
Sec. 94-49. - Certificate of appropriateness procedures for review.

- a. *Review.* The board or the preservation planners must review actions affecting the exterior of properties and all resources, including noncontributing properties, within districts.
- b. *Board approval required.*
 1. *Approval.* The board hears applications for certificates of appropriateness for alterations, new construction, demolitions, relocations, and certificates of economic hardship affecting proposed or designated properties or properties within districts.
 2. *Delegation of Review Authority.* The board may delegate to the preservation planners the authority to administratively review and grant a certificate of appropriateness without formal action by the board. This delegation of review shall be depicted in a historic preservation board certificate of appropriateness approval matrix (the "matrix"). The matrix will contain a list of design features, such as roofing materials, window types, shutter types, etc. The matrix will indicate whether such features may be administratively reviewed or if board review is required. The board shall approve or amend the historic preservation board certificate of appropriateness approval matrix at its annual meeting, and at any other time as needed. This delegation of review may also be returned to the board at its discretion.

If the division does not grant administrative approval of an application, the application will be referred to the board for review. Any applicant may request referral to the board rather than administrative review. An application referred by the division or an applicant will be considered in accordance with the application review schedule contained in this section.

- c. *Application procedure, fees and review.*
 1. *Application and fees.* Requests for certificates of appropriateness shall be made on application forms approved by the board. Submittal of the application must be made with the appropriate site plans, drawings, photographs, descriptions, and other documentation needed to provide the division and the board with a clear understanding of the proposed action. Application fees and other applicable charges shall be established by resolution adopted by the city commission.
 2. *Completeness review and board agenda.* The preservation planners shall review all applications for certificates of appropriateness to determine whether an application is complete. If the application is incomplete, the preservation planners will notify the applicant of what additional information is necessary. An application will not be reviewed until the preservation planners determine that it is complete. All certificate of appropriateness applications eligible for administrative review will be reviewed within 15 working days. A written decision will be sent to the applicant. All certificate of appropriateness applications requiring board review will be scheduled for hearing by the board at the first available meeting approximately six weeks after receipt of the completed application. Notice of the time, place and subject matter of the hearing shall be published in a newspaper of general circulation in the city not less than seven days before the meeting. A sign stating that an application for demolition and new construction will be considered by the board shall be posted at the property not less than seven days before the meeting.
 3. *Secretary of the Interiors's standards for rehabilitation.* In reviewing an application, the Secretary of the Interior's standards for rehabilitation (as may be amended from time to time) shall be applied. The current version is as follows:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings or structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. *Additional criteria.* The above standards for rehabilitation in subsection (c)(3) of this section shall be supplemented by the following criteria specific to certain types of requests:
- a. *New construction and alterations.* The following design elements and features should be visually compatible with resources in the surrounding buildings.
 - 1. *Setting, orientation and setbacks.* The building should be situated approximately the same distance from the street as adjacent buildings, to create a continuous street edge. The orientation of the building should be consistent with that of the surrounding buildings. The setting should be designed with the overall environment in mind. It should take into account the compatibility of landscaping, parking, service areas, walkways and accessory structures.
 - 2. *Building height.* The height of the building at street level should be visually compatible with the height of surrounding buildings.
 - 3. *Design styles.* New buildings should take their design cues from the surrounding buildings. Traditional or contemporary design standards and elements should relate to the surrounding buildings.
 - 4. *Proportion of openings.* The relationship of the width of windows and doors to the height of windows and doors should be visually compatible with the surrounding buildings.
 - 5. *Rhythm of solids to voids.* The relationship between solids (walls) and voids (windows and doors) of a building should be visually compatible with the surrounding buildings.
 - 6. *Rhythm of spacing along the street.* The relationship of buildings to the open space between them should be compatible with the other buildings on each side of the street in that block.
 - 7. *Relationship of materials and textures.* The materials and textures of a building should be chosen with the predominant materials of the historic district in mind. Simplicity in such use is preferable.
 - 8. *Roof shapes.* The roof shape of a building is a major distinguishing feature. The roof shape of a new building should be compatible with those of the buildings in the historic district.
 - 9. *Size, scale, bulk, mass and volume.* The physical size, scale, bulk, mass and volume should be compatible with the surrounding buildings without overwhelming them.
 - b. *Demolition.*
 - 1. *Certificate of appropriateness.* No building or structure on a property or located within a district shall be demolished without first receiving a certificate of appropriateness for new construction. The applications for demolition and new construction shall be reviewed by the board simultaneously. The requirement of a certificate of appropriateness for new construction may be waived by the board upon a good cause showing that such requirement would be unduly harsh or would result in a substantial hardship to the property owner. A showing of good cause may include, but is not limited to, evidence that the property owner is unable to comply with the requirement for simultaneous new construction due to advanced age, infirmity, physical or other

debilitating handicap, or financial hardship. Upon approval by the board of a certificate of appropriateness for demolition, the demolition permit shall not be issued until all demolition and new constructions plans for the property have received all other required governmental approvals.

