

17.32 – Historic Preservation

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17.32.010 – Purpose

This Historic Preservation Ordinance is established for the purposes of:

- A. Fostering awareness and appreciation among the citizens of the City of St. Charles of the unique history of the City embodied in its architecture and historic sites.
- B. Providing a mechanism to identify and preserve the distinctive historic architectural areas and structures that are significant to the City’s history.
- C. Protecting and increasing the value of property within the historic areas of the City of St. Charles and those sites designated as landmarks.
- D. Encouraging preservation, restoration, and rehabilitation of the City’s buildings. E. Ensuring that the economic benefits resulting from preservation are available to the citizens of St. Charles.

17.32.020 – Definitions

The following definitions are provided in addition to those found in Chapter 17.30, Definitions, and shall be used to establish the meaning of the defined terms when used in this Chapter. If there is any conflict between the meaning of a term defined in this Chapter and the same term defined in Chapter 17.30, the definitions of this Chapter shall apply with respect to the provisions of this Chapter, and the definitions of Chapter 17.30 shall apply with respect to the remainder of this Title.

Alteration

Any act or process which changes one (1) or more of the exterior architectural features of a structure or site, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Area

A specific geographic division of the City of St. Charles.

Addition

Any act or process which changes one (1) or more of the exterior architectural features of a building or structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

Architectural Significance

Embodying the distinctive characteristics of a type, period, style or method or use of indigenous construction, or representing the work of an important builder, designer, architect or craftsman who has contributed to the development of the community, county, state or nation.

Certificate of Appropriateness

A certificate issued by the Historic Preservation Commission authorizing issuance of a permit for alterations, construction, removal or demolition of a landmark structure or a building or site within a designated historic district.

Certificate of Economic Hardship

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A certificate issued by the City Council authorizing alterations, construction, relocation, removal or demolition when a landmark, or a building, structure or other improvement within an historic district, cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return thereon without the proposed alteration, construction, relocation, removal or demolition.

Commission

The St. Charles Historic Preservation Commission.

Construction

The act of altering an existing structure, building an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

Contributing

A building, structure or site that may not necessarily have architectural or historic significance as a single property, but which adds to the overall character and significance of an historic district due to its architectural or historical merit and its compatibility with other buildings, structures and sites within an architectural or historic setting such as a neighborhood. Contributing buildings, structures and sites are considered to be an integral part of an historic district.

Demolition

Any act or process which destroys in part, or in whole, a landmark or a building, structure or site within a historic district.

Exterior Architectural Appearance

The architectural character and general composition of the exterior of a building or structure including, but not limited to, the kind and texture of the building materials and the type, design, arrangement and character of all architectural elements.

Historic and Architectural Resources

Any designated landmark, and any site or structure within a designated historic district rated as having historic significance or as contributing to the historic district.

Historic District

An area designated as an historic district by ordinance of the City of St. Charles, pursuant to this Chapter.

Historic Significance

Having character, interest or value as part of the development, heritage or culture of the community, county, state or nation, as the location of an important local, county, state or national event, or through identification with a person or persons who made important contributions to the development of the community, county, state or nation.

Landmark

Any building, structure or site which has been designated as a "landmark" by action of the City Council of St. Charles, pursuant to this Chapter or by its inclusion in the National Register of Historic Places.

Non-Contributing

A building, structure or site that does not have architectural or historic significance, and does not add to the overall character and significance of an historic district, due to a lack of architectural or historical merit or its incompatibility with other buildings, structures and sites. Noncontributing buildings are usually characterized by either older buildings with additions or exterior alterations that are incompatible with the character of the original construction, or newer buildings whose design is incompatible with older buildings in the area or whose placement is incompatible with the historic pattern of development in the area.

Owner of Record

The person, corporation or other legal entity listed as the owner of a property in the records of the Kane County Recorder.

Rehabilitation

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

Removal

Any relocation of a structure from its original site.

Repair

Any change that requires a building permit, but is not construction, relocation or alteration.

