ARTICLE II. HISTORIC ZONING

Sec. 10-10. Purposes of historic zoning.

The purpose of historic zoning is to preserve and protect the historical and/or architectural value and cultural heritage of buildings, landmarks and historic districts; to regulate exterior design, arrangement, texture and materials proposed to be used within the historic district to ensure compatibility; to create an aesthetic appearance which complements the historic buildings or other structures; to stabilize and improve property values; to strengthen the local economy; to promote the use of local historic districts for the education, pleasure and welfare of present and future citizens; to promote neighborhood pride in and awareness of the beauty and significant accomplishments of the past; to protect and enhance the city's attraction to residents, tourists and visitors and serve as a support and stimulus to business and industry; to foster and encourage preservation, restoration and rehabilitation of structures, areas and neighborhoods, thereby preventing future urban blight and preserving existing housing stock; to prevent intrusions of newly-developed structures into the district that would be incompatible with the established character of the neighborhood or district.
(Ord. No. 9112, § 1, 1-24-89)

Sec. 10-11. Reserved.
(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 10-10-89)

Sec. 10-12. Definitions.

Unless specifically defined below, words or phrases in this ordinance shall be interpreted as having the same meaning as they have in common usage.

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

(b) *Appurtenance* - A structure or a landscaping element which is accessory or auxiliary to the main structure on a property. Examples of appurtenances include, but are not limited to: fences, gazebos, signs, billboards, walls, sporting apparatus and equipment, radio and television antennae, swimming pools, bath houses, steps, sidewalks, out buildings, garages, street lights and statues.

(c) *Area* - A specific geographic division of the city.

(d) *Baseline Photographs* - Current photographs of all sides of each structure visible from public thoroughfares to be taken following approval of a historic district or landmark.

(e) *Certificate of Appropriateness (COA)* - A certificate issued by the Historic Zoning Commission indicating its approval of plans for alteration, construction, removal, or demolition of a structure or appurtenance within a local historic district.

(f) *Certificate of Economic Hardship (CEH)* - A certificate issued by the Historic Zoning Commission authorizing an alteration, construction, removal, or demolition of a structure within a local historic district. A Certificate of Economic Hardship can be issued by the Historic Zoning Commission to an applicant who shows that complying with the standards of the Certificate of Appropriateness would present an unreasonable economic burden.

(g) *Construction* - The act of adding an addition to an existing structure or the erection of a new principal or appurtenant structure on a lot or property.

(h) *Demolition* - Any act or process that destroys in part or in whole a structure within a local historic district.

(i) *Design Guideline* - A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

(j) *Exterior Architectural Appearance* - The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

(k) *Local Historic District* - An area, designated by the Chattanooga City Council which possesses a significant concentration or continuity of sites or buildings which are significant historically, architecturally, or aesthetically, and which meets one or more of the following criteria:

(1) Is associated with an event which has made a significant contribution to local, state, or national history;

(2) Includes structures associated with the lives of persons significant in local, state, or national history;

(3) Contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) Has yielded or may be likely to yield archaeological information important in history or prehistory; or

(5) Is listed in the National or Tennessee Registers of Historic Places. [Acts 1982 (Adj.S.), ch. 814, 1.]

(l) *Local Historic Landmark* - A single property or structure, designated by the Chattanooga City Council, which is significant historically, architecturally, or aesthetically, and which meets one or more of the following criteria:

(1) Is associated with an event which has made a significant contribution to local, state, or national history;

(2) Is associated with the lives of persons significant in local, state, or national history;

(3) Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) Has yielded or may be likely to yield archaeological information important in history or prehistory; or

(5) Is listed in the National or Tennessee Registers of Historic Places. [Acts 1982 (Adj.S.), ch. 814, 1.]

(m) *National Register of Historic Places* - A federal listing of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. National Register listing provides protection from impairment by federally funded projects and qualifies the property for federal grants and tax advantages, but imposes no restrictions on use, alteration or disposal of such properties.

(n) *Owner of Record* - The person, corporation, or other legal entity listed as owner on the records of the County Register of Deeds.

(o) *Removal* - Any relocation of a structure on its site to another site.

(p) *Repair* - Any change that is not construction, removal, or alteration.

