

Chapter 19 1/2 HISTORIC PRESERVATION*

***Cross references:** Building, ch. 11; fire protection and prevention, ch. 16; housing, ch. 21; planning, ch. 32; signs and outdoor advertising, ch. 37; streets and sidewalks, ch. 38; zoning ordinance, app. B.

State law references: Historic preservation activities, SDCL 1-19B-1 et seq.

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ARTICLE I. IN GENERAL

Sec. 19 1/2-1. Legislative findings; purpose of chapter.

Whereas the legislature of the state has determined that the historical, architectural, archaeological, paleontological and cultural heritage of this state is among its most important assets, it is hereby declared to be the purpose of this chapter to authorize the city to engage in a comprehensive program of historic preservation, to promote the use and conservation of historic properties for the education, inspiration, pleasure and enrichment of the citizens of this city. The city adopts this chapter pursuant to the authority of SDCL ch. 1-19B and by incorporating provisions therefrom in this chapter.

(Ord. No. 14-86, § 1, 2-10-86)

Secs. 19 1/2-2--19 1/2-6. Reserved.

ARTICLE II. HISTORIC PRESERVATION COMMISSION*

***Cross references:** Administration, ch. 2.

Sec. 19 1/2-7. Created.

Pursuant to authority granted to the city in SDCL 1-19B-2, there is hereby created a historic preservation commission for the city. The historic preservation commission will be referred to as the Sioux Falls Board of Historic Preservation, referred to in this article as the board.

(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 21-87, § 1, 4-6-87)

Sec. 19 1/2-8. Composition.

The board shall consist of not less than five nor more than ten members who shall be appointed by the mayor for a term of three years with due regard to proper representation of such fields as history, architecture, urban planning, archaeology and law.

(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 26-99, § 8, 3-1-99)

Sec. 19 1/2-9. Vacancies.

Any vacancy in the membership of the board shall be filled for the unexpired term in the same manner as for appointment.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-10. Meetings.

The board shall hold at least one regular meeting each month. The board shall keep a record of its resolutions, transactions, findings, and determinations, which shall be of public record.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-11. Powers and authorities.

(a) Pursuant to SDCL ch. 1-19B, the board may exercise the following powers, duties, and responsibilities to:

(1) Conduct a survey of local historic properties, complying with all applicable standards and criteria of the statewide survey undertaken by the office of history of the state department of education and cultural affairs.

(2) Participate in the conduct of land use, urban renewal, and other planning processes undertaken by the city.

(3) Acquire fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, or donation.

(4) Preserve, restore, maintain, and operate historic properties under the ownership or control of the board.

(5) Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the properties within its jurisdiction.

(6) Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

(7) Recommend ordinances and otherwise provide information for the purposes of historic preservation to the city commission.

(8) Establish an endowment fund for the purpose of providing low interest loans and grants to allow for the restoration and preservation of historic properties.

(9) Recommend to the board of appeals exemptions from the building code relating to exterior features of structures designated by the city commission as having historical or architectural significance.

(10) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

(11) Contract, with the approval of the city commission, with the state or the federal government, or any agency of either, or with any other organization.

(b) All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the city shall be acquired in the name of the city unless otherwise provided by the city commission. If acquired by funds other than those appropriated by the city, the lands, buildings, or structures may be held in the name of the board, the city, or both.

(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 45-87, § 1, 6-22-87)

Sec. 19 1/2-12. Acquisition of historic easements.

The city may acquire by purchase, donation, or condemnation historic easements in any area within its jurisdiction wherever and to the extent that the city commission determines that the acquisition will be in the public interest. For the purpose of this section, historic easement means any easement restriction, covenant, or condition running with the land designated to preserve, maintain, or enhance all or part of the existing state of places of historical, architectural, archaeological, paleontological, or cultural significance.

(Code 1972, § 19 1/2-11(6))

Secs. 19 1/2-13--19 1/2-20. Reserved.

ARTICLE III. SIOUX FALLS REGISTER OF HISTORIC LANDMARKS

Sec. 19 1/2-21. Created.

Pursuant to SDCL 1-19B-53, the city hereby creates the Sioux Falls Register of Historic Landmarks, hereinafter referred to as the register.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-22. Criteria for designation.

The board of historic preservation shall, upon such investigation as it deems necessary, make a determination as to whether a nominated historic property, structure, or area meets one or more of the following criteria:

(1) It is associated with events that have made a significant contribution to the broad patterns of city history;

(2) Its identification with a person who significantly contributed to the development of the community, county, state, or country;

(3) Its embodiment of distinctive characteristics of a type, period, or method of construction;

(4) It represents the work of a master or possesses high artistic values;

- (5) It represents a significant and distinguishable entity whose components may lack individual distinction; or
- (6) It has yielded or may be likely to yield information important in prehistory or history.
(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-23. Nomination of structures and districts to the register.