17.32.030 – Historic Preservation Commission establishment

- A. There is hereby established the Historic Preservation Commission which shall consist of seven (7) members. At least one (1) member shall be a resident who is a representative of a local historical society or preservation organization; at least one (1) member shall be an architect who is a resident or who works at an architectural firm located within the City; at least one (1) member shall be a representative of the business community who is a resident or who owns and operates a business located within the City; and the remaining four (4) members shall be at large members. At large members shall either reside within the City or own property within a Historic District or own a designated Landmark. All members shall have demonstrated an interest in historic preservation. In addition, a non-voting, ex-officio member shall be a St. Charles Community Development Department staff employee designated by the Director of Community Development.
- B. The Mayor shall appoint, subject to City Council approval, the members of the Historic Preservation Commission for terms of three (3) years. Initial members shall serve staggered terms of two (2) members for three (3) years, two (2) members for two (2) years and the remaining three (3) members for one (1) year. Members may serve for more than one term

17.32.040 – Historic Preservation Commission officers and meetings

- A. The Commission shall elect from its membership a Chairperson and a Vice-Chairperson, and such other officers as it may determine. Officers shall serve for terms of one (1) year, commencing May 1 and ending April 30 of the following year, and shall be eligible for re-election.
- B. A quorum shall consist of a majority of the members. All recommendations to the Building and Code Enforcement Division Manager, Plan Commission or City Council shall be made by a majority of those members present at any meeting where a quorum exists. Any member of the Commission who fails to attend one-third (1 /3) or more of the meetings held within any six (6) month period may be deemed to have vacated their office and may be replaced by another person appointed by the Mayor and approved by the City Council.
(Ord. 2010-Z-4 § 5.)
- C. Meetings shall be held at regularly scheduled times or at the call of the Chairperson; minutes of the proceedings of each meeting shall be made and kept, all in accordance with the Illinois Open Meetings Act and as otherwise required by law.
- D. Members may be removed from the Commission for cause, upon the recommendation of the Mayor or a motion proposed by the City Council, by a two-thirds (2 /3) majority vote of the City Council.

17.32.050 – Powers and Duties of the Historic Preservation Commission

The Historic Preservation Commission shall have the powers and duties enumerated in Chapter 17.04, Administration.

17.32.060 – Landmark designation procedures

- A. Nominations for landmark designation shall be made to the Historic Preservation Commission by completing the application form available from the Director of Community Development. A property or site may be nominated by any St. Charles property owner or the Historic Preservation Commission.
- B. Within thirty (30) days of receiving or initiating a nomination, the Commission shall schedule a public hearing to consider the eligibility of a property for landmark designation.
 - 1. Notice of the time and place of the public hearing shall be provided by the Director of Community Development not more than thirty (30) days, or less than fifteen (15) days, before such hearing, by mail to all owners of property proposed for landmark designation and by publication in one (1) or more newspapers published in the City.
 - 2. At the hearing, the Historic Preservation Commission will take testimony presented by the nominator, the owner, and any other interested parties who wish to comment on the application in relation to the criteria for designation as a landmark. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.
- C. The Commission shall evaluate the property's eligibility for landmark designation based on its historic and/or architectural significance, the integrity of its design, workmanship, materials, location, setting and feeling, and the extent to which it meets one (1) or more of the following criteria:
 - 1. Has character, interest or value which is part of the development, heritage or cultural character of the community, county, state or nation.
 - 2. Is the site of a significant local, county, state or national event.
 - 3. Is identified with a person who significantly contributed to the development of the community, county, state or nation.
 - 4. Embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.
 - 5. Is identified with the work of a master builder, designer, architect or landscape architect whose work has influenced the development of the area, the county, the state or the nation.
 - 6. Embodies elements of design, detailing, materials, or craftsmanship that are of architectural significance.
 - 7. Embodies design elements that make it structurally or architecturally innovative.
 - 8. Has a unique location or physical characteristics that make it a familiar visual feature of the community.
 - 9. Is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.
 - 10. Is suitable for preservation or restoration.
 - 11. Is included in the Illinois or National Register of Historic Places.
 - 12. Has yielded, or is likely to yield, information important to prehistory, history or other areas of archaeological significance.
- D. Within thirty (30) days after the conclusion of the public hearing, the Historic Preservation Commission shall make a recommendation regarding the proposed landmark designation. The Historic Preservation Commission's recommendation shall be made by resolution, which shall include its findings and reasoning based on the preceding criteria. The Director of Community Development shall forward a copy of the resolution to the applicant, the owner of record, and the City Council.

