

Heritage Preservation Commission Zoning Code Overview

Part 2: Certificates and Limitations

March 2021





What's in 10-30.30?

10-30.30.010 Purpose

10-30.30.020 Applicability

10-30.30.030 General Provisions

10-30.30.040 Designation of Landmark Properties
or Historic Overlay Zones

10-30.30.050 Cultural Resources

10-30.30.060 Development of a Landmark Property
and Property within a Historic Overlay Zone

10-30.30.070 Violations and Enforcement

10-30.30.080 Appeals



Certificates

10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone

- Only applies in existing Overlays.
- There are properties in overlays that are not historic. They are called nonconforming.
- The boundary of the National Register District and the boundary of a historic overlay are usually not the same.



Relationship to 10-40.050 Overlay Zones



What is a Historic Overlay?

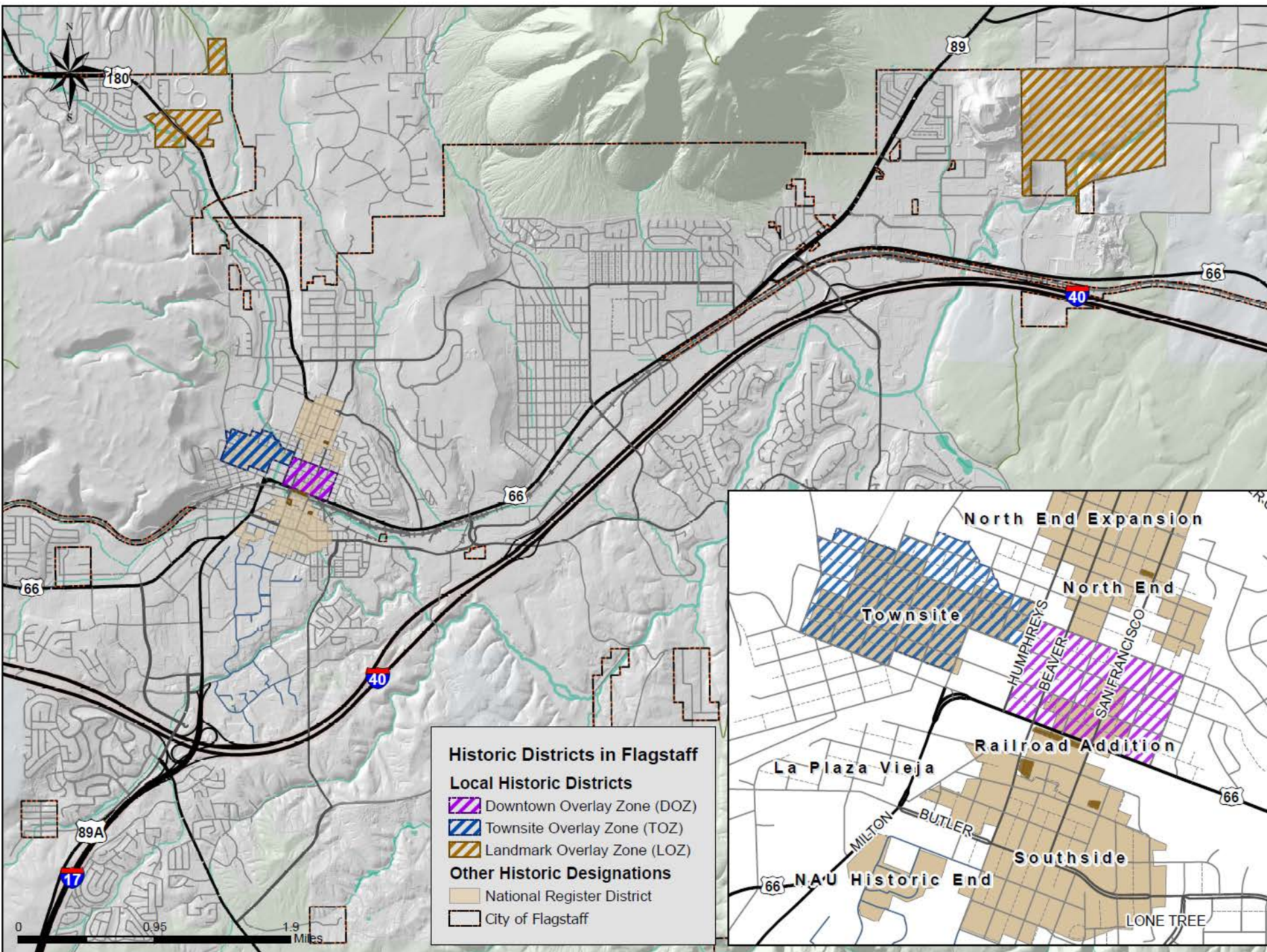
- An overlay zone adopted by ordinance for the purpose of preserving the historic buildings, sites, objects and structures within the district and their context.

