

<b>ARTICLE 11: Historic Preservation .....</b>	<b>11-1</b>
<b>17.11.1: General.....</b>	<b>11-1</b>
17.11.1.1: Purpose and Intent .....	11-1
17.11.1.2: Definitions.....	11-1
<b>17.11.2: Historic Preservation Commission.....</b>	<b>11-4</b>
17.11.2.1: Creation .....	11-4
17.11.2.2: Composition .....	11-5
17.11.2.3: Term of Office .....	11-5
17.11.2.4: Area of Authority .....	11-6
17.11.2.5: Powers and Duties .....	11-6
17.11.2.6: Meetings .....	11-7
17.11.2.7: Vacancies .....	11-7
17.11.2.8: Removal .....	11-7
<b>17.11.3: Designation Criteria .....</b>	<b>11-7</b>
<b>17.11.4: Designation Procedure .....</b>	<b>11-7</b>
17.11.4.1: Initiation.....	11-7
17.11.4.2: Property Owner Consent Required.....	11-8
17.11.4.3: Application .....	11-8
17.11.4.4: Preliminary Review .....	11-8
17.11.4.5: Review of Application .....	11-8
17.11.4.6: Notice of Designation Hearing.....	11-8
17.11.4.7: Designation Hearing before the Preservation Commission.....	11-9
17.11.4.8: Findings and Recommendations of the Preservation Commission .....	11-9
17.11.4.9: Proceedings before the City Council.....	11-10
17.11.4.10: Recording of Designation.....	11-10
17.11.4.11: Notification .....	11-10
17.11.4.12: Appeal of Preservation Commission’s Denial of Application .....	11-10
<b>17.11.5: Alteration Certificate.....</b>	<b>11-11</b>
17.11.5.1: Requirement .....	11-11
17.11.5.2: Criteria .....	11-12
17.11.5.3: Application and Review .....	11-13
17.11.5.4: Economic Hardship .....	11-14
17.11.5.5: Appeal of Denial of Alteration Certificate.....	11-14
<b>17.11.6: Relocation of a Designated Structure or Landmark.....</b>	<b>11-14</b>
17.11.6.1: Initiation.....	11-14
17.11.6.2: Application .....	11-14
17.11.6.3: Review of Application .....	11-14
17.11.6.4: Decision.....	11-15
<b>17.11.7: Maintenance.....</b>	<b>11-15</b>

## ARTICLE 11: HISTORIC PRESERVATION

### 17.11.1: General

#### 17.11.1.1: Purpose and Intent

- A. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures, sites and districts of historical, architectural or geographic significance located within the City is a public necessity, and is required in the interest of the prosperity, community sustainability, civic pride, and general welfare of the people.
- B. The purpose of this Article is to:
1. Designate, preserve, protect, enhance and perpetuate those structures, sites and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
  2. Foster civic pride in the beauty and accomplishments of the past;
  3. Stabilize or improve the aesthetic and economic vitality and values of such structures, sites and districts;
  4. Protect and enhance property values through the stabilization of neighborhoods and areas of the City, increase economic and financial benefits to the City and its inhabitants, and promote the City's attraction to tourists and visitors;
  5. Promote the use of outstanding historical or architectural structures, sites and districts for the education, stimulation and welfare of the people of the City;
  6. Promote good urban design including the perpetuation of related private spaces; and
  7. Promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy.
- C. It is the sense of the City Council that the aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural, and geographic heritage of the City and by ignoring the destruction or defacement of such cultural assets.

#### 17.11.1.2: Definitions

Notwithstanding the definitions contained in Article 13, the following terms, as used in this Article, shall have the following meaning.

**Alteration** means any act or process which, due to construction, repair, maintenance, or otherwise, changes one or more of the significant architectural features of buildings located within an historic district or designated as a landmark.

**Alteration Certificate** is an authorization from the Historic Preservation Commission to alter or demolish a historic property, or to construct a new building in a historic district consistent with specified criteria.

**Applicant** is the recorded owner(s) of the site(s) and/or building(s) located thereon, the lessee thereof, a person with written consent of the owner, or the person holding a contract to purchase same, or a person with written consent of the owner.