After the Historic Preservation Commission recommends designation as a landmark, and before the City Council approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal or demolition of the proposed landmark unless a Certificate of Appropriateness is issued. However, if the City Council does not approve or disapprove the nomination application within sixty (60) days of the Historic Preservation Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this sixty (60) day period.

- E. Landmark designations, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the landmark designation.
- F. Landmark designation may be rescinded by the same procedures and according to the same criteria set forth herein for landmark designation. No nomination application relating to the same property will be entertained by the Historic Preservation Commission for six (6) months following City Council disapproval

17.32.070 – Historic district designation procedures

- A. The Historic Preservation Commission shall conduct a survey, or surveys, to identify potential historic districts within the corporate limits of the City of St. Charles. Such surveys shall identify buildings, structures and sites having architectural or historic significance, as well as buildings, structures and sites which contribute to the historic or architectural significance of the area as a whole. Based on the outcomes of those surveys, the Historic Preservation Commission may nominate an area for designation as an historic district or districts, and may recommend additions to or deletions from any existing historic district. Nominations may also be made by any property owner in St. Charles; such nominations must be accompanied by a petition supporting the nomination signed by the owners of record of at least twenty-five percent (25%) of the properties within the proposed district.
- B. Within thirty (30) days of receiving or initiating a nomination, the Historic Preservation Commission shall schedule a public hearing to consider the eligibility of an area for designation as an historic district.
 - 1. Notice of the time and place of the public hearing shall be provided by the Director of Community Development not more than thirty (30) days, or less than fifteen (15) days, before such hearing by mail to all owners of property within the proposed historic district and by publication in one (1) or more newspapers published in the City.
 - 2. At the hearing, the Historic Preservation Commission will take testimony presented by the nominator, property owners and any other interested parties who wish to comment on the application in relation to the criteria for designation as an historic district. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.
- C. The Historic Preservation Commission shall evaluate the proposed district for its eligibility as an historic district based on its overall historic and/or architectural significance, and the extent to which it meets the following criteria:
 - 1. The area contains one (1) or more buildings, structures or sites meeting the criteria for landmark designation, and may also include other buildings, structures or sites which, although they may not qualify for individual landmark designation, contribute to the overall visual character of the area and to its architectural or historic significance.
 - 2. The area is historically, economically or culturally significant to the development of St. Charles.
 - 3. The area has sufficient integrity to convey the sense of a particular period in the history of the community.
- D. Within thirty (30) days after the conclusion of the public hearing, the Historic Preservation Commission shall make a recommendation regarding the proposed historic district designation. The Commission's determination shall be made by resolution, which shall include its findings and reasoning. The Director of Community Development shall forward a copy of the resolution to the applicant and the City Council.

If a petition signed by at least 51% of the electors residing within the proposed historic district and by at least 51% of the owners of record of land included within the proposed historic district is filed with the City Clerk within 60 days following the final adjournment of the public hearing, the historic district shall not be created or enlarged except by a favorable vote of 2/3 of the aldermen then holding office.

- E. After the Commission makes a recommendation regarding designation as an historic district, and before the City Council approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal or demolition of any building within the proposed historic district unless a Certificate of Appropriateness is issued. However, if the City Council does not approve or disapprove the nomination application within sixty (60) days of the Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this sixty (60) day period.
- F. Historic districts, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the historic district. Historic district boundaries shall be shown on the official St. Charles Zoning Map. (Ord. 2010-Z-4 § 2.)
- G. Historic district designation may be rescinded by the same procedures and according to the same criteria set forth herein for historic district designation. No nomination application relating to the same property will be entertained by the Historic Preservation Commission for six (6) months following City Council disapproval.

17.32.080 – Certificates of appropriateness

- A. Concept Review
 - 1. Purpose

A concept plan may be submitted for the purpose of obtaining the Historic Preservation Commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of detailed plans and architectural drawings and applying for a Certificate of Appropriateness.

2. Procedure

The property owner requesting a concept review shall submit a preliminary drawing of any exterior alterations or construction, current photographs of the property, a map or survey showing locations of all structures on the property, and a list of proposed materials. The owner shall present the concept plan at a Historic Preservation Commission meeting.

