

15.64.140 - Alteration of a Landmark.

- A. Alteration Certificate required. Except for Minor Alterations, no person shall carry out or permit to be carried out on any Landmark any of the following without first obtaining an Alteration Certificate:
  - 1. Any exterior alteration of a Landmark, including but not limited to windows, doors, siding, porches or any other character-defining features;
  - 2. Alteration of any fence or other landscape feature, including without limitation decks, patios, walls, berms, garden structures, water features, exterior lighting, curb cuts, driveways or landscaping, that have the potential to damage or change the essential character of the Landmark;
  - 3. Any other activity requiring a building permit pursuant to this Code, except for building permits required for interior work on a building; or
  - 4. Any proposed modification to a previously approved Alteration Certificate.
- B. Application requirements. Prior to issuance of an Alteration Certificate, the applicant must submit a land use application to the Department. The application shall be submitted at least 45 days in advance of the next regularly scheduled Board meeting. Staff may require a site plan showing the location of the proposed or existing structure, including setbacks, building dimensions, driveways and landscape areas, as well as building elevations showing architectural elements of the structure.
- C. Criteria to review Alterations. The applicant shall be required to demonstrate that the proposed Alteration will not result in the following effects:
  - 1. The destruction or substantial impairment of the Historic Integrity or the character-defining architectural features of the Landmark;
  - 2. The architectural style, arrangement, texture, color and materials of the proposed Alterations are incompatible with the character of the Historic Landmark;
  - 3. Proposed interior Alterations negatively impact the overall structural integrity of the Landmark so as to affect its exterior appearance;
  - 4. The proposed Alterations change an integral part of the structure recognized at the time of Landmark designation;
  - 5. New additions or Alterations to designated Landmarks being completed in a manner that, if such change could be removed in the future, the essential form and integrity of the structure would be unimpaired;
  - 6. The proposed Alterations fail to conform to the Secretary of Interior's Standards for Rehabilitation or the specific Alteration criteria imposed at the time of initial designation; and
  - 7. Any such additional criteria or policy design guidelines adopted by the Board to aid in the review of Alteration Certificate applications. Such criteria and policies shall be written and made available to all Alteration Certificate applicants and the general public.
- D. Board Proceedings on the Application for Alteration Certificate.
  - 1. Notice. Notice of time, date, place and a brief summary of explanation of the subject matter visible from all adjacent public rights-of-way at least ten days prior to the hearing, The Department shall be responsible for accomplishing the public notice.
  - 2. Public hearing and Board decision. Within forty-five days after the applicant has submitted a complete application to the Department, the Board shall hold a public hearing on the application. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for Alteration Certificate. The Board shall determine whether the proposed Alteration meets the established review criteria for Alterations set forth in Subsection C and shall consider the applicant's testimony and the comments from the public. Within thirty days after the conclusion of the hearing, the Board shall adopt written findings and conclusions and either

## ATTACHMENT D

approve, approve with conditions, or disapprove the application. When approving an application for an Alteration Certificate, the Board may impose a time limit for the applicant to apply for a building permit conforming to the certificate.

3. Staff will be allowed discretion over minor modifications to the Board approval deemed necessary during the construction phase of the project as long as such modifications do not cause a significant impact or potential detriment to the structure.
- E. Issuance of Alteration Certificate. The Department shall issue an Alteration Certificate if the Board has approved an application. Alterations and relocations of Landmarks shall be completed in compliance with all applicable design guidelines.
- F. Appeal of Board's denial of Alteration Certificate.
  1. Appeal. Within 21 days of the Board's decision to deny an application for an Alteration Certificate, an applicant may appeal such decision to the Town Council by filing a written notice of appeal with the Department. The appeal shall state why the decision is contested.
  2. Notice. Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice.
  3. Public hearing and Council decision. Within 60 days after the appeal is filed, the Council shall hold a public hearing on the matter. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for Alteration Certificate. After considering the written findings and conclusions of the Board, whether the proposed Alteration meets the established review criteria set forth in Subsection C, the applicant's testimony, comments from the public and the hardship appeal criteria set forth in Paragraph F.4, the Council shall approve, approve with conditions or modifications, or disapprove the application.
  4. Hardship appeal criteria.
    - a. Economic Hardship. The applicant has presented facts and circumstances which establish Economic Hardship. Consideration for Economic Hardship shall not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements; or
    - b. Noneconomic hardship. The applicant has presented specific facts which establish that the property poses either an imminent threat to public health and safety or specific health and/or safety issues, the costs of which to remedy are substantially greater than the benefits of designation.

( [Ord. No. 2015-06, § 2, 2-17-2015](#) ; Ord. 2012-16 §1, 2012)