Nominations for inclusion on the register of historic places shall be made to the board of historic preservation on a form prepared by it and may be submitted by a member of the board, owner of record of the nominated property or structure, the city commission, or any other person or organization.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-24. Notification of nomination.

The board of historic preservation shall notify the owners of all property nominated to the local register of historic places of the date on which the board will hear the nomination. Notification will be at least 14 days prior to the meeting. The city shall also publish a notice of the time and place of the meeting in the official newspaper of the city at least one week prior to the meeting.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-25. Determination of the board.

The board of historic preservation shall adopt by resolution a recommendation that the structure, property, or district nominated for inclusion on the register of historic places does or does not meet the criteria for designation specified in section 19 1/2-22. The resolution will be accompanied by a report to the city commission containing an explanation of the significance of the nominated structure, property, or district as it relates to the criteria for designation.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-26. Notification of determination.

A notice of the determination shall be sent by regular mail to the owner of record of all property nominated to the local register of historic places. The notice shall include a copy of the report sent to the city commission concerning the nomination and shall be sent within seven days of the board's adoption of a resolution. If the decision is that the nominated property does meet the criteria for designation, a copy of the report and resolution shall be sent to the city commission for official designation by ordinance.

(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-27. Appeal.

A determination by the board of historic preservation that the nominated property does or does not meet the criteria for designation on the register of historic places shall be a final decision unless the applicant files a written appeal to the city commission with the city clerk of records within 20 days of the postmarked date of the notice of determination.

(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 45-87, § 2, 6-22-87)

Sec. 19 1/2-28. Action by city commission.

The city commission shall either reject the recommendation or written appeal or they shall designate the property on the register of historic places by ordinance within 60 days after receiving the resolution from the board of historic preservation or the appeal

from the owner. The commission's action shall occur at a regular city commission meeting at least one week after a notice has been published in the official newspaper stating the time and place of the meeting.
(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-29. Demolition and house moving.

Every application for a demolition permit or a house moving permit for a property listed on the local register of historic places shall be forwarded to the board of historic preservation within seven days following receipt of the application by the planning and building services department.
(Ord. No. 14-86, § 1, 2-10-86)

Sec. 19 1/2-30. Notice of intent to demolish or move.

The owner of any structure on the local register of historic places, upon application for a demolition or house moving permit, shall be required to post four signs on the property stating the intent to demolish or move the structure. The signs shall be provided by the planning and building services department and shall be placed on the four corners of the property. The signs must be posted within seven days of the date of application and must remain posted for a minimum of 90 days unless the board of historic preservation approves the demolition or removal prior to the expiration of the 90-day period.
(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 45-87, § 3, 6-22-87)

Sec. 19 1/2-31. Delay of demolition or house moving.

A permit to demolish or move a structure which is on the local register of historic places may not be obtained for a period of 90 days from the date the application is received by the planning and building services department unless approval for removal or demolition is given by the board of historic preservation at an earlier date. During this period, the board may attempt to preserve the property by exercising the powers and authorities given to the board in section 19 1/2-11.
(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 45-87, § 4, 6-22-87)

Sec. 19 1/2-32. Moving structures into a historic district.

Before a structure can be moved into a historic district, the procedure described in sections 19 1/2-29 and 19 1/2-30 must be followed. If the structure proposed for the district does not meet the approval of the board of historic preservation, a permit will not be issued for 90 days from the date the application is received by the planning and building services department. During this period, the board may negotiate with the property owner to attempt to find a reasonable alternative for the proposed structure.
(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 45-87, § 5, 6-22-87)

Sec. 19 1/2-33. Burning of structures.

Any contract entered into by the fire department for burning a structure listed on the National Register of Historic Places or the city register must receive the approval of the board of historic preservation.
(Ord. No. 14-86, § 1, 2-10-86)

Cross references: Fire protection and prevention, ch. 16.

Sec. 19 1/2-34. Penalties.

Any person who demolishes or removes a structure listed on the local register of historic places without following the provisions of this article shall be guilty of an ordinance violation. Each and every day, up to 90 days, such demolition and removal activity continues after notification shall constitute a separate offense.

(Ord. No. 14-86, § 1, 2-10-86; Ord. No. 45-87, § 6, 6-22-87)

Sec. 19 1/2-35. Properties designated and listed on register.