(q) *Structure* - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.
(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 2, 10-10-89; Ord. No. 9544, § 1, 4-30-91; Ord. No. 9654, § 2, 1-6-92)

Sec. 10-13. Creation of Historic Zoning Commission.

(a) *Composition and qualification of members.* There is hereby established a Historic Zoning Commission of five (5) to nine (9) members, which shall consist of a representative of a local historical organization; an architect, if available; a member of the Chattanooga-Hamilton County Regional Planning Commission, at the time of his or her appointment; and the remainder shall be from the residents of the City of Chattanooga or properly qualified voters.

(b) *Appointment, terms and compensation.* The Historic Zoning Commissioners shall be appointed by the Mayor, subject to confirmation by the City Council. The appointments to membership on the Historic Zoning Commission shall be arranged so that the terms of one to two members will expire each year, and their successors shall be appointed in like manner for terms of five (5) years. Members of the Historic Zoning Commission may be removed from office for just cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled by appointment of the Mayor with the approval of the City Council. All members shall serve without compensation.

Conflict of interest - Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participating in the discussion, decision or proceedings of the Historic Zoning Commission in connection therewith.

(c) *Powers and duties:*

(1) The Historic Zoning Commission shall review applications for the nomination of Local Historic Districts and Local Historic Landmarks. The review of such applications shall be in accordance with all provisions of this Ordinance. The

Historic Zoning Commission shall furnish to the City Council, in writing, its recommendations regarding the nomination of Local Historic Districts and Landmarks. The City Council shall review the recommendations of the Historic Zoning Commission prior to the establishment of a Local Historic District or Local Historic Landmark.

(2) Simultaneous, with adoption of a Local Historic District or Landmark, the Historic Zoning Commission shall adopt for each such proposed District or Landmark, a set of District Specific Review Guidelines, which it will apply in ruling upon the granting or denial of Certificates of Appropriateness as provided for in this Ordinance. Such review guidelines shall be consistent with the purposes of this Ordinance and be applicable to the construction, alteration, relocation, or demolition of any building, structure, appurtenance, or other improvement situated within the Local Historic District or which applies directly to any Local Historic Landmark. Reasonable public notice and opportunity for public comment by public hearing as specified in this Ordinance shall be required before the adoption of any such review guidelines.

(3) It shall be the duty of the Historic Zoning Commission to make the following determinations, and grant or deny COA or CEH with respect to the Local Historic Districts or Landmarks when applicable:

a. Appropriateness of altering or demolishing any building or structure within the Local Historic District or Local Historic Landmark. The Commission may require exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure. Such photographs, drawings, etc. shall be at the expense of the applicant.

b. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the Local Historic District or of a Local Historic Landmark.

c. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of a Local Historic Landmark or of any building, structure, or appurtenance within a Local Historic District.

d. For a Local Historic District, the appropriateness of the exterior design, arrangement, texture, or material of the structure(s) in question, and the relation of such factors to similar features of structures in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.

e. That all work to be undertaken on a Local Historic Landmark or in the Local Historic District complies with the applicable district or landmark specific review guidelines, with primary consideration to be given to:

(i) historical or architectural value of the present structure(s);

(ii) the relationship of the exterior architectural features of such structure(s) to the rest of the structures, to the surrounding area, and to the character of the District;

(iii) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

(iv) to any other factor, including aesthetic, which is reasonably related to the purpose of this Ordinance.

(4) The Historic Zoning Commission shall cause a record of all proceedings to be available to the public in the office of the Planning Commission.

(5) The Historic Zoning Commission shall provide Reports of the status of approved Certificates of Appropriateness and Certificates of Economic Hardship to the Building Inspection Division. Such status reports shall be made available to the public at the Office of the Chattanooga-Hamilton County Regional Planning Commission.

(d) *Staff Support.* Staff support shall be provided to the Historic Zoning Commission by regular staff members of the Chattanooga-Hamilton County Regional Planning Commission as budgeted by the City Council. Technical staff support shall be provided by the Southeast Tennessee Development District. Such staff shall be responsible for carrying out the directives of the commission, assisting the public in applying this Ordinance, and providing records of commission actions.

Funding for such staff support shall be derived from the operating budgets of the Chattanooga-Hamilton County Regional Planning Commission and the preservation planning activities of the Southeast Tennessee Development District.
(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 3, 10-10-89; Ord. No. 9544, § 3, 4-30-91; Ord. No. 9654, §§ 2, 80, 1-6-92)

Sec. 10-14. Creation of local historic districts and landmarks.

