

ARTICLE 23

HISTORIC PRESERVATION CODE

(Ord. 2010-08, 01/18/2010)

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ARTICLE 23

HISTORIC PRESERVATION CODE

CHAPTER 1 IN GENERAL

SECTION

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23-1-1 DECLARATION

- A. Over the last few decades, substantial re-development has taken place in and around the City. This development has been accompanied by shifts of population and changes in residential and commercial land use. This kind of growth and development threaten longstanding and historically or architecturally *significant* properties and areas within the City. These properties and areas are important sources of the City's traditions and stability.
- B. In the interest of the public health, safety and general welfare, and pursuant to sound urban planning principles, those properties and areas that have special historical, architectural, community or aesthetic significance should be preserved, enhanced and restored for use. The City's economic vitality and tax base will be maintained and enhanced by respecting Park Ridge's heritage and older neighborhoods.
- C. Many of our citizens reside in or own historically or architecturally *significant* properties. These persons should be encouraged to maintain such architectural or historic significance of their properties. Property owners should be made aware of the economic benefit of such maintenance and the pride of such maintenance should be recognized by the City.
- D. The preservation of *significant* properties, buildings and historic *structures* will serve to:
1. Stabilize and improve the economic vitality and value of the City in general, and of *designated sites* and *improvements* in particular;

2. Preserve the City's existing housing stock;
3. Provide an opportunity for property owners to preserve the City's built environment;
4. Foster civic pride in the beauty and accomplishments of the past;
5. Enhance the City's appeal to visitors so as to support and stimulate commerce;
6. Promote and encourage the continued private *ownership* and use of *designated sites* and *improvements* to the maximum extent consistent with the above objectives.

23-1-2 PURPOSES

The purposes of this Article are to:

- A. Establish the *Commission* and its governing rules.
- B. Establish standards and a procedure for the designation of *landmarks* and *historic districts*.
- C. Establish standards and a procedure for reviewing requests to perform an *alteration* of a designated *landmark* and *alterations* within a designated *historic district*.
- D. Provide for appeals from decisions of the *Director* regarding proposed work on a designated *landmark* or *historic district site*.

23-1-3 DEFINITIONS

Except where the context clearly indicates a different meaning, the following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section: When defined words are used within this Article, each will be shown in italics.

Adaptive use. *Rehabilitation* of an historic *structure* for use other than its original use. An example would be a residence converted into offices.

Addition. New *construction* added to an existing building or *structure*.

Alteration. Any change or modification, including, but not limited to *demolition* or *addition* to the structural aspect, the materials, color, texture or details of all or a part of the exterior of any *improvement* or *site*. Changing of the boundaries of a landmark or historic district shall be deemed an alteration. *Alteration* shall not include normal repair or maintenance.

Application for designation. The official written request received by the *Commission*, asking that property within the City be designated as either a *landmark* or an *historic district*.

Certificate of Appropriateness. A certificate issued by the *Commission* authorizing the performance of *alterations*, *construction* or *demolition* on property and *improvements* with a *landmark* or *historic district* designation.

Certificate of Economic Hardship. A certificate issued by the *Commission* authorizing the performance of *alterations, construction* or *demolition* even though a *Certificate of Appropriateness* has previously been denied.

Commission. The Park Ridge Historic Preservation *Commission*.

Construction. Any act or process whereby a new *improvement* is built, an existing *improvement* is structurally changed or is expanded in size or area, or a new *structure* is built on *site* where a previous *improvement* was demolished.

Demolition. An act or process which destroys a *site* or *improvement* in its entirety, or which destroys a part of a *site* or *improvement* and permanently impairs its structural, historic or architectural integrity.

Designated site. That specification, pursuant to this Article, as a *landmark* or *historic district*.

Design guidelines. The manual, entitled *City of Park Ridge Historic Districts and Landmarks Guidelines*, recommended by the *Commission* and approved by the City Council, which sets forth the appropriate standards for *restoration, rehabilitation, Certificate of Appropriateness* and preservation of *improvements* or *sites*.