**Architectural Feature** means the architectural style, design, general arrangement and components of all the outer surfaces of a structure or improvement including, but not limited to, the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to the structure or improvement.

**Building** means any structure, place, or any other construction built for the shelter or enclosure of persons, animals, or chattel or any part of such structure when subdivided by division walls or party walls extended to above the roof or without openings in separate walls. The term “building” shall be construed as if followed by the words “or any part thereof.” “Building” may refer to a historically related complex such as “courthouse and jail” or “house and barn.”

**Building Official** is the officer or other designated authority charged with the administration and enforcement of the Building Code, or that person’s authorized representative.

**Conformity** means the action or behavior in correspondence with current customs, rules, or styles.

**Construction** is the erection of any on-site improvements on any parcel of ground located within an historic district, or a landmark site, whether the site is presently improved, unimproved or hereafter becomes unimproved by demolition or destruction, through natural causes, or otherwise.

**Contributing Property** means a classification applied to an individual property within a designated historic district, signifying that the property contributes generally to the distinctive character of the district.

**Demolition** means the destruction or removal, in whole or in part, of a historic landmark.

**Designation** means the formal recognition of a historic structure, site or district that is listed on the Lakewood Historic Register.

**Designated District** means a geographically defined area listed on the Lakewood Historic Register through the procedural requirements of this Article.

**Designated Site** means a historic property or site individually listed on the Lakewood Historic Register through the procedural requirements of this Article.

**Designated Structure** means a historic structure individually listed on the Lakewood Historic Register through the procedural requirements of this Article.

**Department** means the Planning Department.

**Director** means the Director of the Planning Department.

**District** means a geographically defined area possessing a significant concentration of sites, buildings, structures and/or objects united by past events or physical development any site, structure or improvement and its surrounding environments, or a group of sites, structures or improvements, or both, and their surrounding environs.

**Exterior**, when applied to an architectural feature, means the architectural style, design, general arrangement and components of all the outer surfaces of a structure or improvement including, but not limited to, the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to the structure or improvement.

**Historic Context Statement** is a statement or report that focuses specifically on historic, cultural, or social themes and patterns that shaped the built environment including themes such as exploration, settlement, education, transportation, and commerce and trade.

**Historic Preservation** is the protection, rehabilitation, restoration, and/or reconstruction of districts, sites, buildings, structures, and objects significant in Lakewood or that has national or state influence in history, architecture, archaeology, geography, engineering, or culture.

**Historic Property** is a site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state, or local level, or property that is celebrated for having influence in the history of Lakewood.

**Improvement** means any change or alteration to any building, structure, place, work of art, or other object constituting a physical betterment.

**Inventory** is the listing of sites, buildings, and structures within the City, which contribute to the overall historic and architectural character and heritage of a district or the heritage of the City, including a list of historic properties and archaeological sites determined to meet specific criteria of significance.

**Landmark** is a structure, site, parcel, or district which has been listed as a landmark by the Historic Preservation Commission under the provisions of this Article.

**Noncontributing Property** means a classification applied to an individual property located within a designated historic district, signifying that the property does not contribute to the distinctive character of the district.

**Ordinary Repairs** means routine work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay of, or damage to a building on any part thereof in order to restore to same as nearly as practicable to its condition prior to such deterioration, decay, or damage.

**Owner** means all persons or entities that have a record ownership interest in a specific parcel of property.

**Permit** means any permit issued by the City pertaining to construction, alteration, removal, or demolition of a building or feature within a designated historic landmark, landmark site, or district.

**Preservation Commission** means the Historic Preservation Commission established pursuant to this Article.

**Protection** is any physical means such as fencing or by stabilization to prevent further deterioration.

**Quorum** is the minimum number of Historic Preservation Commissioners necessary for a hearing on a designation as defined by the Historic Preservation Commission ByLaws.

**Reconstruction** is the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Rehabilitation** is the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

**Restoration** is the process or product of returning, as nearly as possible, an existing site, building, structure, or object to its condition at a particular time in its history, using the same construction materials and methods as the original, where possible, and may include removing later additions, making hidden repairs, and replacing missing period work.