(a) *Nomination of a Local Historic District or a Local Historic Landmark.* Nomination shall be made to the Historic Zoning Commission. Nomination applications may be prepared and submitted by any of the following groups or persons:

(1) City Council.

(2) Neighborhood Association.

(3) Property Owner within the proposed District or of the Landmark.

(4) Historic, Civic or Professional Society or Group.

(b) *Application.* When applying for nomination as a Local Historic District or Local Historic Landmark, the applicant shall supply documents or other evidence showing that the property(s) or structure(s) under consideration meets one or more of the criteria defining Local Historic Districts or Local Historic Landmarks. An application fee based on the current annual costs as determined by the Historic Zoning Commission to manage historic zoning shall accompany each application.

(1) All applications for Local Historic District designation shall be accompanied by the following materials, in addition to any other materials deemed significant by the applicant, or the Historic Zoning Commission:

a. An application form which shall be supplied by the Planning Commission, which details the applicant's name, address, interest in or ownership of property(s), the property address(es) in question, description of property(s) and structure(s), construction date of existing structure(s).

b. A map of the area proposed for nomination: the map should clearly show streets, alleys, public buildings and boundaries of the proposed district.

c. Records or reports which detail the historic significance of the proposed district.

d. Sufficient pictorial documentation of streetscapes and buildings which establish the historic character of the area.

e. A draft of the district specific design guidelines which detail criteria that applicants for Certificates of Appropriateness must meet. Such criteria for structures shall include: height, scale, massing, directional expression, setbacks, platforms, roof shape and slope, rhythm of openings, entrances, porches and building spaces, materials, and textures. District specific design guidelines shall address new construction, alterations and additions to the existing structures, demolition, and removal and relocation.

f. A legal description of the proposed district or landmark to be included.

(2) All applications for Local Historic Landmark designation shall be accompanied by the following materials, in addition to any other materials deemed significant by the applicant or the Historic Zoning Commission:

a. An application form, supplied by the Planning Commission, which details the applicant's name, address, interest in or ownership of the property, the property address, description of the property and structures, and the construction date of all existing structures.

b. Records or reports which detail the historic significance of the proposed landmark.

c. Current photographs of the landmark.

d. A draft of the Landmark Specific Design Guidelines which detail criteria that applicants for Certificates of Appropriateness must meet. Landmark Specific Design Guidelines shall address additions and alterations, new construction on the landmark property, removal and relocation, and demolition.

(c) *Criteria for Nomination as Local Historic District or Local Historic Landmark.* When considering whether to recommend approval or denial of nomination for a Local Historic District or Local Historic Landmark, the Historic Zoning Commission shall consider the character of the area with respect to the following criteria:

(1) Its character, interest or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;

(2) Its location as a site of a significant local, county, state or national event;

(3) Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;

(4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

(5) Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country;

(6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant;

(7) Its embodiment of design elements that make it structurally or architecturally innovative;

(8) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance;

(9) Its suitability for preservation or restoration; and/or

(10) That it is listed in the National Register of Historic Places.

(d) *Proceedings.*

(1) Historic Districts. Upon receipt of an application for nomination as a Local Historic District, the Historic Zoning Commission shall hold a minimum of one (1) public meeting in or near the proposed district at which members of the public shall be allowed to hear the proposal, view maps and other materials, ask questions of the commissioners or applicant, and express support or opposition to the application. Such meeting shall be held in a school, church or other public or

semi-public facility, in or near the proposed district. Such meeting shall be advertised in a local, city-wide newspaper.

Following the meeting in the neighborhood, a final meeting shall be held at City Hall or Annex thereto during which the HZC shall make a resolution recommending that the City Council accept or deny the application for nomination as a local historic district. Such meeting shall be advertised in a local, city-wide newspaper.

The resolution shall be accompanied by a report to the City Council containing the following information:

a. Explanation of the significance or lack of significance of the nominated local historic district as it relates to the criteria for designation.

b. Explanation of the integrity or lack of integrity of the nominated local historic district.

c. Proposed design guidelines for applying the criteria for review of Certificates of Appropriateness to the nominated local historic district.

d. A map showing the location of the nominated Local Historic District.