Director. The City's *Director* of Community Preservation and Development or any person that the *Director* has appointed, in writing, to act in his or her stead.

Exterior architectural feature. The architectural style, design, general arrangement and components or the outer surfaces of an *improvement* that are subject to *public view*. *Exterior architectural features* shall include, by way of example, but not by limitation, the kind, color or texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to an *improvement* as distinguished from the interior surfaces enclosed by such outer surfaces. An alley shall not be considered a public street or thoroughfare for the purposes of this definition.

Final administrative decision. Any decision governed by this Article, from which there is no further administrative appeal to any agency of the City of Park Ridge.

Historic district or district. An area of the City with defined geographic boundaries, containing two or more zoning lots and designated as an "*historic district*" under this ordinance.

Improvement. Any building, *structure*, wall, fence, steps, paving, gate, sign, light, general arrangement of place or area, kind, texture or quality of building material, landscaping or landscape architecture, work of art, commemorative *structure* or other object which is or may be erected or arranged upon real estate.

Landmark. An *improvement* or *site* designated as a "*landmark*" by the *Commission*, pursuant to procedures prescribed in this Article.

Members. Unless otherwise stated, any reference in this Article to "*members*" shall mean voting members.

Normal repair and maintenance. Work to be performed on an existing *improvement* or *site* for the purpose of maintaining and retaining the existing condition of the *improvement* or *site*. *Normal repair and maintenance* shall not be deemed an *alteration*.

Owner. For purposes of the right to speak at a public hearing or the right to appeal a decision, *owner* shall mean the actual legal or beneficial *owner* of the property in question. The word *owner* shall include both the singular and plural.

Owner of record. The person, corporation or other legal entity that holds legal title to real property as shown on the tax assessor's rolls.

Period of Interim control. That period of time between the filing of an *application for designation* and the *final administrative decision* with respect to that application.

Public view. The sight perspectives of an *improvement* or *site* from a public right-of-way or public place. An alley shall not be considered a public right-of-way for the purposes of this definition.

Recognized Authority. A person who, in the field of the regulated designation, has: (1) published writings; or (2) has taught at the undergraduate college level or beyond; or (3) who has regularly consulted in the field of historic preservation on at least a statewide basis.

Rehabilitation. The process of returning an *improvement* or *site* to a state of utility, through repair or *alteration*, which makes possible an appropriate current use while preserving those portions and features of the *improvement* or *site* which are *significant* to its historic, architectural or cultural value.

Restoration. The act or process of taking an *improvement's* or *site's* appearance back to a specific period of time by removing later work and/or by replacing missing features to accurately match or portray the original *improvement* or *site*.

Significant or Significance. That characteristic of an *improvement*, *site* or district, due to its: (1) association with an historic or historically prominent or noteworthy event; or (2) its association with a person or time period; or (3) being an example of a prominent architectural style, that such *improvement*, *site* or *district* is brought within the purview of this Article.

Site. Any real property or feature of real property within the City; the use of which is, in any way, regulated or affected by this Article. *Site* shall include a specific real property and any or all of the *improvements*.

Structure. Any building, wall, fence, sign, fixture, steps or other elements attached or intended to be attached to the land.