**Secretary to the Historic Preservation Commission** is a staff person designated by the Director in the Planning Department.

**Significance** generally refers to the aesthetic, cultural, educational, or scientific importance of an archaeological, architectural, paleontological, or scenic heritage resource.

**Significant Architectural Feature** means any distinctive aspect of a building's exterior that defines its architectural character, for example, the color and texture of the building material or the style and size of its doors and windows.

**Site** means a specific location or place, which may or may not have structures or improvements located upon it.

**Stabilization** is the process of temporarily protecting a historic building or structure until rehabilitation or restoration efforts can begin. It typically includes making the building weather-tight, structurally stable, and secure against intruders while maintaining the essential form as it exists at present.

**Structure** means anything which is constructed or erected, and the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground; an edifice or a building of any kind.

## **17.11.2: Historic Preservation Commission**

### **17.11.2.1: Creation**

There is hereby established a Historic Preservation Commission, which shall be appointed by the City Council, hereinafter referred to as "Preservation Commission."

**17.11.2.2: Composition**

- A. The Preservation Commission shall consist of seven voting members. At least two members shall be Lakewood residents.
- B. Each member shall have a demonstrated interest in, competence with, or knowledge of, historic preservation.
- C. A minimum of three of the members shall be professionals in preservation-related disciplines such as:
  - 1. Architecture; or
  - 2. Landscape Architecture; or
  - 3. Architectural History; or
  - 4. History; or
  - 5. American Studies; or
  - 6. American Civilization; or
  - 7. Cultural Geography; or
  - 8. Cultural Anthropology; or
  - 9. Urban Planning.
- D. All remaining Commissioners shall be composed of both professional and lay members and shall be selected, as much as possible, from related disciplines such as the building trades, cultural geography, cultural anthropology, real estate or law, or should reside within a designated historic district.

**17.11.2.3: Term of Office**

- A. The term of each member shall be four years, provided, however that the initial appointment to the Preservation Commission shall consist of one appointment of a term of one year, one appointment of a term of two years, one appointment of a term of three years, and two appointments of a term of four years. The term of each member shall end on March 31<sup>st</sup> of the last year of that member's term.
- B. No member shall serve more than two consecutive terms on the Preservation Commission as either an alternate or regular member. After any member has served two consecutive terms of office, that member shall not be eligible for reappointment until after that person has ceased to be a member of the Preservation Commission for a least one full term. Any member who serves at least one-half term shall be considered to have served one full term.

**17.11.2.4: Area of Authority**

The Preservation Commission’s geographic area of authority shall be the same as the boundaries of the City of Lakewood.

**17.11.2.5: Powers and Duties**

The Preservation Commission shall have the power and duty to:

- A. Evaluate and make recommendations concerning the merits of applications for designation pursuant to this Article.
- B. Conduct Alteration Certificate review as provided in this Article.
- C. Consult with City staff as requested concerning the conformity with approved plans of construction or alteration authorized pursuant to an Alteration Certificate issued pursuant to this Article.
- D. Prepare, or cause to be prepared, a comprehensive inventory of sites, structures, or areas that may be appropriate for designation pursuant to this Article.
- E. Prepare, or cause to be prepared, design guidelines for construction and alteration of designated structures and structures in designated districts for adoption and approval by the Preservation Commission.
- F. Prepare, or cause to be prepared, historic context statements.
- G. Increase public awareness of the value of historic, architectural, and cultural preservation.
- H. Evaluate and comment on proposals or decisions made regarding structures, sites and districts which reflect outstanding elements of the City’s cultural, artistic, social, economic, political, architectural, and historic or other heritage.
- I. Provide advice and guidance to individuals, developers, neighborhood groups and other parties regarding work on designated sites or structures, or within designated districts.
- J. Draft and recommend for adoption by the City Council such by-laws, operating policies and other rules of procedure, and amendment to or repeal of any of them, as the Preservation Commission may deem appropriate.
- K. Review applications for the relocation of designated structures for preservation, or structures into a designated district for protection.
- L. Receive ongoing training by delegating at least one member to attend a State Historic Preservation Office approved educational session each year.
- M. Prepare an annual report to the City Council.

