

## Summary of Changes to Chapter 22

### **Article listing**

Changed list to include new article numbers and names and removed Fees article.

### **Article 1**

Formatted

Changed "publicizing" to "promotion" in f and g.

Changed "application" to "Applicability"

Added applicability statement and general rules of construction.

Removed all definitions. Added definitions to the end of the chapter.

### **Article 2**

Changed formatting and broke 22-201 into three sections.

Changed membership of Commission to have 2 architects.

Changed 22-202 to Terms; Term Limits; Compensation.

Changed terms to three years and provided for unexpired terms.

Added section for Vacancies

Added separate section for Officers, Subcommittees, bylaws, meetings and quorum, conflict of interest, minutes, and open meetings and open records.

Duties of Commission: removed (1) Adopt its own procedural regulations. (This is now covered above)

Changed language in (5) to Maintain and underlying each designation.

Changed language in (10) to be more concise

Changed language in (11) to remove "with reasonable concern for both property or district and property owner"

Added language to (12) to include subdivision and proposed development projects and include context area. Removed 10 day language. Added the project must go to HRC before BZA or Planning Commission.

Clarified language in (13)

Clarified language in (14) and removed example of expenditure of funds.

Removed (18) confer recognition upon owners by certificates, plaques or marker.

Clarified language in (20)

Removed (D) under (22)

Added new (22) to designate authority to the Historic Resources Administrator or designee to approve certain projects that require a Certificate of Approval as the commission finds appropriate.

Added new (23) to include language for other duties granted by the governing body.

### Article 3

Changed all Survey to read:

#### 22-301 SURVEYS.

(a) The Historic Resources Commission ("Commission") shall, in behalf of the City, strive to identify sites, structures, objects, and areas that have historic, cultural, or architectural importance, interest, or value to the City.

(b) The Commission shall review and evaluate surveys and studies prepared by any unit of government or by private parties, and compile appropriate descriptions, facts, and photographs. The Commission shall maintain all such surveys and studies in a form that is compatible with the documentation system established by the State Historic Preservation Office.

(C) The Commission shall:

(1) Identify potential landmarks and historic districts as interpreted from survey and study results.

(2) Maintain procedures to nominate potential landmarks and historic districts, if appropriate.

(3) Use the survey or study information in determining whether or not to issue, under this Chapter, Certificates of Approval or Certificates of Economic Hardship.

Clarified language for Inventory.

### **Article 4**

Clarified legal language for and added amendments section.

Removed language for owner consent twice for interior designation.

Removed (D)(4) for abutting property as an inclusion.

Removed Key Contributing to be more in line with SHPO designations.

Landmarks – removed list and incorporated by reference designations.

Changed owner consent language to removed complicated % for historic districts and changed to 51% of property owners to protest.

Added pre-submittal requirement.

Added application material to include: history of the property, architectural description of property, photographs of the property.

Moved procedures for nomination to next section moving the criteria below procedures.

Removed requirement for public hearing within 45- 60 days. Public hearing cannot be held prior to 30 days.

Changed order of language to be clearer on process.

Removed design guidelines as part of the recommendation to the governing body. (This is a clerical error and will be added back.)

Criteria for Designation changed to be consistent with the National Register of Historic Places criteria.

Added legal language to Hearing before the Governing Body. The Governing Body may remand the nomination back to the HRC for additional information. Date of hearing to be no earlier than 15 days to allow for protest period.

Added the legal process for the public hearing before the Governing Body.

Protest Procedures – added 14 day requirement for protest of the recommendation by the HRC.

Removed 50 year criteria for highly significant. Added the survey of the HRA and 2 other preservation specialist to determine highly significant. Added the proposed structure must meet the criteria for the National Register as determined by the SHPO.

Added amendment and recession of nomination to this article. Recession must be by 2/3 vote of the HRC and super-majority of the Governing Body.

### **Article 5 Changed to Certificate of Approval**

Added when a CoA is required for listed properties to include sign permits, site plans or subdivisions, ground disturbing projects, improvements or development in the public right of way.

Separate out projects for the context area.

Exterior changes visible from the public right of way and sign permits, site plans or subdivisions, ground disturbing projects, improvements or development in the public right of way. Would still include demolition permits.

Add a 7 day pre-submittal meeting. Add that the application can be submitted by the appropriate city department to the HRA.

Add Administrative determinations by HRA instead of a subcommittee of the HRC or Chair of the HRC. List of administrative reviews will be established by the HRC.

Add conditional approval by the HRC

Add all context reviews to be completed by HRA.