Upon receipt of a recommendation for nomination as a Local Historic District from the Historic Zoning Commission, the City Council shall conduct a hearing on the resolution using the same administrative procedure with which they decide zoning cases except that there shall be no referral to the Chattanooga-Hamilton County Regional Planning Commission during which they shall either grant or deny status as a Local Historic District.

Upon City Council approval of the Local Historic District, current photographs or a video of all sides visible from the public thoroughfares of all structures in the District shall be taken to serve as baseline documentation for future proceedings.

The recommendations and report of the Historic Zoning Commission shall be available to the public.

(2) Historic Landmarks. Upon receipt of an application for nomination as a Local Historic Landmark, the Historic Zoning Commission shall hold a minimum of

one (1) public meeting in the Chattanooga City Hall or any Annex thereto at which members of the public shall be allowed to hear the proposal, view maps and other materials, ask questions of the commissioners or applicant, and express support or opposition to the application. Such meeting shall be advertised prior to the meeting through a local, city-wide newspaper.

Following the landmark meeting(s), a final meeting shall be held at City Hall or any Annex thereto during which the Historic Zoning Commission shall make a Resolution recommending that the City Council accept or deny the application for nomination as a Local Historic Landmark. Such meeting shall be advertised prior to the meeting through a local, city-wide newspaper.

The Resolution shall be accompanied by a report to the City Council containing the following information:

a. Explanation of the significance or lack of significance of the nominated Local Historic Landmark as it relates to the criteria for designation;

b. Explanation of the integrity or lack of integrity of the nominated landmark;

c. In the case of a nominated landmark found to meet the criteria for designation;

   (i) The types of significant exterior architectural features of the landmark that should be protected.

   (ii) The types of alterations that should be reviewed for appropriateness.

   (iii) Proposed design guidelines for reviewing applications for Certificates of Appropriateness.

d. A map showing the location of the nominated Local Historic Landmark.

The recommendations and report of the Historic Zoning Commission shall be available to the public.
(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 4, 10-10-89; Ord. No. 9544, §§ 4-5, 4-30-91; Ord. No. 9654, § 2, 1-6-92)

Sec. 10-15. Certificates of appropriateness.

(a) *Reviewable Actions for Certificates of Appropriateness.* All applications for permits for construction, alteration, rehabilitation, relocation, or demolition of any building, structure, or other improvement to real estate situated within a Local Historic District shall require a Certificate of Appropriateness. Any construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvements on real property, whether privately or publicly owned, which is situated within a Local Historic District and for which a permit is not required, shall require a Certificate of Appropriateness. Any alteration, rehabilitation, relocation, or demolition of a Local Historic Landmark, whether privately or publicly owned, shall require a Certificate of Appropriateness.

(b) *Applications for Certificates of Appropriateness.* Application for a Certificate of Appropriateness shall be made on a form prepared by the Historic Zoning Commission and available at the office of the Planning Commission. Any application for a demolition permit or a building permit within a Local Historic District or a Local Historic Landmark shall be forwarded by the Building Inspection Division to the Historic Zoning Commission within seven (7) days following receipt of the application. The Chief Building Official shall not issue the building or demolition permit until a Certificate of Appropriateness or a Certificate of Economic Hardship has been issued by the Historic Zoning Commission.

(c) *Application Requirements.* Applicants for Certificates of Appropriateness must submit the following documents, in triplicate, to the Historic Zoning Commission Staff, along with the application form and a fee based on the current annual cost as determined by the Historic Zoning Commission to manage historic zoning. All maps, plats, drawings and plans must be signed by the architect or draftsperson. Draftspersons need not be licensed, and may be the applicant or the applicant's agent. The Planning Commission shall make all submitted materials available to the Historic Zoning Commission.

(1) Alterations or Additions to Existing Structures.

a. Current photographs of all sides of the structure(s) under consideration. Such photographs shall accurately represent all colors and textures of the various materials of adjacent improvements. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.

b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the

various materials of adjacent structures. All photographs shall be labeled to indicate the date taken and direction of the view.

c. A site plan or map of the structure(s) under consideration clearly showing the building's location and relation to neighboring structures, the building's and proposed building's setback(s), public or private streets or drives, and access and utility rights-of-way.

d. Drawings which clearly show the existing structure(s) and the proposed addition(s) and alteration(s). Such drawings shall include plans and elevations or exterior perspectives drawn to a scale sufficient to show the proposed height; scale; orientation, space, and site coverage; facade proportions and rhythm; size, shape, and proportions of entrances and porch projections; materials, textures and colors; architectural details; roof shape and slope; directional expression; landscaping, walls, and fences; and general visual effect.