3. After discussion with the owner, the Historic Preservation Commission may make a preliminary determination whether the proposed work complies with the established criteria, and may make recommendations as to any changes that would bring the proposal into compliance.

B. Certificate of Appropriateness: When Required

1. Except as provided herein, a Certificate of Appropriateness is required prior to issuance of a permit for construction, alteration, repair, demolition, relocation or other material change that affects the exterior architectural appearance of any structure or site within an historic district or of any designated landmark building or site.

2. Prior to the issuance of a Certificate of Appropriateness for demolition or relocation of a building or structure, a plan for the use of the property being vacated by the proposed demolition or relocation shall be submitted and approved by the Commission, or upon appeal, by the City Council. The approval of a Certificate of Appropriateness for demolition or relocation may be conditioned on issuance of a Certificate of Appropriateness for the new construction on the site.

3. A Certificate of Appropriateness may be issued administratively upon the approval of the Director of Community Development in consultation with the Chairman or Vice-Chairman of the Historic Preservation Commission for minor repairs, alterations or other changes that will have no impact on historic and architectural resources. From time to time, the Historic Preservation Commission may recommend, and the City Council may approve, a description of such minor repairs, alterations or other changes for which a Certificate of Appropriateness may be issued administratively.

4. The requirement for a Certificate of Appropriateness may be waived in emergency circumstances which require immediate relief, repair, or demolition, where the Fire Chief or Building and Code Enforcement Division Manager certifies that such conditions exist and that said conditions can be eliminated as quickly as is needed only if the Certificate of Appropriateness is waived. Emergencies are defined as life or health threatening conditions requiring immediate attention, as determined by the Fire Chief or Building and Code Enforcement Division Manager. This subsection shall apply only in cases where it is impractical for the Historic Preservation Commission to review a Certificate of Appropriateness.
(Ord. 2010-Z-4 § 5.)

5. Any above-grade attachment or other physical connection between a building located within an historic district or a landmark site, and any other building, structure, above-ground improvement, open space or other portion of a property not located within the district or landmark site (excluding public and private utility wires, poles and related appurtenances), shall be deemed an Alteration and/or an Addition to the building located within the historic district or landmark site that is subject to the Certificate of Appropriateness requirements hereunder. Such attachments or connections include, but are not limited to, an addition to a building located in the district or landmark site that extends across the district or landmark site boundaries or an outdoor deck and stairs from a building in the district or landmark site that extends across the district or landmark site boundaries. The plans and specifications submitted for the Certificate of Appropriateness shall include the existing and proposed improvements to the property located outside the district or landmark site boundaries to which the attachment or connection extends. In determining whether an attachment or physical connection to a building outside the district meets the applicable criteria of this Chapter, the Historic Preservation Commission may take into account the improvements existing on or proposed for such property outside the district or landmark site.
(Ord. 2010-Z-4 § 3.)

C. Certificate of Appropriateness: Procedure

1. Where a Certificate of Appropriateness is required, the Building and Code Enforcement Division Manager shall furnish building permit applicants with an application for a Certificate of Appropriateness.

2. The Historic Preservation Commission shall review an application for a Certificate of Appropriateness within twenty-two (22) days following receipt of the application. Plans and specifications for exterior work submitted with a permit application shall be made available to the Historic Preservation

Commission. The Director of Community Development shall notify the applicant of the time and place of the meeting. Failure of the Historic Preservation Commission to act upon an application for a Certificate of Appropriateness within twenty-two (22) days shall constitute approval and no other evidence shall be needed. Tabling the application shall be considered action by the Historic Preservation Commission, provided, however, that any such delay shall not exceed twenty (22) days unless the applicant has not provided the additional documentation or expert technical advice requested.

3. The Historic Preservation Commission may table the application for a Certificate of Appropriateness if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. The Commission shall hold an additional meeting or meetings to consider the application not more than twenty-two (22) days from receipt of all requested documentation and technical advice.
4. If the Historic Preservation Commission finds, on a preliminary basis, that the work proposed in the application does not meet the applicable criteria of this Chapter, it may recommend changes to the applicant that would cause the proposed work to meet the applicable criteria, and may confer with the applicant and attempt to resolve any differences between the applicant's plan and the applicable criteria.

