

Historic Preservation Ordinance, Article XV, Chapter 16

Alteration Certificate

Sec. 16-613. - Historic property alteration certificate.

- (a) *Generally.* With respect to any designated historic property under this article, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a historic property alteration certificate has been obtained by the owner. Construction, alteration, relocation or demolition of any fence or other landscape feature including, without limitation, any deck, wall, berm, garden structure, exterior lighting, driveway, or landscaping that has the potential for affecting historic structures or features shall also require an approved historic property alteration certificate.
- (b) *Exemptions.* Notwithstanding the foregoing, a historic property alteration certificate shall not be required for:
 - (1) Ordinary maintenance and repair where the purpose of the work is to preserve the integrity of the structure and/or materials, correct deterioration to the structure, and restore it to its condition prior to deterioration; or
 - (2) Construction, alteration or demolition involving only interior features of the structure, unless such work impacts the structure's exterior appearance.
- (c) *Application.* The owner of a designated historic property shall apply to the community development department director for a historic property alteration certificate using the forms and submitting the necessary documentation as prescribed by the director. The applicant also shall submit any fees as established by resolution of the county council.
- (d) *Standards for review.* No application for an historic property alteration certificate shall be approved unless the following conditions are satisfied:
 - (1) The proposed work will preserve, enhance, or restore and does not damage or destroy the significant features of the resource as identified in the nomination for designation under sections 16-612(d)(4) and (5) and any specific design guidelines adopted for the historic landmark or district; and
 - (2) The proposed work will be compatible with the relevant historic, cultural, or architectural qualities characteristic of the structure, site or district including, but not limited to, elements of size, scale, massing, proportions, orientation, materials, surface textures and patterns, details and embellishments and the relation of these elements to one another.
- (e) *Review and public hearing.*
 - (1) *Committee review.* Within ten business days after acceptance by the community development department director of an application for historic property alteration certificate, a committee consisting of the community development department director, or designee, and two members of the HPAB designated by the HPAB chair shall meet to review the application and determine whether the proposed work will have a significant impact upon or be potentially detrimental to the historic property.
 - a. If the committee determines there will be no significant impact or potential detriment, the director shall issue an alteration certificate to the applicant and shall notify the HPAB and the planning and zoning commission of such issuance.
 - b. If it has been determined by the majority of the committee that the proposed work would create a significant impact or potential detriment to the historic property, the application shall be referred to a public hearing pursuant to section 16-613(e)(3) below, and the applicant shall be promptly notified of the referral.

- (2) *Expedited review.* The above notwithstanding, the director may review any application that seeks approval of common alterations; and if the director determines that there will be no significant impact or potential detriment from the alteration, then the director shall issue a historic property alteration certificate to the applicant.
- (3) *Review and recommendation by HPAB.* In addition to those applications referred for public meeting after administrative review pursuant to section 16-613(e)(1)b. above, a public meeting before the HPAB shall be required for any application requesting new construction over 200 square feet in gross floor area, or the relocation or demolition of a historic property.
 - a. Upon acceptance by the community development department director of any application for an historic property alteration certificate, the HPAB shall schedule a meeting to review the application.
 - b. The HPAB shall hold a public meeting on the application during which it shall make a recommendation to the planning and zoning commission regarding whether a historic property alteration certificate should be issued. The HPAB shall have 40 calendar days from the acceptance date of the application in which to hold said meeting. The planning and zoning commission shall take no action on the application until the HPAB has either made its recommendation or the 40-day review period has passed.
 - c. The HPAB recommendation on the application shall take one of three forms: (i) approval as presented; (ii) approval with conditions; or (iii) denial. A written explanation applying the standards for review under section 16-614(d) shall accompany the recommendation.
 - d. If the HPAB fails to make a recommendation within the 40-day period, the planning and zoning commission shall proceed with its determination.
- (4) *Determination by planning and zoning commission.* As soon as practicable after the HPAB meeting on an application for historic property alteration certificate, the planning and zoning commission shall hold a public hearing to consider the recommendation. In making its decision on whether the certificate shall issue, the planning and zoning commission shall apply the standards for review under section 16-613(d) and shall also consider any recommendation received from the HPAB. The planning and zoning commission shall make a determination whether the historic property alteration certificate shall issue. If the determination of the planning and zoning commission differs from the recommendation of the HPAB, such determination shall include a statement explaining why the HPAB recommendation was not followed, and this statement shall be forwarded to the HPAB.
- (5) *Appeals.* The final action of the planning and zoning commission regarding any historic property alteration certificate may be appealed to the county council in accordance with article XII of this chapter.