- N. Delegate to City staff or preservation partners the authority to administratively review and/or approve specific types of projects involving historic resources.

**17.11.2.6: Meetings**

The Preservation Commission shall meet regularly, with a minimum of four meetings per year.

**17.11.2.7: Vacancies**

In the event of a vacancy occurring in the membership of the Preservation Commission for any reason, an appointment for the remainder of the vacant term of office shall be made in the same manner as regular appointments.

**17.11.2.8: Removal**

With just cause, City Council may remove any Preservation Commission member.

**17.11.3: Designation Criteria**

A structure, site or district may be designated for historic preservation if it meets the following criteria:

- A. It is associated with events that have made a significant contribution to the broad patterns of the City's history; or
- B. It is associated with the lives of persons significant in the City's past; or
- C. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded, or may be likely to yield, information important in history or prehistory; or
- E. It is culturally significant to the Lakewood community.

**17.11.4: Designation Procedure**

**17.11.4.1: Initiation**

A designation process shall be initiated by:

- A. The City Council; or
- B. The Preservation Commission; or
- C. The Director; or

- D. The Lakewood Historical Society; or
- E. A non-profit organization with an established interest in, and a mission statement supporting, preservation; or
- F. The property owner(s) (if a single property); or
- G. A defined percentage of property owners in a proposed district pursuant to Section [17.11.4.2:B](#).

**17.11.4.2: Property Owner Consent Required**

- A. For an individual structure or parcel of real property, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any structure or parcel of real property for preservation without the written consent of the owner thereof.
- B. For a district, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any district for preservation without written consent of 60 percent of property owners within the proposed district.

**17.11.4.3: Application**

An application for designation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the appearance of the structure, district or site and shall demonstrate how the structure, district or site meets the criteria for designation as set forth in Section [17.11.3](#). An application for a district shall include the boundaries for the area to be designated.

**17.11.4.4: Preliminary Review**

The Director shall determine whether the application is complete and includes appropriate property owner consent pursuant to Section [17.11.4.2](#). If the Director determines the application is complete, the Director shall promptly refer the application to the Preservation Commission. If the Director determines the application is incomplete, the applicant shall be advised of the reasons the application is incomplete.

**17.11.4.5: Review of Application**

The Preservation Commission shall review the application to determine if the structure, district, or site is potentially eligible for designation. If the Preservation Commission finds the structure, site or district potentially eligible for designation it shall schedule a public hearing on the question of designation.

**17.11.4.6: Notice of Designation Hearing**

Notice of a designation hearing shall be given as follows:

- A. The Secretary to the Preservation Commission shall schedule a public hearing before the Preservation Commission. The public hearing shall be held not more than 45 days, or within a timeframe agreed upon by the applicant and Director, after receipt of a complete application. The Secretary to the Preservation Commission shall provide notice of the date, time and location of the public hearing to the applicant, the owner or owners of record and, if known, to other persons having a legal or equitable interest in the site or sites nominated for designation.
- B. Signs indicating the proposed action and the time, date and place of the hearing, shall be posted by the applicant at least 14 days prior to the hearing on all property proposed for designation for preservation, and on the boundaries of all areas proposed for designation as a district for preservation, such signs to be prominently displayed and easily readable from abutting public ways. If any sign is damaged or destroyed prior to the hearing, the sign shall be replaced.
- C. A legal notice indicating the nature of the hearing, the property involved, and the time, date and place of the scheduled public hearing, shall be published in the City's publication of record at least 10 days prior to the hearing.
- D. The Secretary to the Preservation Commission shall provide written notice of the proposed designation, including the identification of the property, the basis for commencing the designation procedure, and the time, date and place of the hearing to the Preservation Commission, the Director, and the building official not less than 14 days prior to the hearing.

**17.11.4.7: Designation Hearing before the Preservation Commission**

- A. A quorum of the Preservation Commission shall conduct the hearing. A hearing may be continued. If the hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.
- B. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Preservation Commission from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
- C. Transcripts of the hearings are not required; however, the Preservation Commission's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an owner or holder of some interest in an affected property, or represents such owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing. All recordings, documents, and physical evidence considered shall be retained for 60 days after designation.