Denial of Certificate – Added that if the applicant meets the conditions recommended by the HRC, the HRA can administratively approve the project. Added language for person aggrieved

by determination of the HRC. Changed date of Governing Body hearing to 45 days from 30 days.

Standards for Review – removed sliding scale of review. Changed review standards to Secretary of the Interior’s Standards. Added standards for context areas.

- 1) Every reasonable effort shall be made to provide for a property a use that is compatible to the designated landmark or historic district, that requires minimal alteration of the site, structure, or object, and that is compatible with its originally intended purpose;
- (2) Distinctive stylistic features, architectural details, spatial relationships or examples of skilled craftsmanship that contribute to the character of the context area shall be compatible with the designated landmark or historic district;
- (3) Deteriorated architectural features that contribute to the character of the context area shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new feature should match the feature being replaced in material, design, texture, and other visual qualities.
- (4) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;
- (5) Contemporary design for new construction of primary and accessory structures and additions to existing properties shall not be discouraged when such construction and additions do not destroy, hide, or otherwise negatively impact historical, cultural, or architectural material, and the design is compatible with the size, scale, massing, setbacks, material, and character of the designated landmark or historic district, or the context areas thereof.

#### Design Criteria

Changed language in “A” to reduce redundancy from other parts of the chapter and to have a specific code statement.

Change language to remove the adoption of design criteria (this has already been done and was leftover from when the chapter was first adopted.) Retain language that the City Commission must approve changes to the design criteria.

Changed alterations to Exterior Alterations and separated listed properties from context area properties. Identified that context area reviews are only for projects viewed from the public right-of-way.

Changed language in New Construction and Additions to Existing Buildings to include context area.

Removed word “harmony” and added context area.

Changed the location of the illustrative criteria. (Existing code references the criteria but places it in a separate section.)

Changed design criteria to include separate guidelines for listed, historic district, and context areas.

Demolition, Relocation, and Land Surface Change changed to add exceptions and to separate out context areas. Added demolition of primary structures in context area will be evaluated by the HRA or the HRC for integrity, originality, craftsmanship, age or historical significance to determine if they contribute to the context area. Demolition may be approved if the structure does not contribute to the context area. Compatible replacement structure is proposed. Separated out context areas for land surface change.

Signage guidelines added context areas. Added signs to be proportionate to the structure and similar in size to signs in the district or context area. Added signs shall not be painted on unpainted masonry.

Added context areas to accessory structures and landscaping.

## **Article 6**

Added licensed contractor to estimate the cost.

Added minimum of 5 years experience for report of structural soundness and demolition feasibility.

Removed itemized operating and maintenance expenses and depreciation deduction and annual cash flow language.

Removed remaining balance on any mortgage for the previous two years.

Added statement from SHPO that the subject property is not eligible for historic preservation financial incentive programs.

Added that the application can be reviewed at a regular scheduled meeting or one called for the purpose of review.

Added conditional approval.

Added language to appeal section.

Changed appeal timeframe from 15 to 14 days. Changed days to be heard by the Governing body to 45 days from 30.

## **Article 7**

Added burden of proof language.

Added language for conduct of hearings and general rules.

## **Article 8**

Removed language in introductory paragraph to statement of purpose of the chapter.

Removed the language to enter into agreements with other units of government including the SHPO.

Added context review.

Added review of public improvements.

Added review of vacation of streets or alleys.

## **Article 9**

Changed experience requirement from 2 to 5 years.

Removed develop application forms.

Added forwarding minutes to Governing Body.

Added language to include notice required by federal, state, or local laws and regulations.

Language changes to be clearer.

Added language to include education to City staff.

Added reviewing and approving certain applications for a Certificate of Approval as determined and delegated by the HRC.

## **Article 10**

Added adaptive reuse projects.

Changed language in preservation easements to include acquire for National and state register properties. Added language for the purposes of the chapter.

Added language to include areas in costs of conducting and preparing surveys and nominations.

Removed award program.

## **Article 11**

Removed article 11 Fees and replaced with Article 11 Emergency Procedures.

The demolition of unsafe and dangerous structures when the project can't wait until the next HRC meeting. The building official must submit a written report stating the condition and deficiencies of the property and how it constitutes an immediate hazard to the public health safety, or welfare. Provides for the HRA to document the property. Provides that the HRA find there is no feasible or prudent alternative to the demolition and that all possible planning has been done to minimize harm to any other historic property.

## **Article 12**

Add all of the minimum maintenance criteria and process.

## **Article 13**

Changed Criminal Action to Municipal Offense.

Refined legal language.

Changed minimum fine to \$100 from \$50

**Article 14**

New article for definitions.