The following properties have been reviewed by the board of historic preservation and the board has determined that the properties do meet the criteria for designation to the register of historic places as specified in section 19 1/2-22. A report has been presented to the city commission containing an explanation of the significance of:

- (1) Queen Bee Mill: Falls Park, North Weber Avenue;
- (2) Carnegie Free Public Library: lots 1--3, block 8, J. L. Phillips Addition;
- (3) Schaetzel-Lyon House: the south 103 feet of the north 639 feet of tract 1, northwest 1/4 of 21-101-49;
- (4) Central Fire Station: 100 South Minnesota Avenue, J. N. Bailey Subdivision of lots 1--3 and lots 1--4, block 4, J. L. Phillips Addition;
- (5) City Coliseum: 501 North Main Avenue, Brookings and Edmunds, Block 29;
- (6) City Hall: 224 West Ninth Street, J.L. Phillips, block 10, lots 1--9;
- (7) R. F. Pettigrew Home: 131 North Duluth Avenue, Bennett's First Addition, block 15, lots 1, 2, and the north 1/4 of 3;
- (8) Sherman Park Indian Burial Mounds: boulevard area of Upper Sherman Park Road, as located in tracts 9 and 10 of southwest 1/4 of 19-101-49 and northwest 1/4, except northeast 1/4, northwest 1/4, northwest 1/4 of 19-101-49;
- (9) Terrace Park Japanese Gardens: Fourth Street and Grange Avenue, as located in the southwest 1/4, northeast 1/4, northwest 1/4 of 17-101-49;
- (10) Penmarch Place: Rural Route 1, Box 142;
- (11) McKennan Park Historic District:
 - a. 105--731 East 21st Street;
 - b. 1319--1635 South Second Avenue;
 - c. 1310--1710 South Fourth Avenue;
 - d. 1220 South Phillips Avenue;
 - e. 220 East 26th Street;
- (12) Old Courthouse and Warehouse Historic District:
 - a. 330--501 North Main Avenue;
 - b. 333--501 North Phillips Avenue;
 - c. 110 West Fifth Street;
 - d. 200--220 West Sixth Street;
 - e. 196--206 East Sixth Street;
- (13) All Saints Historic District:
 - a. 619--1316 South Phillips Avenue;
 - b. 600--1220 South First Avenue;
 - c. 1100--1207 South Second Avenue;
 - d. 1000--1207 South Third Avenue;
 - e. 1101--1216 South Fourth Avenue;
 - f. 1205 South Fifth Avenue;
 - g. 131 West and 315 East 18th Street;
 - h. 118 West--417 East 19th Street (except 406 and 410);
 - i. 105--533 East 20th Street;
 - j. 100 East 21st Street;

- k. 100--208 East 23rd Street;
 - l. All Saints School;
 - m. Longfellow School;
 - n. The following item within Lyon Park: Civil War Cannon;
- (14) McKennan Park:
- a. Pillars of the Nation monument located at the west entrance of the park;
 - b. Sunken Gardens, including the stone wall and the fountain located in the northeast section of the park;
 - c. Band shell located in the southwest section of the park;
 - d. Grand Army of the Republic Memorial Plaque;
 - e. World War I Memorial Tree Plaque;
 - f. Curved sidewalk located in the northwest corner of the park. This is the original sidewalk that led to the front door of the Melvin Grigsby and Helen McKennan House;
- (15) Sioux Falls (Cathedral) Historic District:
- a. 100--133 South Prairie Avenue;
 - b. 101--330 North Prairie Avenue;
 - c. 103--133 South Summit Avenue;
 - d. 107--535 North Summit Avenue;
 - e. 103--127 South Duluth Avenue;
 - f. 109--519 North Duluth Avenue;
 - g. 103--125 South Spring Avenue;
 - h. 109--535 North Spring Avenue (west side only of North Spring Avenue);
 - i. 702 West Fifth Street;
 - j. 609--700 West Sixth Street;
 - k. 500--720 West Seventh Street;
 - l. 516--732 West Eighth Street;
 - m. 506--732 West Ninth Street;
 - n. 500--740 West Tenth Street (north side of West Tenth Street only);
- (16) E. B. Meredith House: 1315 South Walts Avenue, Park Addition, block 26, Meredith's Subdivision of lots 4 and 5;
- (17) Andrew O. Huseboe House: 223 South Prairie Avenue, Pettigrew Addition, block 29, lot 9;
- (18) A portion of right-of-way located in the NE 1/4, SE 1/4, and SW 1/4 of Section 9, Township 100 North, Range 50 West, also known as the Old Yankton Road, more particularly described as follows:
The entire width of the right-of-way, beginning at the centerline of the intersection of the Old Yankton Road and Ralph Rogers Road (previously platted as Sixty-Fourth Street), and extending northeasterly 2,129.16 feet to the northeast corner of Tract 2, Swift Park Addition.
- and they are hereby listed on the Register of Historic Places.
(Ord. No. 41-86, § 1, 5-12-86; Ord. No. 42-86, § 1, 5-12-86; Ord. No. 92-86, § 1, 10-20-86; Ord. No. 1-87, § 1, 1-5-87; Ord. No. 35-87, § 1, 5-26-87; Ord. No. 38-87, § 1, 6-1-87; Ord. No. 48-87, § 1, 6-29-87; Ord. No. 97-87, § 1, 11-23-87; Ord. No. 33-88, § 1, 5-9-88; Ord. No. 11-93, § 1, 2-8-93)