

Sec. 125-51 Certificates of Appropriateness

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Sec. 125-51A. Generally

It shall be unlawful for any person to construct, reconstruct, significantly alter, restore, remove or demolish any building or architectural feature of a building within an Historic Conservation Overlay District unless the work complies with a certificate of appropriateness then in effect, including any conditions and restrictions imposed by the Commission. No other permits for such work may be issued unless a certificate, if required, has been issued. *Exception:* No certificate is required for work that only affects the interior of a building, not normally visible from a street.

The standards for issuance of certificates of appropriateness are as follows:

- a. All work must comply with applicable regulations of the preservation plan (including mandatory design guidelines) and this Ordinance.
- b. Rehabilitation work must comply with the most-current version *Standards for Rehabilitation of Historic Buildings* published by the United States Secretary of the Interior, including the following provisions (subject to any future revisions):
 1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object or site and its environment.
 2. The distinguishing original qualities or character of a building, structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 3. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 4. Changes which may have taken place in course of time are evidence of the history and development of a building, structure, object or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historical building materials shall not be undertaken.
 8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
 10. Whenever possible, new additions or alterations to buildings, structures, objects or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.
- c. For demolition or removal, the applicant must prove a preponderance of the following factors:
1. neither restoration nor repair is feasible, taking into account the condition of the building;
 2. the cost of restoration or repair is unreasonable;
 3. the building has little or no existing or potential usefulness, including economic usefulness;
 4. the building is not important for maintaining the character of the district or for achieving the historic preservation purposes of this Ordinance.

All development within the Historic District shall be subject to review by the Historic Commission. No person or entity shall construct, reconstruct, significantly alter, restore, remove or demolish any building or architectural feature of a building within a designated

Historic District unless application for a certificate of appropriateness has been made (*see* Ordinance 97-38).

Sec. 125-51B. Procedures

Only the owner of a building may apply for a certificate of appropriateness. The application must include drawings, plans and other descriptions sufficient to communicate the nature of the work, and they must meet criteria for form, number of copies and content as may be prescribed by the Historic Commission. This is no application fee. Each application must be filed with the Building Official, who shall forward a copy to the historic preservation officer and the presiding officer of the Historic Commission promptly. Before or during review of an application, the applicant may consult the Commission by appearing at a meeting.

The Commission shall hold a hearing on each application after giving at least ten working days written notice to the applicant. In addition, a notice shall be posted: (i) at least 14 days prior to the hearing, (ii) at or near the principal entrance to the affected property, and (iii) so that it is clearly legible by a person standing within a street or other public way. The historic preservation officer shall prescribe the form of all notices.

After reviewing an application, if the Commission finds the proposed work meets the standards for issuance, the commission shall issue a certificate of appropriateness. The Commission may impose conditions and restrictions on a certificate, to the extent reasonably necessary to meet the standards for issuance. Otherwise, the Commission shall disapprove the application. However, if the Commission neither issues a certificate nor disapproves an application by the decision deadline, the historic preservation officer shall issue a certificate covering all the work applied for, without conditions or restrictions. The decision deadline is the 45th day following the date the application is filed (or, in case of an application including any major demolition or removal, the 90th day). In this paragraph, “major demolition or removal” means demolition or removal of 250 square feet or more of building space, measured by the affected floor area.

All descriptions of the work provided by the applicant (and any other representations made by the applicant) are deemed to be included in each certificate, regardless of whether they are attached or referenced, but are subject to the certificate and any conditions or restrictions imposed.

The historic preservation officer shall promptly notify the applicant and the Building Official of the disposition of each application. Building permits and other approvals are usually required, in addition to a certificate of appropriateness.

A person aggrieved by any action of the Commission may appeal to the Zoning Board of Adjustment. Appeals must be in writing and filed with the historic preservation officer not later than the 30th day following the day the applicant is notified of the action. The Board shall give notices, hold a hearing and make a decision in the same manner as prescribed for Commission action under this section. For this purpose, decision deadlines are measured from the date an appeal is filed with the historic preservation officer.

Sec. 125-51C. Hardship Appeals

A certificate of appropriateness may be issued because of economic hardship only if the applicant clearly demonstrates, at a public hearing, all of the following:

- a. the applicant cannot earn a reasonable return on investment in the property (regardless of whether that return represents the most profitable return possible);
- b. neither the current owner nor any other owner or tenant can adapt the property to comply with general zoning regulations and allow a reasonable return on investment;
- c. the property owner had made diligent attempts to find a purchaser or tenant interested in acquiring or leasing the property and preserving it in compliance with historic preservation regulations, but all attempts have failed; and
- d. the applicant has worked in good faith with the Commission, any local preservation groups and other interested parties, in a diligent effort to seek an alternative that would result in preservation of the property.

[Sec. 125-52 to 125-59 Reserved]