23-1-4 GENERAL PRINCIPLES FOR CONSTRUING ALL THE REQUIREMENTS AND EACH OF THE PROCESSES OF THIS ARTICLE

A. No provision in this Article shall be construed as repealing any other regulation of the City.

- B. Any permit or license required by any other regulation of the City shall be in addition to any permit or certificate required by this Article. However, where a *Certificate of Appropriateness* is required, no other permit or license may be issued by any department of the City until a final determination on the *Certificate of Appropriateness* has been issued by the *Commission*.
- C. A *site* or district receiving a designation pursuant to this Article shall, in all instances, continue to be governed by the City Zoning Ordinance.
- D. Whenever there is a conflict between a provision of this Article or a regulation adopted pursuant to it and the provisions of any other regulation of the City; the more restrictive shall apply.
- E. Any notice required by this Article shall be in writing.
- F. Any public hearing held pursuant to this Article shall be publicized and conducted in accordance with Section 3 of the City Zoning Ordinance. Unless otherwise stated, all time frames for reviews, hearings, recommendations and decisions shall be consistent with the time frame set forth for zoning amendments in Section 4.8 of the City Zoning Ordinance. Failure to send notice where the address of an *owner of record* cannot be found shall not defeat any action taken pursuant to this Article.
- G. Any reference to days shall mean calendar days unless otherwise stated.
- H. Any reference to the term *Commission* shall also refer to any designee of the *Commission*.
- I. Any decision or determination required of the *Commission* shall be by a majority vote of the members present at any meeting where a quorum is present, except as noted in 23-4-2(A)(2) of this Article. *(Ord. 2011-55, 10/03/2011)*
- J. Any decision, determination or recommendation of the *Commission* and required by this Article shall be in writing and include findings of fact.
- K. Any *final administrative decision* may be reviewed only pursuant to Article III of the Illinois Code of Civil Procedure.
- L. In any instance in which the *Director* has decision-making authority; petitioner shall have the right to require that such authority be vested solely in the *Commission* in the same manner as set forth in subsection (D) of Section 4.4 of the City Zoning Ordinance.

23-1-5 HISTORIC PRESERVATION COMMISSION

An *Historic Preservation Commission* shall be appointed to carry out the purposes of this Article 23, in accordance with Article 4, Chapter 16 of the City Code.

23-1-6 DIRECTOR

- A. The *Director* of Community Preservation and Development shall have the responsibilities of *Director* as set forth in this Article.
- B. The *Director* shall keep, or cause to be kept, a record of all proceedings and actions of the *Commission*. This record shall be open to the public for inspection and shall be kept and maintained at the *Director's* office.
- C. The *Director* shall submit, at a minimum, a quarterly report of the *Commission's* activities to the City Council.
- D. The *Director* shall be authorized to prepare and serve citations for violations of this Article.
- E. The *Director* shall keep a register of all *landmarks* and *historic districts* which have been so designated pursuant to this Article. This register shall include the information required of each designation, along with appropriate maps.

23-1-7 PENALTIES

Any person who violates any of the provisions of this Article shall be fined as provided in Article 1, Chapter 1, Section 12 of this Code.

23-1-8 OTHER REMEDIES

In addition to any other remedies provided by law, the City may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Article. This shall include, but not be limited to, requiring the *restoration* of a *site* to its appearance prior to the violation.

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CHAPTER 2 PROCEDURES APPLICABLE TO ALL DESIGNATIONS

SECTION

23-2-1	Application for Any Designation
23-2-2	Notification and Preliminary Review as to Any <i>Application for Designation</i>
23-2-3	Public Hearing on Any <i>Application for Designation</i>
23-2-4	Procedures for All Designation Applications

23-2-1 APPLICATION FOR ANY DESIGNATION

- A. Applications shall be filed with the *Director* on forms provided by the *Commission*. With respect to the property proposed for designation, the application shall include or be accompanied by the following:
1. The name and address of the applicant.
 2. The name and address of *the owner of record*, if it is not the same as the applicant.
 3. If the applicant is the *owner*, the name and address of both the legal and beneficial *owner*.
 4. The legal description and common street address or addresses of the property.
 5. A map delineating the property's boundaries and location.
 6. A written statement describing the property or properties and setting forth reasons in support of the proposed designation.
 7. Such other information as may be required by the *Director* or the *Commission*.
- B. No application relating to the same property may be filed during the twelve (12) months following a denial.

