 PENALTY.

- (A) Any person, firm or corporation who violates any of the provisions of this chapter will be subject to fines outlined in § 150.99 PENALTY.
- (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, color change, 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 Town may institute a suit for injunction in the Circuit Court or Superior Court of Noble County to restrain any person or government unit 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 Plan Commission shall be entitled to a judicial review hereof in accordance with IC 4-22-1



APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

INSTRUCTIONS TO APPLICANT

ALL REQUESTED INFORMATION MUST BE COMPLETED ON OR ACCOMPANY THIS APPLICATION. Use N/A if not applicable.

This application is hereby made for a Certificate of Appropriateness (COA) as required under the stipulations of which requires that *no exterior portion of any structure (including color change, wall, fences, light fixtures, steps, parking lots, or other appurtenant features) utility, or sign shall be erected, altered, restored, moved, or demolished* until an application of a Certificate of Appropriateness has been submitted and approved by Avilla Plan Commission.

Note: This issuance of the Certificate of Appropriateness to the applicant certifies that the project is appropriate for the designated Historic District, it is NOT a permit to construct, remodel, or demolish. The applicant is responsible to obtain any and all other necessary permits including a building permit or façade grant application.

A. LOCATION OF PROJECT

Address of property where work is to be done:

\_\_\_\_\_

For vacant lots or demolition only:

Legal Description of Property: (description by lot number, block, and subdivision name)

\_\_\_\_\_

\_\_\_\_\_

B. APPLICANT INFORMATION

Name: \_\_\_\_\_

Address/City: \_\_\_\_\_

Phone Home: \_\_\_\_\_ Work: \_\_\_\_\_

Property Interest of applicant: (Check One)

OWNER     CONTRACTOR     ARCHITECT     PURCHASER

Other (please specify) \_\_\_\_\_

C. OWNER OF PROPERTY ( Use N/A if same as applicant)

Name: \_\_\_\_\_

Address/City: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

D. CURRENT USE OF PROPERTY

- Residential Single Family     Two Family     Multi-Family     Commercial
- Institutional/Educational     Vacant Lot     Other (please specify) \_\_\_\_\_

Will use or zoning change under the proposed work?     YES     NO

If so, please specify: \_\_\_\_\_

E. DESCRIPTION OF WORK TO BE DONE

The proposed work will be for (check all that apply):

- Primary structure/house     Secondary structure (or garage)
- Site     Exterior Work     Fencing/Landscaping     Addition
- New Construction     Moving a Structure     Demolition (partial or complete)

Describe the work in detail (including materials, colors, finished, color chips, samples, etc.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Use additional sheets as necessary)

DOCUMENTATION OF PROPOSED WORK MUST ACCOMPANY THIS APPLICATION AT THE TIME OF SUBMISSION. OTHERWISE, A DECISION CANNOT BE MADE IN A TIMELY MANNER.

TYPE OF DOCUMENTATION (check all that apply):

- Contractor's Specifications     Photographs
- Site Plan Building Plans/Elevations     Product Literature
- Samples/Swatches     Other (please specify): \_\_\_\_\_

ESTIMATED COST OF WORK: \_\_\_\_\_

F. THE WORK WILL BE DONE BY:     Owner     Contractor     Other

Name of Contractor: \_\_\_\_\_

Address of Contractor: \_\_\_\_\_

Estimated date of Start: \_\_\_\_\_ Est. Date of Completion: \_\_\_\_\_

NOTE: It is understood that any permit issued on this application will not grant any right or privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Ordinance, the Historic Preservation Ordinance, or by other ordinances, codes, or regulations by the Town of Avilla, Indiana.

Applicant's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Approved     Denied    by : \_\_\_\_\_ (printed name)

Signature: \_\_\_\_\_ Date \_\_\_\_\_