



CHAPTER 10 – SPECIAL DISTRICTS & AREAS

24-1003 HISTORIC PRESERVATION

1. *Economic Hardship Exemption.* An economic hardship exemption may be granted if:
 - (a) The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
 - (b) For non-income-producing properties, the owner is unable to resell the property in its current condition or if rehabilitated.
 - (c) The economic hardship claimed is not self-imposed, including from lack of maintenance.
 2. *Health/Safety Hardship Exemption.* To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.
 3. *Inability to use exemption.*
 - (a) If no sale can be made or no feasible use is found for the structure within two years of denial of a permit, the owner may request a waiver of all or part of the process described above.
 - (b) In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:
 - (1) Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.
 - (2) Written evidence of the owner's efforts to secure assistance for conforming the application with this Section without demolition or defacement.
 - 4 For the purpose of establishing and maintaining sound, stable and desirable historic districts within the City, the removal of historic designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historic districts and individually designated properties are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance; and, as such, the policy should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.
- I. **Historic Preservation Low Interest Loan Program .** This Section shall be used to promote the intent stated in Section 24-1003.a, by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City.
1. *Historic Preservation Loan Committee.*
 - (a) The Historic Preservation Loan Committee (HPLC) shall consist of seven voting members as appointed by the Historic Preservation Commission, including:
 - (1) A member with experience in residential and/or commercial construction management,
 - (2) A member engaged in regional or local history,
 - (3) A licensed real estate broker,
 - (4) A member of the Historic Preservation Commission
 - (5) The Director;
 - (6) A planning staff member that administers the Historic Preservation Commission; and
 - (7) The Assistant City Manager.

- (8) Ex officio members: a member of the City Attorney's office as the legal advisor; a representative of the City Finance Department; and one member of the City Council.
 - (b) One City employee HPLC member shall be appointed by the City Manager as the staff liaison to administer the HPLC.
 - (c) Appointment of the HPLC members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.
 - (1) Vacancies on the HPLC shall be filled by the Historic Preservation Commission.
 - (2) Members of the HPLC whose terms of office expire may apply for reappointment.
 - (3) Members of the HPLC wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing, with a copy sent to the HPLC Chair and the Staff Liaison.
 - (d) The HPLC shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the HPLC.
 - (e) The HPLC shall have the duty to conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence; and make all loan decisions with consideration for the future and stability of the loan pool.
- 2. *Powers of HPLC.* The HPLC shall have the power to:
 - (a) Establish loan criteria to be approved by Council resolution.
 - (b) Receive and review applications for credit.
 - (c) Approve or deny applications for loans.
 - (d) Conduct inspections.
 - (e) Supervise and administer a historic preservation loan program between and among the City and the owners of designated properties, including those properties designated on the State Register or the National Register of Historic Places.
- 3. *Application to HPLC.*
 - (a) Any owner of an eligible property may submit an application for consideration by the HPLC. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.
 - (b) The property owner shall submit an itemized brands and materials list.
 - (c) The owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the HPLC.
 - (d) The HPLC reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the HPLC determines pertinent.
 - (e) A person who applies for a loan pursuant to this subsection and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the HPLC are final.
- 4. *Criteria for Approval or Denial.*
 - (a) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.

- (b) Ownership and title to the property, must be in "good" or marketable title, with all taxes and loans current, liens paid, no foreclosure proceedings pending and all restrictions of record and encumbrances disclosed and approved by the HPLC, and be in compliance with all zoning codes.
- (c) The owner will provide documents and proof of title, including encumbrances, liens, restrictions of record or other evidence of the title to the property as the HPLC may request. The owner shall agree to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the HPLC may deem necessary or appropriate. All costs must be paid by the owner at the commencement of the loan application process.
- (d) The HPLC shall apply loan repayment criteria to each historic preservation loan application as the HPLC determines is appropriate.
- (e) The HPLC shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. 45 days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property. The lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified by the Director of Finance, together with all accrued interest and a 10% collection charge, to the County Treasurer for collection as provided by law; provided, however, that, at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the 10% collection charge, and any other penalties and costs of collection. Upon payment, the applicants shall be restored to nondelinquent status and may pay in installments in the same manner as if default had not been made.

- m. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the Historic Preservation staff is necessary under this Section and/or the district designation plan and in accordance with the definitions of major and minor alterations.

Area means the geographical region or the extent of land identified with one or more areas of significance as set forth in the criteria for designation at Section 24-1003.e., and may be nominated for historic designation on the local register.

Burden of proof under this Section shall be a preponderance of the evidence.

Certificate of approval means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under this Section.

Commission means the Historic Preservation Commission as created in Chapter 1, Section 24-103.e. of this code.

Contributing buildings, sites, structures and objects means historic properties within the proposed or designated district and includes individually designated properties and