

Section 2.12.1015 Historic preservation board--General provisions.

Established. There is created and established a board to be known as the "Historic Preservation Board" of the city.

(a) Scope of Duties. The duties of the board are to advise the City Council on city-owned historic resources and to safeguard the architectural and cultural heritage of the city through the preservation of historic resources. The board may carry out these duties through the identification, documentation and designation of the city's historic resources; administration of city ordinances governing the designation, alteration, and removal of historic resources; assistance with educational programs, economic development and tourism; and coordination of public and private historic preservation activities.

(b) Members. The board shall be composed of seven members to be appointed by the Mayor with the approval of the City Council. The membership of the board shall be composed of members who shall have demonstrated special interest, knowledge, or training in fields closely related to historic preservation such as architecture, history, landscape architecture, architectural history, planning, archaeology, urban design, geography, real estate, law, finance, building trades or related areas. A minimum of three of the members shall be preservation related professionals.

(c) Terms. The terms of office shall be as set forth in subsection (1) of Section 2.12.020.

(d) Officers. The board shall elect a president and two vice-presidents from its members.

(e) Meetings. The board shall meet at least once each month, with additional meetings upon call by the president or upon petition of a simple majority of the members. Four members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The minutes of each meeting shall be filed in the office of the City Clerk.

(f) Ex Officio Members. A representative from the Office of Central Inspection, a representative of the Metropolitan Area Planning Department, a representative of the Planning Commission, the library historian, the City Archaeologist and the historical museum director shall sit on the board as ex officio members. None of the ex officio members shall have voting power, but shall assist the board in its various functions.

(g) Committees and Subcommittees. In addition to the design review committee, the board may establish through its bylaws such additional committees or subcommittees as deemed necessary or convenient to carry out the various functions and duties of the board. Such committees or subcommittees may be made up of part or all of the members of the board and may include members outside the Historic Preservation Board and may meet upon such schedule and for such purposes as established by the board.

(h) Staff of the Board. The board shall receive such staff support as directed by the City Manager. The Director of Planning or a designee shall serve as secretary to keep minutes of all meetings, handle correspondence, and perform such other duties as the board may direct.

(i) Succeeded Powers of Historic Wichita Board. The City Council shall succeed to all powers and authority previously placed in the Historic Wichita Board except

as may be placed in the Historic Preservation Board by this section. Further, the board shall exercise the powers and duties of the Historic Wichita Board over city cemetery property unless and until the effective date of a certain charter ordinance providing that the City Council shall become the board of directors and trustees of such cemetery property. (Ord. No. 41-921 § 1)

Section 2.12.1016 Definitions.

As used in this chapter, the following words, terms and phrases shall have the meanings set out below:

(a) "Appurtenances and environmental setting" is the entire parcel as of the date of "historic district" or "historic landmark" designation, on which is located an historic resource, and to which it relates physically and/or visually. Appurtenances and environmental setting includes, but is not limited to, interior structures, fixtures and features, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), fences, gateways, rocks, open space and waterways.

(b) "Demolition" shall mean any and all activity that requires a demolition permit under the provisions of the building code and shall also include any other activity by the owner or any party in possession of an historic resource or historic resource within an historic district which creates or results in:

(i) A dangerous or unsafe condition, as defined in Section 18.16.040 of this code; or

(ii) The removal, destruction or deterioration of exterior walls, roof, chimneys, doors, windows, porches, steps or trim or of interior structures, fixtures and features which will or could cause permanent damage, injury or loss of or to historically significant exterior or interior features.

(b) "Demolition by neglect" means the failure to provide ordinary and necessary maintenance and repair to an historic resource or historic resource within an historic district, whether such neglect is willful or not, on purpose or by design, by the owner or any party in possession of such a site, which results in any of the following conditions:

(1) The deterioration of exterior features so as to create or permit a dangerous or unsafe condition to exist, as defined by Section 18.16.040.

(2) The deterioration of exterior walls, roof, chimneys, doors, windows, porches, steps or trim; the lack of adequate waterproofing; or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to exterior features.

(c) "Design review committee" means a committee of three voting members with one alternate to be appointed by the president for the purpose of reviewing certificates of appropriateness. The design review committee shall work closely and informally with the preservation staff for the purpose of reviewing, reporting and recommending action to the board on requests for certificate of appropriateness for all major projects. The design review committee shall follow the guidelines adopted by the board for certificate of appropriateness review. If the committee recommends denial of a certificate of appropriateness, it shall accompany such a denial with an explanation detailing why the request should be denied.

(d) "Historic landmark" means an historic resource of historical, architectural, archaeological, or cultural importance or value which the City Council determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people and which is so designated.