Such plans or plats shall show all improvements to structures or appurtenances which affect the exterior architectural appearance of any structures on the property. Plats or plans are required for all exterior additions, alterations or changes proposed to be made to any structure face.

e. A listing of all materials to be used, including all possible substitutes. The list shall include all substances, components, materials, apparatus, equipment, fixtures, or devices to be constructed, installed, attached or built. Listing shall describe clearly the size, composition, color, catalog order number, and specie of all listed components.

(2) New Structures.

a. Current color photographs of all sides of the property(s) under consideration. All photographs shall be labeled to indicate the date taken, location of structure, and the direction of the view.

b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent improvements. All photographs shall be labeled to indicate the date taken and direction of the view.

c. A site plan of the structure under consideration clearly showing the building's location and relation to neighboring structures, the proposed setback, public or private streets or drives, and access and utility rights-of-way.

d. Drawings which clearly show all existing and proposed structure(s). Such drawings shall include plans and elevations or exterior perspectives drawn to a scale sufficient to show the proposed height; scale; orientation, spacing, and site coverage; facade proportions and rhythm size, shape, and proportions of entrances and porch projections; materials, textures and colors; architectural details; roof shape and slope; directional expression; landscaping, walls, and fences; and general visual effect. Such plans or plats shall show all improvements to structures or appurtenances which affect the exterior architectural appearance of all structures on the property. Plats or plans are required for all exterior additions, alterations or changes proposed to be made to any structure face or any yard.

e. A listing of all materials to be used, including all possible substitutes, in the addition or alteration. The list shall include all substances, components, materials, apparatus, equipment, fixtures, or devises to be constructed, installed, attached or built. Listing shall describe clearly the size, composition, color, catalog order number, and specie of all listed components.

(3) Removal or Relocation.

a. Current color photographs of all sides of the structure(s) under consideration. Such photographs shall accurately represent all colors and textures of the various materials of the structure. All photographs shall be labeled to indicate the date taken and direction of the view.

b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent structures. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.

c. Current color photographs of the location to which the structure is being moved and all adjoining or neighboring structures, if within the boundaries of a Local Historic District of the City of Chattanooga.

Such photographs shall accurately represent all colors and textures of the various materials of all structures. All photographs shall be labeled to indicate the date taken, location of structure and direction of the view.

d. A site plan or map of the new location of the structure under consideration clearly showing the building's location and relation to neighboring structures, the proposed setback, public or private streets or drives, and access and utility rights-of-way.

(4) Demolition.

a. Current color photographs of all sides of the structure(s) under consideration. Such photographs shall accurately represent all colors and textures of the various materials of the structure. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.

b. Current color photographs of all adjoining or neighboring structures. Such photographs shall accurately represent all colors and textures of the various materials of adjacent structures. All photographs shall be labeled to indicate the date taken, location of structure, and direction of the view.

c. Proof that the applicant has advertised, in a local paper of wide-spread distribution, the sale of the structure(s) for removal or the sale of the property and structures combined. Such advertisement shall have been circulated not more than one year, nor less than 15 days prior to the hearing date. Such advertisement, and payment for same, shall be the responsibility of the applicant. This provision is intended to discourage thoughtless and needless destruction of historical buildings by providing interested buyers and/or civic groups with at least the opportunity to negotiate with the owner before they go through with their demolition plans. The sale of the property shall be entirely at the discretion of the owner.

(d) *Hearing and Determination.*

(1) Administrative Review. Staff approval may be provided for work that meets the design guidelines and is not one of the following: New construction of primary structures, outbuildings, or garages; additions, demolition; parking lots.

(2) Historic Zoning Commission Review. The Historic Zoning Commission must review all applications for new construction of primary structures, outbuildings, garages, additions; demolition and parking lots as well as any applications that the staff refers to the Historic Zoning Commission.

(e) *Standards for Review.* In considering an application for a Certificate of Appropriateness, the Historic Zoning Commission shall be guided by the following general standards in addition to any district specific design guidelines in this ordinance.