23-2-2 NOTIFICATION AND PRELIMINARY REVIEW AS TO ANY APPLICATION FOR DESIGNATION

- A. Upon receipt of a fully completed *application for designation*, the *Director* shall in the case of *historic districts*, schedule a preliminary review by the *Commission*. In the case of *landmarks*, the *Director* shall schedule a preliminary review only if requested by the applicant. The *Director* shall notify the applicant of the time and place of the preliminary review.
- B. The *Director* shall also notify the Department of Community Preservation and Development and the Department of Public Works that an *application for designation* has been received. The notification shall request that each such department report to the *Commission* any matters that might be relevant to the determination of whether or not the subject property should receive the requested designation.
- C. The *Director* shall notify the applicant if additional materials are required.
- D. At the preliminary review, the *Commission* shall consider the application and decide whether it appears that there is sufficient merit to the *application for designation* to proceed to a public hearing. If the *Commission* determines that the property or district clearly will not meet the standards for designation as set forth in this Article, it shall enter a formal denial of the *application for designation*, which shall constitute a *final administrative decision*.
- E. If the *Commission* finds, upon completing the preliminary review, that an application merits further consideration, then a public hearing shall be scheduled.

23-2-3 PUBLIC HEARING ON ANY APPLICATION FOR DESIGNATION

- A. The *Director* shall notify the applicant and *owner* or *owners* of the subject property(s) as to the date, time, place and purpose of the public hearing.
- B. The *Director* shall also publish newspaper notice of the public hearing in the same manner as required for a map amendment to the City Zoning Ordinance.
- C. The applicant shall produce the following information at the hearing:
 - 1. All information that was required to be submitted on or with the *application for designation*;
 - 2. Clear photographs of the *improvements* on the subject property(s), together with information as to the age, condition and current and historical use of each *improvement*;
 - 3. Proposals for the *restoration, rehabilitation* or enhancement of the subject property(s); and
 - 4. Any other materials required by the *Commission*.

- D. The applicant, the *owner* of the subject property(s) and property owners immediately adjacent to the subject property(s) shall be entitled to speak at the public hearing. The *Commission* may accept comments from any other interested parties. The *Commission* shall review and evaluate the information that it deems appropriate according to the standards set forth in Chapter 3. A record of the proceedings shall be made and retained as a public record.

(Ord. 2011-55, 10/03/2011)

23-2-4 PROCEDURES FOR ALL DESIGNATION APPLICATIONS

A. *Commission Action*

1. The *Commission* shall either deny or issue a written recommendation to the City Council to grant or grant with modifications, the requested designation.
2. The *Commission* may not recommend modification of the area of a proposed designation such that the *site* extends beyond the exact physical boundary of the subject property as described in the application.

B. Decisions of the *Commission*

1. Each decision, as applicable, shall be in writing and shall include findings of fact.
2. A decision denying an application for any designation shall be a *final administrative decision*.
3. The *Director* shall forward copies of all decisions to the applicant, the *owner* of the subject property(s), the City Clerk and the City Manager.
4. The City Manager shall place the matter on the City Council agenda for the consideration of an ordinance by the City Council.

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CHAPTER 3 LANDMARKS

SECTION

23-3-1	<i>Landmark</i> Designation Standards
23-3-2	Persons Who May Apply for <i>Landmark</i> Designation
23-3-3	Designation by the City Council
23-3-4	<i>Alterations</i> of Designated <i>Landmarks</i>
23-3-5	Floor Area Ratio Bonus

23-3-1 LANDMARK DESIGNATION STANDARDS

The *Commission* shall consider the following when making a decision with respect to a *site* for *landmark* designation:

- A. The *site's significance* with respect to the historic, cultural, artistic, social, ethnic or other heritage of the nation, state or community.
- B. The *site's significance* as it may be representative of an architectural or engineering type lending itself to the study of a style, period, craftsmanship, method of *construction* or use of indigenous materials.
- C. The *site's* association with an important person or event in national, state or local history.
- D. The *site's* identity as a notable work of a master builder, designer, architect or artist whose individual genius has influenced an era.
- E. The *site's* identity as an established and familiar visual feature in the community owing to its unique location or physical characteristics.
- F. Criteria promulgated by the U.S. Department of the Interior for the National Register of Historic Places.
- G. The preferences of the *owner*.
- H. The economic and functional potentials of the *site*.