What are the Overlays?

- Downtown Overlay
- Townsite Overlay
- Landmark Overlays



Overlay Districts





Applicability

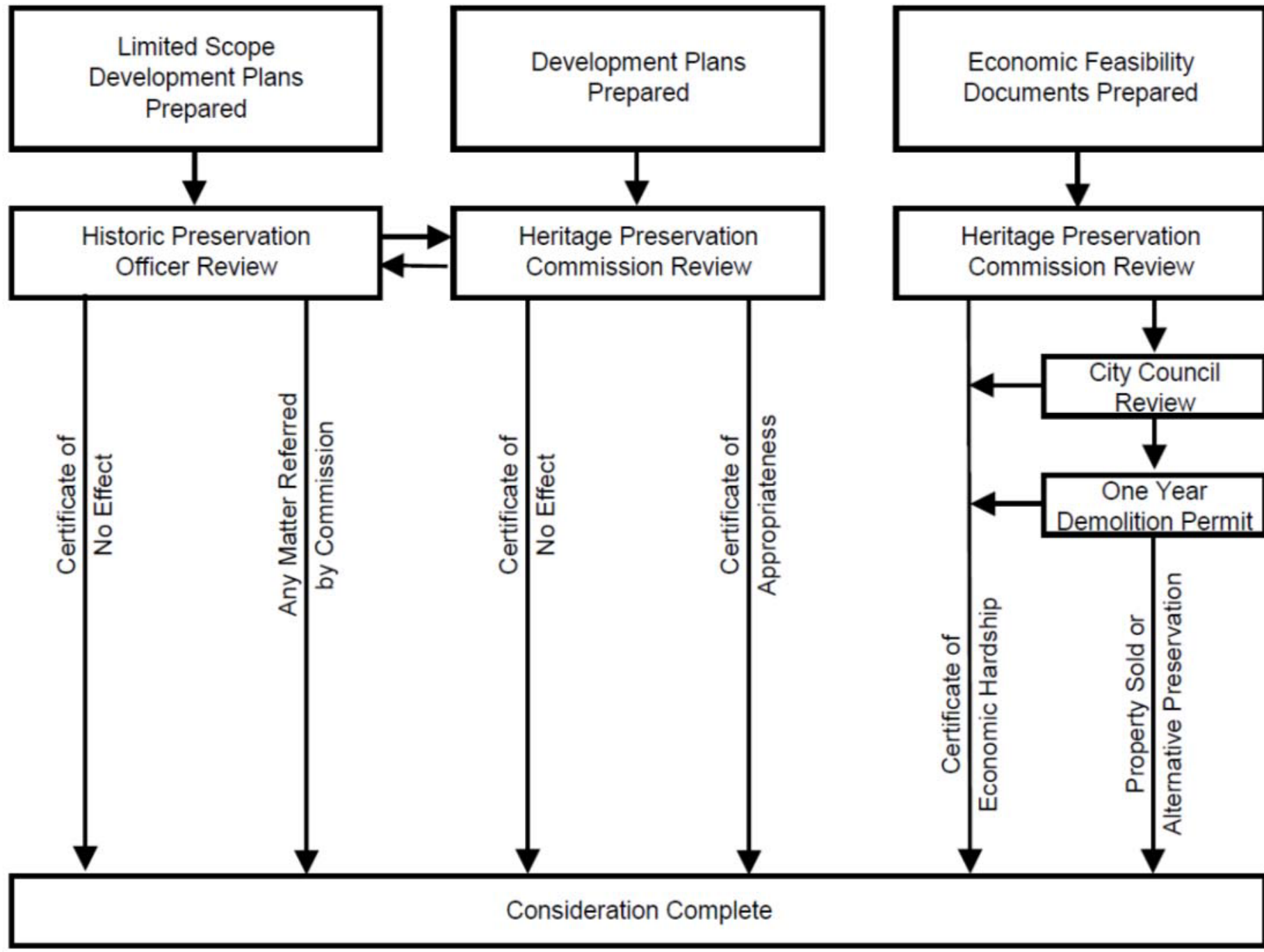


Required to comply

- Designation of landmark properties or historic overlay zones
- Cultural resource studies
- Development of a landmark property and property within a historic overlay zone

Exemptions

- Work that the Building Official certifies as correcting an imminent hazard, for which no temporary corrective measures will suffice in protecting the public safety;
- Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and
- Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.





Certificates

Certificate of No Effect

- a. The proposed work is consistent with the purpose and intent of this division;
- b. The proposed work is compatible with its context:
 - (1) The appropriate context for a landmark or a historic property is the property itself and, to a much lesser extent, the surrounding properties and neighborhood;
 - (2) The appropriate context of work in a historic overlay zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- d. There are no major impacts to any on-site cultural resources; and
- e. The proposed work is consistent with applicable development standards and design guidelines.



Certificates

Certificate of Appropriateness

- a. The proposed work is consistent with the purpose and intent of this division;
- b. The proposed work is compatible with its context:
 - (1) The appropriate context for a landmark or a historic property is the property itself and, to a much lesser extent, the surrounding properties and neighborhood;
 - (2) The appropriate context of work in a historic overlay zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- d. Major impacts on cultural resources are sufficiently mitigated; and
- e. The proposed work is consistent with applicable development standards and design guidelines.



Certificates

Certificate of Economic Hardship

- a. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);