(1) The distinguishable original qualities or character of a building, structure or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided when possible.

(2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

(3) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(4) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.

(5) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(6) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(7) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(8) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(f) *Approval or Denial.* Following proper review of sufficient data, including a public hearing, the Historic Zoning Commission shall approve or deny the Certificate of Appropriateness within thirty (30) days. The Certificate of Appropriateness may be issued with modification by the Historic Zoning Commission. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided to the applicant and to the Building Inspection Division if a building or demolition permit is needed. The Historic Zoning Commission shall state in the written notice any required modifications to the application, and conditions to which the certificate is subject, or reasons for the denial of the application.

The applicant may resubmit an amended application for a Certificate of Appropriateness which takes into consideration the recommendations of the Historic Zoning Commission. The applicant may also apply for a Certificate of Economic Hardship if they feel the decision of the Historic Zoning Commission has denied them a reasonable economic return or use of the property.
(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 5; 10-10-89; Ord. No. 9544, §§ 6-7, 4-30-91)

Sec. 10-16. Certificate of economic hardship.

If a Certificate of Appropriateness has been denied to a property owner within a Local Historic District or of a Local Historic Landmark, then the property owner has the right to present evidence to the Historic Zoning Commission that such denial has deprived the owner of reasonable use or economic return, of the property.

(a) *Application for Certificate of Economic Hardship.* Application for a Certificate of Economic Hardship shall be made on a form available from the office of the Planning Commission. The following information shall be submitted with an application for Certificate of Economic Hardship:

(1) A statement detailing the condition(s) leading to economic hardship. The application should discuss the circumstances under which denial of a Certificate of Appropriateness has led or will lead to deprivation of reasonable use, or economic return of the property. The standards which the Historic Zoning Commission shall go by to determine economic hardship include the following:

a. That by reason of the exceptional deterioration of the structures or by reason of the particular economics of the proposed project, the strict application of the district specific design guidelines would result in peculiar and practical difficulties or undue economic hardships upon the owner to develop the property in accordance with the district specific design guidelines.

b. That the relief of the peculiar hardships would not establish substantial detriment to the public good or substantially impair the intent and purpose of the Historic Zoning Ordinance.

c. That the peculiar hardship would apply to the particular land or building regardless of the owner.

d. That the peculiar hardship is not created as the result of an act upon the part of the applicant.

(2) Estimate of the cost of the proposed construction, alteration, demolition; removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Zoning Commission for modifications necessary for the issuance of a Certificate of Appropriateness.

(3) Estimated market value from a licensed real estate appraiser or the County Tax Assessor of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Historic Zoning Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

(4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation of historic structures as to the structural soundness of the structure and the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(5) 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 depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(6) 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.

(7) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.

(8) Real estate taxes for the previous two (2) years.

(9) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporations, limited partnership, joint venture, or other.

(b) *Hearing and Determination.*

(1) The Historic Zoning Commission shall review the application for Certificate of Economic Hardship and schedule a public hearing in the same manner it would for a Certificate of Appropriateness. Any person may testify at the hearing concerning the economic hardship of the property. Furthermore, the Historic Zoning Commission may solicit expert testimony or require that the applicant or the applicant's agent make additional submissions concerning the reasonable use or economic return of the property.

(2) Following proper review by the Historic Zoning Commission and prior to the close of the public hearing, the Historic Zoning Commission shall issue or deny the Certificate of Economic Hardship. Written notice of the approval or denial of the application for a Certificate of Economic Hardship shall be provided to the applicant and to the Building Inspection Division if a building permit is needed. The Historic Zoning Commission shall state in written notice, all specific guidelines, requirements, and conditions to which the certificate is subject, or reasons for the denial of the application. The applicant may resubmit an amended application or reapply for a Certificate of Economic Hardship that takes into consideration the recommendations of the Historic Zoning Commission.

(Ord. No. 9112, § 1, 1-24-89; Ord. No. 9250, § 6, 10-10-89)

Sec. 10-17. Appeals.

Anyone who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, as provided in Chapter 8 of Title 27 [Acts 1982, ch. 814, §1; 1987, ch. 40, §6.] or common law certiorari.

(Ord. No. 9112, § 1, 1-24-89)

Sec. 10-18. Validity of certificates.