- i. Any non-contributing primary structure that is 35 years old or older within a historic district that was surveyed, designated or redesignated more than five years ago must obtain an independent review of an historic preservation consultant (contracted through the city meeting the National Park Service Professional Qualification Standards for Historic Preservation) to determine if the structure would contribute to the district if the district was resurveyed.
 2. *Denial.* The existence of one or more of the following conditions may be the basis for denial of a demolition application:
 - i. The resource contributes significantly to the historic character of designated property or district.
 - ii. The resource is listed on the National Register.
 - iii. The resource is one of the last remaining examples of its kind in the neighborhood or city.
 - iv. The resource is capable of being repaired and reused in a practical and feasible manner.
 - v. Retention of the resource would promote the general welfare of the city by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture or heritage.
 - vi. Granting a certificate of appropriateness for the demolition would result in an irreparable loss to the city of a significant resource.
 - vii. The plans for the simultaneous new construction (if the demolition is granted) are not compatible with the property or district.
 - viii. The report provided to the Historic Preservation Board by an Historic Preservation Professional meeting the National Park Service Qualification Standards for Historic Preservation indicates the property may be considered contributing.
 3. *Demolition delay period.* The board may grant a certificate of appropriateness for demolition which may contain a delayed effective date. The effective date will be determined by the board based on the relative significance of the resource and the probable time required to arrange a possible alternative to demolition. The board may delay demolition for up to three months. During the demolition delay period, the board may take such steps as it deems necessary to preserve the resource. Such steps may include, but are not limited to: consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the property by public or private bodies, or agencies; and exploration of the possibility of moving the resource.
 4. *Salvage and preservation of specific features.* The city commission upon recommendation by the board may require the property owner, at city expense, to salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures and the like.
 5. *Initiation of designation.* If an undesignated property warrants it and it is otherwise authorized under the historic preservation provisions of this chapter, the preservation planners may initiate, or recommend that the board initiate, the designation application and review process. The preservation planners may further request that the board require that the issuance of a demolition permit be stayed pending the board's review of the application and the city commission's decision to designate or deny designation of the property. However, the maximum period during which the issuance of a demolition permit may be stayed pursuant to this subsection (c)(4)b.5. of this section is 120 days, unless extended by the city commission.
- c. *Relocation.* The existence of one or more of the following conditions may be the basis for denial of a relocation application:
1. The historic character or aesthetic interest of the resource contributes to its present setting in such a manner that relocation would result in a substantial loss to the setting or district.
 2. There are no definite plans for the area to be vacated.
 3. There are definite plans for the area to be vacated that may adversely affect the character of the district.
 4. The resource cannot be moved without significant damage to its physical integrity.

5. The proposed relocation area is not compatible with the historic, cultural, and architectural character of the resource.
6. Little or no effort has been made to consider relocation within the same district or within another district with compatible historic, aesthetic, cultural, or design qualities with the relocated resource.
5. *Decisions.* Decisions regarding applications for certificates of appropriateness shall be based on the application, the application's compliance with the historic preservation provisions of this chapter, and the evidence and testimony presented in connection with the application. In reviewing an application, the division and the board shall be aware of the importance of finding a way to meet the current needs of the property owner. The division and the board shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the certificate of appropriateness sought by the applicant.
6. *Notice of decision on application.* The division shall notify the applicant in writing of any decision on the application within five working days from the date of the decision.
7. *Changes in approved work.* Any change in the proposed work following the issuance of a certificate of appropriateness shall be reviewed by the division. If the proposed change does not materially affect the historic character or the proposed change is in accordance with the board's decision, the division may administratively approve the change. If the proposed change is not in accordance with the board's decision, a new certificate of appropriateness application for such change must be submitted for review.

(Ord. No. 3554-02, art. V, 7-22-2002; Ord. No. 4022-07, § 2, 2-26-2007)