

Proposed Zoning Code Text Changes Regarding Landmark Designations

§ 120-185. Preservation Board.

K. Jurisdiction and authority. The Preservation Board shall have the following jurisdiction and authority:

- (1) Subject to the provisions of § 120-192, to review and offer recommendations on applications for special permits that have been referred to it by the Director of Planning and Zoning.

[Amended 6-16-2009 by Ord. No. 2009-179]

- (2) Subject to the provisions of § 120-193, to initiate, hear, review and, subject to the similar authority of the Planning Commission, approve or disapprove proposals for the designation of landmarks.
- (3) Subject to the provisions of § 120-190, to initiate, hear, review and offer its recommendations on proposals for the designation of preservation districts.
- (4) Subject to the provisions of § 120-195, to review and offer recommendations on applications for variances that have been referred to it by the Director of Planning and Zoning. The Director of Planning and Zoning shall refer all applications for variances of the city-wide design standards for Designated Buildings of Historic Value set forth in §120-158C to the Preservation Board for recommendation.

§ 120-188. Common review procedures.

A. Initiation of application. A property owner, or its duly authorized agent, or other persons having a contractual interest shall make an application required under this chapter for the subject property. City Council and City agencies, commissions or boards may submit applications as defined in this chapter.

B. Compliance required. No application for a certificate of nonconformity, site plan review, planned development district designation or incremental development plan, adjustment, cluster development, special permit, variance or certificate of appropriateness shall be considered where there are existing violations or outstanding judgments pursuant to any other City statute, ordinance or code, except where such application is intended to cure the violation.

[Amended 6-14-2005 by Ord. No. 2005-161]

C. Simultaneous processing. Whenever two or more forms of review and approval are required under this chapter, applications for those development approvals may, at the discretion of the Director of Planning and Zoning, be processed simultaneously. However, it is also within the discretion of the Director of Planning and Zoning to hold on the processing of any application when a prior application for the same property is pending.

§ 120-193. Procedures approved by the Preservation Board and Planning Commission.

A. Designation of landmarks.

(4) Procedure.

(a) Application.

- [1] A landmark may be proposed by the City Council, the Planning Commission, the Preservation Board or the property owner by transmitting such proposal, together with such supporting materials as may seem appropriate, to the Director of Planning and Zoning for processing in accordance with the provisions of this section. However, no landmark may be proposed following an approval of a variance by the Zoning Board of Appeals to waive the design standards for Designated Buildings of Historic Value as set forth in §120-158 C., except with written consent of the property owner.

[Amended 6-16-2009 by Ord. No. 2009-179]

~~[2] Any other City resident may submit a nomination request to the Preservation Board. If the Preservation Board agrees to sponsor the application, the City resident shall provide supporting documentation that the proposed landmark is worthy of designation by preparing all supporting materials for any application.~~

- (b) Notice to owner. In addition to any other required notification, a notice sent by certified mail with return receipt requested shall be forwarded within five business days of the Director of Planning and Zoning receiving a ~~nomination request and upon receipt of the~~ completed application to the last known property owner of the nominated landmark as shown on records of the City.

§ 120-194. Procedures approved by the Preservation Board.

A. Certificate of appropriateness.

- (1) Authority. The Preservation Board shall have the authority to issue certificates of appropriateness within the City.
- (2) Preservation guidelines. The Preservation Board shall have the authority to develop and adopt preservation guidelines pursuant to the public hearing process set forth in this chapter. In certain cases, the Director of Planning and Zoning may approve a certificate of appropriateness that complies with the preservation guidelines. Such preservation guidelines shall be kept on record with the Director of Planning and Zoning.

[Amended 6-16-2009 by Ord. No. 2009-179]

- (3) Purpose. The certificate of appropriateness is intended to provide a procedure for the review of plans for work in preservation districts and on landmarks to ensure that such work will comply with standards established to preserve the integrity of any structure, improvement, landscape feature or cultural site that has been determined to merit special protection.
- (4) Certificate of appropriateness required.

- (a) It shall be unlawful for any person to perform, cause or permit any construction, alteration, remodeling, removal, movement or demolition of any structure, improvement, landscape feature or cultural site which has been designated a landmark or which is located within an area which has been designated as a preservation district.
- (b) No person shall secure or issue a permit authorizing any such work unless a certificate of appropriateness with respect to such work and, in the case of demolition of a principal structure, with respect to the new construction proposed to replace such structure shall have first been issued pursuant to this section.
- (c) Use of the alternate sign programs in preservation districts shall require a certificate of appropriateness.
- (d) The following shall require a certificate of appropriateness: parking areas in the side and front yard subject to the criteria set forth in § 120-191A(4) and side yard air-conditioning units and the like subject to the criteria set forth in § 120-191A(4)(c)[7].

[Amended 6-17-2003 by Ord. No. 2003-183; 7-27-2004 by Ord. No. 2004-240]

- (e) For any Designated Building of Historic Value that is also designated as a landmark or is located in a preservation district, the provisions of 120-194 shall supersede the requirements of Article XIX.