Paragraphs (A) through (F) must be supported by a detailed narrative: (1) authored by a *recognized authority* in the field of *significance*; or (2) which refers to and describes historical texts or historical records. (The *Commission* shall have the sole authority to determine whether or not a person is a recognized authority).

23-3-2 PERSONS WHO MAY APPLY FOR *LANDMARK* DESIGNATION

- A. Any person or entity; so long as the application is accompanied by the signed consent of the *owner of record*, or
- B. The *Commission* by a three-fifths vote of all members then appointed, may apply for a *landmark* designation for a *site* located within the corporate limits of the City. The consent of the *owner of record* requirement, as set forth in A. above, shall still apply.

23-3-3 DESIGNATION BY THE CITY COUNCIL

- A. No property or *improvement* may receive designation as a *landmark* except upon:
 - 1. Approval of an ordinance by the City Council; and
 - 2. Execution of an affidavit consenting to the proposed designation by the *owner* or *owners* of the *site* on a form provided by the City;
- B. If a designation is granted by the City Council, a copy shall also be recorded with the County Recorder of Deeds.

23-3-4 ALTERATIONS OF DESIGNATED *LANDMARKS*

No alteration may be performed on any *site* designated as a *landmark* except pursuant to Chapter 5 of this Article.

23-3-5 FLOOR AREA RATIO BONUS

Any residence designated as a *landmark* shall be entitled to the floor-area-ratio bonus set forth in Section 7.5(D) of the Zoning Ordinance. Such residence must comply with all other bulk requirements of the Zoning Ordinance.

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CHAPTER 4 HISTORIC DISTRICTS

SECTION

23-4-1	<i>Historic District</i> Designation Standards
23-4-2	Application for an <i>Historic District</i> Designation
23-4-3	Designation by the City Council
23-4-4	<i>Alteration</i> of an <i>Improvement</i> Within an Historic District
23-4-5	Floor Area Ratio Bonus

23-4-1 HISTORIC DISTRICT DESIGNATION STANDARDS

The *Commission* shall consider the following when making a decision with respect to an application for *historic district* designation:

- A. Any and all of the standards set forth in Section 23-3-1;
- B. Whether the properties, *sites* and structures taken together, represent one or more periods or styles of architecture reflective of the history of the City. (Each such property, *site* or *structure* will not necessarily be of such historic or architectural significance to be designated as a *landmark*).
- C. Whether there exists homogeneity of architectural design or dates of *construction* throughout the proposed *District*;
- D. Whether the *District* is identifiable by clear and distinctive boundaries;
- E. Whether there exist particular, distinguishing architectural or land use characteristics throughout the proposed *District*.

Paragraphs (A) through (E) must be supported by a detailed narrative: (1) authored by a *recognized authority* in the field of *significance*; or (2) which refers to or describes historical texts or historical records. (The *Commission* shall have the sole authority to determine whether or not a person is a *recognized authority*).

(Ord. 2011-55, 10/03/2011)

23-4-2 APPLICATION FOR AN *HISTORIC DISTRICT* DESIGNATION

- A. Entities that may apply:
1. Any person or entity; or
 2. The *Commission* by a three-fifths vote of all members then appointed may apply for an *historic district* designation of property located within the corporate limits of the City:
- B. Qualification of Application:
1. No application shall be accepted unless the *owners* of at least fifty percent (50%) plus one of the zoning lots within the proposed district have, by affidavit, consented to such application. One vote shall be allotted to each zoning lot within the proposed *historic district*.
(Ord. 2011-55, 10/03/2011)
 2. Proof of notice of the request to vote to consent to or oppose the designation must be provided for each zoning lot.
- C. Pre-application Meeting with Staff.
1. Prior to any application being submitted for designation as an *historic district*, the applicant must schedule a meeting with the *Director*. The purpose of the meeting with the *Director* shall be to assure that all *owners* are fully informed, to discuss and to assure receipt of a complete package of information which shall include, but not be limited to:
 - a. A copy of the current guidelines and ordinance.
 - b. Application papers.
 - c. Sample materials and aids for information, notices and meetings.
 - d. Sample form(s) for documentation of *owners'* consent, objection or undecided or non-responsive positions.