In the case where a Certificate of Appropriateness or a Certificate of Economic Hardship is issued and the Chief Building Inspector denies the building permit, the certificate shall be invalid. If any changes are made to the plans or any related materials of the application, the applicant must reapply for a certificate before work is begun.
(Ord. No. 9112, § 1, 1-24-89)

Sec. 10-19. Enforcement, violations and penalties.

The Building Inspector is hereby designated and authorized to enforce this ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than Twenty Dollars ($20.00) nor more than Fifty Dollars ($50.00) for each offense. Each day a violation exists shall constitute a separate offense.

The Historic Zoning Commission may establish fees required with application for Nomination of Local Historic District, Certificates of Appropriateness and Certificates of Economic Hardship to cover administrative costs.
(Ord. No. 9112, § 1, 1-24-89)

Sec. 10-20. Validity.

Should any section, subsection, phrase, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
(Ord. No. 9112, § 1, 1-24-89)

Sec. 10-21. Moratorium for proposed historic preservation landmark or historic districts.

There shall be a moratorium on the granting of permits to demolish, construct, reconstruct, renovate, grade, or in any way alter any structures or land recommended for designation as a local historic district or landmark pursuant to this article. The moratorium shall begin with the passing of a resolution by the Historic Zoning Commission recommending that the City Council accept the application for nomination as a Local Historic District or Local Historic Landmark, and the moratorium shall end when the City Council either grants or denies status as a Local Historic District or Local Historic Landmark.

(Ord. No. 9544, § 9, 4-30-91)

Sec. 10-22. Right of entry upon land.

The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance, but there shall be no right of entry into any building without the consent of the owner.
(Ord. No. 9544, § 9, 4-30-91)

Secs. 10-23 - 10-30. Reserved.

ARTICLE III. OTHER FEES

Sec. 10-31. Technology and Credit Card Fees.

(a) The Department of Public Works is authorized to charge a non-refundable supplemental technology fee of ten dollars ($10.00) per application for the following permits:

(1) Sign permits issued under Chapter 3 of this code;

(2) Building permits issued under Chapter 10 of this code;

(3) Electrical permits issued under Chapter 14 of this code;

(4) Gas Permits issued under Chapter 19 of this code;

(5) Mechanical permits issued under Chapter 22.5 of this code;

(6) Plumbing Permits issued under Chapter 27 of this code;

(7) Land disturbing permits issued under Chapter 31 of this code; and

(8) Excavation or temporary use permits issued under Chapter 32 of this code.

(b) The Department of Public Works is authorized to charge a non-refundable supplemental technology fee of ten dollars ($10.00) per application for the following licenses:

(1) Electrician and electrical contractor licenses issued under Chapter 14 of this code;

(2) Gas fitter and installer licenses issued under Chapter 19 of this code;

(3) Mechanical or environmental control system licenses issue under Chapter 22.5 of this code; and

(4) Master or journeyman plumber licenses issued under Chapter 27 of this code.

(c) The Department of Public Works is authorized to charge a non-refundable supplemental technology fee of ten dollars ($10.00) per application for review of subdivision plans.

(d) The Department of Public Works is authorized to accept credit card payment for any permit or license referenced herein and the supplemental technology fee provided the processing fee charged by the credit card processor is added to the amount of the fees payable to the City.

(e) The technology fees collected pursuant to this section shall be accounted for in a special fund and restricted to the purchase and maintenance of computer hardware and software and payments of related personnel costs and overhead to provide for on-line application and processing of these permits and licenses.
(Ord. No. 11580, §1, 06-29-04)

Sec. 10-32. Engineering plans review and fees.

The City Engineer is authorized to charge a non-refundable fee for services provided as follows:

Plans deposit for project cost of $500,000.00 or less	$ 100.00
Plans deposit for project cost of $501,000.00 to $1,000,000.00	150.00
Plans deposit for project cost of over $1,000,000.00	250.00
Subdivision review fee for 10 lots or less	100.00
Subdivision review for 11 to 50 lots (additional fee per each lot above 10)	10.00
Subdivision review for 51 lots or above (additional fee per each lot above 50)	5.00

(Ord. No. 11434, §16, 07-15-03; Ord. No. 11450, §1, 09-02-03; Ord. No. 11580, §1, 06-29-04)