- c. Preservation is economically infeasible;
- d. The economic hardship is not a self-created hardship;
- e. Alternative development has been fully explored; and
- f. Alternative financing has been fully explored.



Certificates

Temporary Delay of Demolition

If a certificate of economic hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, State and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.



What are 10-30.30's limitations?

- Cannot require preservation or rehabilitation
- Does not allow delay of demolition outside of an overlay
- Does not allow evaluation of post World War II “production housing”
 - The term “production housing” does not have a clear definition of the term



10-30.30 does not require Preservation

Known resources, including National Landmarks, without Landmark Overlays can be demolished or altered to the point of delisting with a Phase 2 Cultural Resource Study.



Complete Phase 2 Cultural Resource Study
and apply for demolition permit



10-30.30 does not require Preservation

The Commission does not have authority over what replaces the building or the design of the building unless it is in an overlay district with design standards.



Complete Phase 2 Cultural Resource Study and apply for demolition permit



Site Plan for an allowed land use outside of a historic overlay

Note: This is an older rendering that doesn't meet the current sign ordinance.

What work is programmed for Heritage Preservation in the Zoning Code?

1. Update the Historic Preservation sections of the Zoning Code
2. La Plaza Vieja Neighborhood Character Overlay
3. Southside Historic and Landmark Overlays



What needs have staff identified for Zoning Code changes?

- Technical correction in 10-40.50 in how standards and guidelines for historic overlays are incorporated
- Issuing a Certificate of No Effect or similar tool outside of overlays



Discussion

Next Meeting

- Historic Overlay Design Standards and Guidelines
- Appeals
- Code Compliance