Ord. 2010-Z-4 § 4.)

D. Historic Preservation Commission Findings and Recommendations

1. If the Historic Preservation Commission finds that the work proposed in the application meets the applicable criteria of this Chapter, it shall approve a Certificate of Appropriateness.
2. If the Historic Preservation Commission finds that the work proposed in the application does not meet the applicable criteria and will therefore adversely affect or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, it shall recommend to the City Council denial of the Certificate of Appropriateness. The Historic Preservation Commission's recommendation for denial shall be in the form of a resolution stating its findings and reasoning. The Director of Community Development shall forward the application for Certificate of Appropriateness and the Historic Preservation Commission's Resolution to the City Council.
3. The applicant may submit an amended application to address the Historic Preservation Commission's findings and recommendations. If the Historic Preservation Commission finds that the amended application conforms with the applicable criteria, it shall issue a Certificate of Appropriateness, and no action by the City Council shall be required.

E. City Council Resolution

1. The City Council may deny a Certificate of Appropriateness in accordance with the recommendations of the Historic Preservation Commission. Upon review of the Commission's resolution, its minutes and the application, if the City Council finds that the applicable criteria of this Chapter for granting a Certificate of Appropriateness will be met, it may disregard the Historic Preservation Commission's recommendation and approve a Certificate of Appropriateness.
2. The applicant may submit an application for a certificate of economic hardship pursuant to Section 17.32.090, "Economic Hardship". The City Council shall not deny a Certificate of Appropriateness until a determination has been made concerning the certificate of economic hardship.

F. Invalidity. A Certificate of Appropriateness shall be invalid if:

1. Changes have been made to the plans as approved by the Historic Preservation Commission or City Council
2. The permit issued for the work becomes invalid. A Certificate of Appropriateness remains in force for the same period of validity as the permit.

G. Certificate of Appropriateness: Criteria

In making a determination whether to approve or to recommend denial of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following criteria:

1. Significance of a Site, Structure or Building
 - a. The Historic Preservation Commission shall apply the maximum flexibility allowed by this Chapter in its review of applications for new construction and for alteration, removal or demolition of structures that have little architectural or historic significance. However, if the new construction, alteration, removal or demolition would seriously impair or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, the Historic Preservation Commission shall give due consideration to protection of those historically and architecturally significant features.
 - b. The following properties are presumed to have architecturally or historically significant features:
 - i. Properties within a designated historic district that are classified as architecturally or

- historically significant by a survey conducted pursuant to Section 17.32.070.
 - ii. Properties designated as landmarks pursuant to Section 17.32.300.
 - iii. All properties listed on the National Register of Historic Places.
 - c. The following properties will sometimes have architecturally or historically significant features - properties within a designated historic district that are classified as architecturally or historically contributing by a survey conducted pursuant to Section 17.32.070.
 - d. The following properties will usually have little architectural or historic significance - properties within a designated historic district that are classified as architecturally or historically non-contributing by an architectural survey conducted pursuant to Section 17.32.070.
2. General Architectural and Aesthetic Guidelines
- a. Height
The height of any proposed alteration or construction should be compatible with the style and character of the structure and with surrounding structures.
 - b. Proportions of the Front Facade
The relationship between the width of a building and the height of the front elevation should be compatible with surrounding structures.
 - c. Proportions of Windows and Doors
The proportions and relationships between doors and windows should be compatible with the architectural style and character of the building.
 - d. Relationship of Building Masses and Spaces
The relationship of a structure to the open space between it and adjoining structures should be compatible.
 - e. Roof Shapes
The design of the roof, fascia and cornice should be compatible with the architectural style and character of the building and with adjoining structures.
 - f. Scale
The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures
 - g. Directional Expression
Facades in historic districts should blend with, and reflect, the dominant horizontal or vertical expression of adjacent structures. The directional expression of a building after alteration, construction or partial demolition should be compatible with its original architectural style and character.
 - h. Architectural Details
Architectural details, including types of materials, colors and textures, should be treated so as to make a building compatible with its original architectural style and character, and to enhance the inherent characteristics of surrounding structures.
 - i. New Structures
New structures in an historic district shall be compatible with, but need not be the same as, the architectural styles and general designs and layouts of the surrounding structures.
3. Secretary of the Interior's Standards for Rehabilitation
- a. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal change to the defining characteristics of the building, structure or site, and its environment, or to use the property for its originally intended purpose.
 - b. The distinguishing original qualities or historic character of a building, structure or site, and its environment, shall be retained and preserved. The removal or alteration of any historic materials or distinctive architectural features should be avoided when possible.
 - c. All buildings, structures or sites shall be recognized as physical records of their own time, place and use. Alterations that have no historical basis, or which seek to create an earlier appearance, shall be avoided.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive stylistic features, finishes and construction techniques or examples or skilled craftsmanship, which characterizes a building, structure or site, shall be preserved.
 - f. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be based on accurate duplications substantiated by documentary, physical or pictorial evidence, and not conjectural designs or the availability of different architectural elements from other buildings or structures.