23-4-3 DESIGNATION BY THE CITY COUNCIL

- A. No property or *improvement* may receive designation as an *historic district* except upon:
1. Approval of an ordinance by the City Council; and
 2. Consent by affidavit by the *owners* of record of not less than fifty percent (50%) plus 1 of the zoning lots within the district;
(Ord. 2011-55, 10/03/2011)
- B. If a designation is granted by the City Council, a copy shall also be recorded with the County Recorder of Deeds.

23-4-4 ALTERATION OF AN IMPROVEMENT WITHIN AN HISTORIC DISTRICT

No *alteration* may be performed on an *improvement* within an *historic district* except as set forth in Chapter 5 of this Article.

23-4-5 FLOOR AREA RATIO BONUS

Any residence within an *historic district* shall be entitled to the floor-area-ratio bonus set forth in Section 7.5(D) of the Zoning Ordinance. Such residence must comply with all other bulk requirements of the Zoning Ordinance

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CHAPTER 5 *ALTERATION OF DESIGNATED SITES*

SECTION

23-5-1	Jurisdiction of <i>Commission</i> with Respect to <i>Alterations</i>
23-5-2	Standards and Criteria for Obtaining a Certificate of Appropriateness
23-5-3	Processing of Application for a <i>Certificate of Appropriateness</i>
23-5-4	<i>Certificate of Economic Hardship</i>
23-5-5	Rescission of a Designation

23-5-1 JURISDICTION OF *COMMISSION* WITH RESPECT TO *ALTERATIONS*

Alterations to designated landmarks or districts may be performed only pursuant to the following:

No *alteration* may be performed on property that is within an *historic district* or that has been designated as a *landmark*, without a *Certificate of Appropriateness* as approved by the *Commission*; except (1) where, in the opinion of the appropriate code official, a *structure* has been damaged by fire or other catastrophic event, and pursuant to the applicable provisions of the Park Ridge building code, must be demolished; or (2) *structures* owned by the City shall not require a *Certificate of Appropriateness* where there has been a determination by the City Council that the *alteration*, including *demolition*, is in the best interest of the City.

In either case, the applicable code official shall forward a copy of the *demolition* notice to the *Commission*.

23-5-2 STANDARDS AND CRITERIA FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS

The *Commission* shall consider the following criteria, as each may be applicable, in determining whether or not a *Certificate of Appropriateness* may be granted:

- A. The extent to which the proposed *alteration* will affect any *exterior architectural feature* of the *site*.
- B. Whether any proposed *alteration* will have a positive effect on and harmonize with the external appearance of the *site* as a whole or on neighboring properties.