**17.11.4.8: Findings and Recommendations of the Preservation Commission**

The Preservation Commission shall act officially on each proposed designation within 45 days after the hearing thereon. The Preservation Commission may recommend, recommend with conditions, or deny any proposal, but no proposal may be extended beyond the boundaries of the land described in the final application for designation unless the initiation and hearing procedures

are repeated for the enlarged boundaries. The Preservation Commission shall set forth in writing its findings of fact which constitute the basis for its recommendation. If the Preservation Commission fails to act within the 45 day period, the designation shall be deemed to have been rejected, and the designation procedure terminated.

**17.11.4.9: Proceedings before the City Council**

- A. Within 60 days after the date of the Preservation Commission’s recommendation, the City Council shall hold a public hearing on the proposed designation, after giving notice in conformance with the procedures set forth in Section [17.11.4.6](#): for the public hearing before the Preservation Commission, except that the City Clerk shall perform the responsibilities assigned therein to the Secretary of the Preservation Commission.
- B. The City Council shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the Preservation Commission’s recommendations and in accordance with the criteria set forth in Section [17.11.3](#):
- C. The City Clerk shall provide a copy of the results of the City Council’s final action to the applicant, the Preservation Commission, the Secretary to the Preservation Commission, the Director, the building official, and any other person who has requested in writing to receive the same.

**17.11.4.10: Recording of Designation**

- A. Within 15 days of the effective date of an ordinance designating a structure, site or district for preservation, the City Clerk shall record the ordinance with the clerk and recorder of the county in which the structure, site or district is located.
- B. The Director shall maintain on file a record of all designated structures, sites and districts within the City of Lakewood.

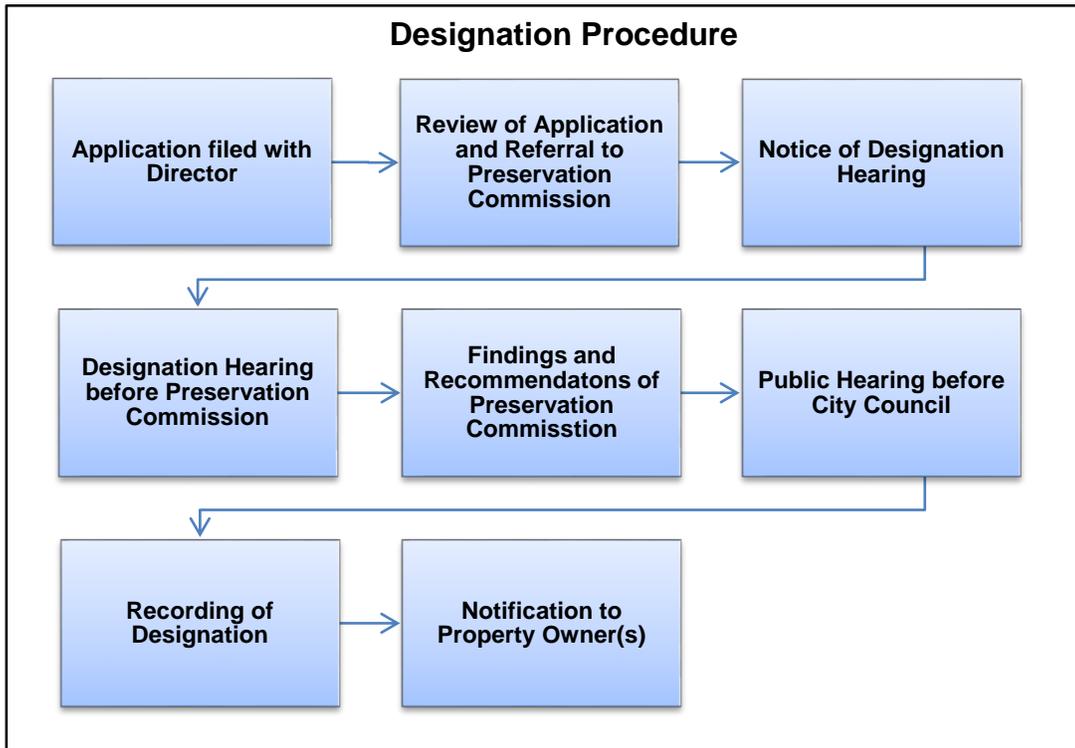
**17.11.4.11: Notification**

Within 14 days after the recording of the ordinance of designation, staff shall send to the owner of each property affected by the designation a letter outlining the reasons for such designation and the obligations and restrictions created by such designation.