- g. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Sandblasting and other physical or chemical treatments which will damage the historic building materials shall not be used.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize a property. Contemporary design for the new work shall not be discouraged when such alterations and additions are differentiated from the old, and are compatible with the massing, size, scale, color, material and character of the property and its environment.
 - j. New additions, and adjacent or related new construction, shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. Design Guidelines
Advisory recommendations for applying the criteria of the above subsections “2. General Architectural and Aesthetic Guidelines” and “3. Secretary of the Interior’s Standards for Rehabilitation” to neighborhoods, Historic Districts, Landmarks, or to specific types of structures or sites. Design Guidelines shall be recommended by the Historic Preservation Commission and adopted by the City Council.
(Ord. 2011-Z-3 § 3.)
5. Code Conflicts
Where there are irreconcilable differences between the requirements of the building code, life safety code, or other codes adopted by the City and the requirements of this Chapter, conformance with those codes shall take precedence, and therefore the Historic Preservation Commission shall approve a Certificate of Appropriateness. In so doing, however, the Historic Preservation Commission shall be obligated only to approve those portions of the proposed work that are necessary for compliance with the applicable codes, as determined by the Building and Code Enforcement Division Manager or Fire Chief.

(2011-Z-3 : § 2; 2010-Z-4 : § 5)

17.32.090 – Economic hardship

Notwithstanding any of the provisions of this Chapter to the contrary, upon receipt of a recommendation from the Historic Preservation Commission, and upon making the findings described herein, the City Council may approve a certificate of economic hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

- A. Applicants claiming economic hardship shall be required to show evidence of having sought rehabilitation assistance from available sources. The Historic Preservation Commission will provide the applicant with a list of sources known to it.
- B. Applicants may submit any, or all, of the following information in support of the application:
 - 1. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 - 2. The assessed value of the land, and improvements thereon, according to the two (2) most recent officially documented assessments.
 - 3. Real estate taxes for the two (2) previous years.
 - 4. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years.
 - 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - 6. Any listing of the property for sale or rent, and the price asked and offers received, if any.
 - 7. Any consideration by the owner as to profitable adaptive uses for the property.
 - 8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.
 - 9. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 - 10. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - 11. A report from a licensed architect or engineer, with experience in rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - 12. Any other information reasonably necessary for a determination as to whether the property can be reasonably used by, or yield a reasonable return to, present or future owners.
- C. After reviewing the application and any other information available, the Historic Preservation Commission shall make a recommendation to the City Council regarding the application for a certificate of economic hardship. If the City Council finds that without approval of the proposed work the property cannot obtain a reasonable economic return, it may issue a certificate of economic hardship. In the alternative, it may delay the issuance of a certificate of economic hardship for a period of up to three (3) months. During this time, the City Council shall invite plans and recommendations from the Historic Preservation Commission, or any interested party, to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to, a relaxation of the provisions of this ordinance, an abatement of real property taxes, financial assistance, the application of building code requirements, and/or changes in zoning regulations.
- D. If by the end of this three (3) month period, the City Council determines that no viable alternative is available and the property cannot be put to a reasonably beneficial use, or the owner cannot obtain a reasonable economic return, then it shall issue a certificate of economic hardship approving the proposed work.
- E. The City Council shall consider the recommendations of the Historic Preservation Commission in deciding whether to issue the certificate of economic hardship, but may overturn the Historic Preservation Commission's recommendation if, in its sole discretion, it finds such action appropriate.