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- C. The extent and process of any *demolition* associated with the proposed *alteration*.
- D. Whether the proposed work will result in the loss of vegetation, the keeping of existing vegetation or the addition of new vegetation on the *site*.
- E. The effect of the proposed *alteration* on the appearance of the landscape scheme for the whole *site*.
- F. When the proposed *alteration* is for an *improvement*, a report from the building inspector on the state of repair and structural stability of the *improvement*.
- G. Any changes in the essential character of the area which would occur as a result of approval of the *Certificate of Appropriateness*. This is especially important if the proposed work is to take place in an *historic district*.
- H. Whether the proposed work will conform to the following design criteria:
1. Height. The height of any proposed new *structure* or any proposed *additions* or *alterations* should be compatible with the existing *structure* and with surrounding *structures*.
 2. Proportions of front facade. The relationship between the width and height of the proposed *structure* or the existing *improvement* with the proposed *additions* or *alterations* should be compatible with and in proportion to each other and to nearby *structures*.
 3. Relationship of doors and windows. The relationship between and among doors and windows, pursuant to the proposed *alteration*, should be compatible with and in proportion to each other and with the existing *improvements*.
 4. Relationship of building mass and space. The relationship of an *improvement*, pursuant to the proposed *alteration*, to the open space between the *structure* and adjoining *structures* should be proportionate and compatible.
 5. Roof shape. The design of the roof and the *alteration* should be compatible with the existing roof and nearby *structures*.
 6. Landscaping and appurtenances. Landscaping and the use of appurtenances, pursuant to the proposed *alteration*, should remain sensitive to the individual *structure*, its occupants and their needs. Further, the landscape treatment should remain compatible with surrounding *structures* and landscapes.
 7. Scale of *structure*. The scale of the *structure* after the proposed *alteration* should be compatible with surrounding *structures*.
 8. Directional expression of front elevation. The proposed *alteration* should have no negative impact on the manner in which the street facades blend

with other *structures*. When the existing and adjacent *structures* have a dominant horizontal or vertical expression, this should be carried over and reflected in the *alteration*.

9. Architectural details. Architectural details and materials should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the existing *structures* and neighboring properties.
10. Other guidelines. Any other specific guidelines which the *Commission* may recommend for approval by the City Council.

For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the *Commission* may waive the procedures set forth in this Article and grant immediate approval for a *Certificate of Appropriateness*. The *Commission* shall state its reasons in writing for such immediate approval.

23-5-3 PROCESSING OF APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

- A. Application for a *Certificate of Appropriateness*. The application for any *Certificate of Appropriateness* shall be filed with the *Director* on a form provided by the *Commission*. The application shall be accompanied by such information, plans, elevations, specifications and other documents as may be required. Any applicant may request a meeting with the *Commission* before submitting an application and may consult with the *Commission* during the review of the application. An application for a *Certificate of Appropriateness* may be filed only by the *owner* of the subject property. The *Director* shall forward the matter to the *Commission* to review the application.
- B. *Director's Review of Certificate of Appropriateness*.

The *Commission* may delegate to the *Director* the authority, by motion, to review applications and the *Director* may grant *Certificates of Appropriateness* under the following conditions:

1. The *Director* determines that the proposed *alteration* is so clearly appropriate and so consistent with the purpose of this Article that further review is not required.
2. The *Certificate of Appropriateness* being requested meets the criteria, as specified by the *Commission* for a *Certificate of Appropriateness*.
3. There is no request for a *Certificate of Economic Hardship*.
4. The *Certificate of Appropriateness* is reported to the *Commission* at its next regular meeting.

If the *Director* grants the *Certificate of Appropriateness*, no meeting of the *Commission* shall be required. The granting of a *Certificate of Appropriateness* by the *Director* shall be a *final administrative decision*. If the *Director* does not make the findings required in this

subsection, the application shall be forwarded to the *Commission* and it shall be processed according to (C) below. The Director may not act on a *Certificate of Appropriateness* for City owned property. (Ord. 2011-55, 10/03/2011)

C. Processing of Application for a *Certificates of Appropriateness*.

(Ord. 2011-55, 10/03/2011)