**17.11.4.12: Appeal of Preservation Commission’s Denial of Application**

- A. If the Preservation Commission denies an application for designation for any reason other than lack of requisite property owner consents, the applicant shall have the right to appeal such decision to City Council by filing a written notice of appeal, specifying the factual and legal basis for the appeal, with the City Clerk and the Secretary to the Preservation Commission not later than 15 days after the date of mailing of the Preservation Commission’s denial.

- B. Notice of the City Council’s consideration of the appeal, and of the City Council’s consideration hearing, shall be provided pursuant to the procedures set forth in Section [17.11.4](#): for the public hearing before the Preservation Commission except that the City Clerk shall perform the responsibilities assigned therein to the Secretary. However, the public hearing and consideration by the City Council of the designation ordinance shall not be less than 10 days after the date of publication in the City’s publication of record.
- C. Upon consideration of the appeal, the City Council may consider only the notice of appeal, the Preservation Commission’s reasons for denial of the application, and the comments related thereto made during the Preservation Commission hearing.
- D. If City Council finds that the Preservation Commission’s denial of the application was based upon incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Preservation Commission, and if the correct or newly discovered information could, in the opinion of the City Council, change the Preservation Commission’s denial of said application, then the entire matter shall be remanded by the City Council to the Preservation Commission for its consideration.



**17.11.5: Alteration Certificate**

**17.11.5.1: Requirement**

An Alteration Certificate shall be obtained, in addition to any other permit or other approval required by this Zoning Ordinance, for any designated structure or site, or for any contributing structure within a designated district, prior to any:

- A. Alteration, rehabilitation, restoration, addition, or reconstruction of, the exterior of all or part of a designated structure or all or part of a contributing structure located in a designated district; or
- B. Demolition which constitutes all or part of a designated structure or all or part of a contributing structure located in a designated district; or
- C. Construction or erection of any addition or improvement to any designated structure or to any contributing structure located in a designated district; or
- D. Construction or erection of any structure or improvement to any designated site.

**17.11.5.2: Criteria**

- A. The Preservation Commission shall issue an Alteration Certificate for proposed construction, alteration or demolition if the application and other submittals demonstrate:
  - 1. That it is of a nature which will not adversely affect or destroy any architectural feature of the structure; and
  - 2. That it is in substantial conformity with design guidelines adopted by the Preservation Commission; and
  - 3. That any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property are maintained; and
  - 4. That any new addition, exterior alteration or related new construction does not destroy the historic materials that characterize the property; and
  - 5. That any addition and any related construction is undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment; and
  - 6. That any new work is differentiated from the old and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment would be unimpaired; and
  - 7. The historic character of the property is retained and preserved and the removal of historic materials or features that characterize the property is avoided; and
  - 8. That there is substantial economic hardship as set forth in Section [17.11.5.4](#).



- B. In addition to the criteria in Subsection A above, the Preservation Commission may also evaluate any work as to conformance with any additional standards of the U.S. Department of the Interior for the Treatment of Historic Properties.

