
Sec. 94-50. - Certificate of economic hardship and appeal of decisions.

a. *Certificate of economic hardship.* Prior to taking an appeal of a decision of the board on an application for certificate of appropriateness, an applicant may file an application for a certificate of economic hardship.

1. *Application.* A certificate of economic hardship application must be submitted within 30 days of the date of the hearing at which the board's decision on the application is announced.
2. *Board agenda and notice.* The board shall schedule a public hearing within 60 working days from the receipt of the application and shall provide notice of such hearing in the same manner as for the certificate of appropriateness application.
3. *Negotiations prior to hearing.* During the period between receipt of the certificate of economic hardship application and the board's public hearing, the applicant shall discuss the proposed action with the division, other city officials and local preservation organizations to consider alternatives that will avoid an economic hardship and have the least adverse effect to the property and the district. The division may request information from city departments and other agencies in order to negotiate an alternative resolution that is in the best interest of the applicant and the city. If negotiations are successful, the division shall make written recommendations to the board regarding such alternatives.
4. *Determination.* The applicant has the burden of proving by competent substantial evidence that the board's decision regarding the certificate of appropriateness application has caused or will cause an unreasonable economic hardship. The effect of denial of the application for certificate of economic hardship is that decision regarding the certificate of appropriateness is upheld. If the application for certificate of economic hardship is granted, the board may issue the certificate of economic hardship without conditions. Alternatively, the board may issue the certificate with conditions that will avoid the economic hardship and have the least adverse effect to the property and the district.

Such conditions may include, but are not be limited to: ad valorem tax relief, loans or grants, requiring the owner to market and offer the property for sale for a fair market price with appropriate preservation protections for a period of time not to exceed six months, acquisition by a third party for a fair market value, taking by eminent domain and fair compensation, building and zoning code modifications, relaxation of the historic preservation provisions of this chapter, recommendation by the mayor that some or all of the applicable board fees be waived, or such other relief as appropriate.

b. *Appeal of decisions.* Any applicant may appeal a decision of the board to the city commission regarding an application for certificate of appropriateness and/or an application for certificate of economic hardship. The applicant shall file a written notice of the appeal with the historic preservation division within 30 days of the date of the hearing at which the board's decision on the application is announced. The city commission shall place the matter on the commission's agenda within 45 working days from the date of the written notice of appeal. The meeting at which the appeal is placed on the agenda shall be no later than 60 working days from the date of the written notice of appeal. Consideration of the appeal by the city commission shall be de novo review. The city commission shall be required to apply the applicable standards and criteria set forth in the historic preservation provisions of this chapter. A decision of the city commission may be appealed to a court of competent jurisdiction within 30 days after the hearing at which the decision is announced.

(Ord. No. 3554-02, arts. VI, VII, 7-22-2002)