1. Commission Review of *Certificate of Appropriateness* for all Property except City owned Property
 - a. An initial review shall be scheduled with *Commission*. If the *Commission* finds the proposed work to be so clearly appropriate and in accordance with the purposes of this Article, it may grant a *Certificate of Appropriateness* without any further meetings. If the *Commission* does not so find, then a meeting shall be scheduled within forty-five days of the initial review by the *Commission*. The applicant shall be notified of the time, date, place and purpose of such meeting.
 - b. The *owner* of the subject property and immediately adjacent property owners shall be entitled to speak at the meeting. The *Commission* may accept comments from other interested parties.
 - c. The *Commission* shall render a decision to grant, deny or modify the requested *Certificate of Appropriateness* on the basis of the criteria set forth in Section 23-5-2, within thirty (30) days after the meeting. The decision of the *Commission* shall be a *final administrative decision*.
 - d. If the *Certificate of Appropriateness* is granted, but with modifications, the applicant shall have fifteen (15) days to notify the *Director*, in writing, if the Applicant agrees to the modifications. If no such written notification is given, the modified application shall be deemed denied.
 - e. Following a denial, a *Certificate of Appropriateness* may not be resubmitted within the next twelve (12) months.
2. Commission Review of a *Certificate of appropriateness* for City Owned Property
 - a. With respect to City owned property, the Commission shall follow this Chapter 5; but, rather than making a final determination, shall forward its recommendation to the City Council. The City Council shall make a final decision with respect to the *Certificate of Appropriateness* for City owned property.

23-5-4 CERTIFICATE OF ECONOMIC HARDSHIP

- A. Notwithstanding any of the provisions of this Chapter to the contrary, the *Commission* may issue a *Certificate of Economic Hardship* in circumstances where the maintenance of the *site* is economically difficult or not feasible. The procedure for securing a *Certificate of Economic Hardship* shall be the same as that for a *Certificate of Appropriateness*, except

that only the *Commission* may grant a *Certificate of Economic Hardship*. A *Certificate of Economic Hardship* may allow an *alteration* in circumstances where a *Certificate of Appropriateness* would not otherwise be available.

- B. Economic hardship may be considered by the *Commission* if the applicant, at the time of the meeting, has produced the following information in an affidavit signed by the *owner* of and with respect to the subject property:
1. The amount paid, the date of purchase and the party from whom purchased (including description of the relationship between the current *owner* and the person from whom purchased);
 2. The assessed value according to the two (2) most recent assessments;
 3. Real estate taxes for the previous two (2) years;
 4. Annual debt service, if any, for the previous two (2) years;
 5. All appraisals obtained within the previous two (2) years;
 6. Any listing sheet for sale or rent along with the price asked and offers received, if any;
 7. Any uses that have been proposed or considered by the *owner*;
 8. If income-producing, the annual gross income from the subject property for the previous two (2) years, and the itemized operating and maintenance expenses for the previous two (2) years;
 9. Any other information, including the current tax bracket of the *owner*, applicant or principle investor in the property.
- C. The *Commission* shall then consider the application in light of the following:
1. Items (1) through (9) of B above; and
 2. Whether or not the *site* can be put to a reasonable use without the *alteration*; and
 3. Whether or not the *owner* can obtain a reasonable economic return on the *subject property* without the *alteration*.
- D. If the *Commission* finds that, without approval of the proposed work, the property and *improvements* cannot be put to a reasonable beneficial use or the *owner* cannot obtain a reasonable economic return, then the application shall be delayed for a period not to exceed six (6) months. During this period of delay, the *Commission* shall investigate plans that may enable another reasonably beneficial use or that will provide a reasonable economic return, or to otherwise preserve the subject property and *improvements*. Such plans may include, but are not limited to, a relaxation of the provisions of this Chapter.
- E. If by the end of this six-month period the *Commission* has found that, without approval of the proposed work, the property and *improvements* cannot be put to a reasonably beneficial

use or the *owner* cannot obtain a reasonable economic return, then the *Commission* shall issue a *Certificate of Economic Hardship* approving the proposed work. If the *Commission* finds otherwise, it shall issue, deny or modify the requested *Certificate of Appropriateness* as provided in Section 23-5-3.

23-5-5 RESCISSION OF A DESIGNATION

A designation may be rescinded by the City Council only after a hearing permitting public discussion and upon the recommendation of the *Commission*. At a minimum, the person petitioning for rescission must show that the circumstances which supported the designation have, through no fault of the petitioner, changed.