**17.11.5.3: Application and Review**

- A. Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, upon the filing of an application for a permit for the performance of any work coming within the scope of Section [17.11.5.1](#): above, the Director shall require the applicant to meet the following additional submittal requirements:
  - 1. A narrative description of the type of work proposed and its effect or impact upon the structure, site or district designated for preservation; and
  - 2. Plans and designs showing in detail any proposed alteration to a designated structure or contributing structure within a designated district including, but not limited to, façade elevations and proposed materials to be used; and
  - 3. A site plan, if applicable, showing the location of existing structures and any proposed structures on the site; and
  - 4. Any other drawings, photographs, material brochures or samples, or information that may be necessary to determine and provide for compliance with this Article; and
  - 5. For applications for demolition, professionally prepared estimated costs of continued maintenance of the structure in its current condition, of rehabilitation, and of demolition, an engineer’s or architect’s report as to structural soundness, and professionally prepared estimates of market value of the property in its current condition, as rehabilitated, and after demolition.
- B. On receipt of a complete submittal, the Director shall refer the application to the Preservation Commission for review.
- C. If the Preservation Commission determines the application and other submittals demonstrate that the criteria set forth in Section [17.11.5.2](#): are met, the Preservation Commission shall issue and send an Alteration Certificate to the Director within 45 days after its receipt of the referral.
- D. If the Preservation Commission determines the application and other submittals do not demonstrate that the criteria set forth in Section [17.11.5.2](#): are met, the Preservation Commission may issue an order continuing the permit application process for a period not to exceed 90 days from the date of the application. Any such order shall specify all aspects of the proposed work which do not meet the criteria and shall be sent promptly to the Director and the applicant.

- E. During any continuance ordered by the Preservation Commission, the Preservation Commission shall act with due diligence to study alternative means whereby the work may be brought into conformity with applicable criteria and shall during such period be available to meet with the applicant in an attempt to resolve the nonconformities.
- F. If the Preservation Commission fails to send either an Alteration Certificate or a continuance order to the Director within 60 days after receipt of the application, the building permit application process shall proceed without further reference to this Section.

#### **17.11.5.4: Economic Hardship**

Upon written application by the applicant, the Preservation Commission shall issue an Alteration Certificate for proposed demolition if the Preservation Commission finds the application and supporting documents demonstrate that maintenance or rehabilitation would cause unreasonable economic hardship based on the following:

- A. The property is incapable of earning a reasonable return on the owner's investment; and
- B. The property cannot be adapted for another use that can result in a reasonable return; and
- C. No potential purchaser of the property with a reasonable offer who intends to preserve it can be identified.

#### **17.11.5.5: Appeal of Denial of Alteration Certificate**

If the Alteration Certificate is denied by the Preservation Commission, the applicant may appeal the denial to the City Council within 30 days of the denial by Preservation Commission. After notice is provided in accordance with Section [17.11.4.6](#), the City Council shall hold a public hearing to consider the appeal, and consider any evidence it deems relevant to the application. The City Council shall apply the criteria in this Article in making its decision. The decision of the City Council shall be final.

### **17.11.6: Relocation of a Designated Structure or Landmark**

#### **17.11.6.1: Initiation**

A request to relocate a designated structure or landmark shall be initiated by the property owner(s).

#### **17.11.6.2: Application**

An application for relocation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the reasons for the request for relocation and shall include any documentation in support of the request for relocation. The Director shall forward a complete application to the Preservation Commission for its consideration.

#### **17.11.6.3: Review of Application**

The Preservation Commission shall apply the following criteria when considering applications for relocating a designated structure or landmark:

- A. If the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property; and
- B. The contribution the structure makes to its present setting; and
- C. Whether plans are specifically defined for the site to be vacated, and have been approved by city staff; and
- D. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure; and
- E. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and
- F. Whether a structural report submitted by a licensed structural engineer experienced in preservation of structures adequately demonstrates the soundness of the structure proposed for relocation.

**17.11.6.4: Decision**

- A. The Preservation Commission shall notify the applicant and the Director in writing within 15 days of its decision.
- B. The decision of the Preservation Commission shall be final.

**17.11.7: Maintenance**

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a designated structure or a contributing structure within a designated district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, color or outward appearance, and includes in-kind replacement or repair. The Director shall determine what ordinary maintenance is. If the Director determines the work to be performed falls under the purview of ordinary maintenance, an Alteration Certificate shall not be required.

It shall be the responsibility of the owner or owners of a designated property, or a contributing property within a designated district, to provide minimum maintenance to the structure or building to prevent the loss of historic material and detail. Minimum maintenance is required to prevent a structure from reaching a point of hazard where the structure might be condemned and demolished for health and safety issues.

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