(e) "Historic landmark district" means a group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values of the city, state or nation and which is so designated by the City Council.

(f) "Historic resource" means a district, site, land area, building, interior, structure or object, including appurtenances and environmental setting, which has historical, cultural, aesthetic, architectural and/or archaeological significance, or is a district, site, land area, building, interior, structure or object with potential importance or value.

(g) "Permit" means a building, demolition, moving, sign, fence, parking lot, location, roofing, siding, or swimming pool permit which is issued by the Office of Central Inspection.

(h) "Preservation district" is a contiguous building grouping of potentially significant historic resources so defined in the city's preservation plan.

(i) "Preservation staff" means personnel assigned to provide staff services for the Historic Preservation Board.

(j) "Project Classification." For the purpose of the certificate of proposed work involving an historic landmark or resource within a historic district shall be classified as major or minor.

(1) Major projects include:

(A) Any undertaking requiring a permit on a National, State or Local Register landmark unless determined minor by the preservation staff and/or the design review committee; or on a structure within a national, state or local landmark district, unless determined minor by preservation staff and/or the design review committee;

(B) Any demolition permit or moving permit for any structure listed as an historic resource in the preservation plan or for any building plan adopted by the City Council;

(C) Any project deemed major by any design review committee member.

(2) Minor Project. For the purpose of certificate of appropriateness review, a minor project is any project requiring a permit on a local, state, or national landmark or any project requiring a permit within a local, state or national historic landmark district that proposes repairing or restoring an existing element or feature, or replacing an element or material with identical material and design to that which is existing.

(k) "Project" means any activity which would affect, change, or impact the appearance, environs or integrity of a historic resource. (Ord. No. 42-146 § 1)

Section 2.12.1017 Declaration of policy.

The City Council finds and declares as a matter of public policy that the identification, designation, protection, enhancement, preservation and use of historic resources is a public necessity and is required in the interest of the culture, prosperity,

education and welfare of the people. The purposes of the ordinance codified in Sections 2.12.1015 through 2.12.1025 are:

- (a) To protect, enhance and perpetuate historic resources which represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological and architectural history;
 - (b) To safeguard the city's historic and cultural heritage as embodied and reflected in such historic resources;
 - (c) To stabilize and improve property values in such locations of historic resources; and thus to strengthen the economy of the city;
 - (d) To promote and encourage restoration, rehabilitation, and maintenance of neighborhoods and districts and thus combat urban blight and decay;
 - (e) To foster civic pride in the beauty and noble accomplishments of the past;
 - (f) To protect and enhance the city's attractions to tourists and visitors and provide incidental support and stimulus to business and industry; and
 - (g) To promote the use and adaptive reuse of historic resources for the culture, education, enjoyment and economic welfare of the city's citizens and visitors.
- (Ord. No. 41-921 § 3)

Section 2.12.1018 Historic landmark--Designation.

The City Council may designate certain historic resources in the city as historic landmarks and define, amend and delineate the boundaries thereof. Such designation shall be in addition to any other zoning district designation established in Chapter 28 of this code. The suffix "H" shall indicate the property's designation. (Ord. No. 41-921 § 4)

Section 2.12.1019 Same--Criteria for determination of significance.

In making such designation as set forth in Section 2.12.1018 of this code, the City Council shall consider designation if a building, structure, object, district, or interior meets one or more of the following criteria:

- (a) Is associated with events that have made a significant contribution to the broad pattern of history of the city, county, state or nation;
- (b) Is associated with a significant person or group of persons in the history of the city, county, state or nation;
- (c) Embodies distinctive characteristics of a type, period, or method of construction, represents the work of a master builder/architect, possesses high artistic values, or represents a distinguishable entity whose components may lack individual distinction;
- (d) Yields or is likely to yield information important in prehistory or history;
- (e) Is fifty years old.

Criteria a, b, c, d shall be justified on a Wichita Register of Historic Places nomination form to be submitted by the applicant. Any historic landmark so designated prior to January 1, 1993 shall not be subject to this requirement. (Ord. No. 41-921 § 5)

Section 2.12.1019.1 Same--Historic district designation criteria.

The following shall apply to nomination of a Wichita historic landmark district:

- (a) The boundaries of historic districts shall be drawn so as to include all buildings, structures, sites, objects or land areas which meet one or more of the criteria set out herein or which directly affect or relate to such buildings, structures, sites, objects or land areas meeting one or more criteria of this

section, provided that at least seventy-five percent of the total structures within the boundaries are of architectural, historical, archaeological, or cultural importance or value as determined by the board.

(b) A Wichita Register of Historic Places inventory nomination form accompanied by the following information is to be submitted to and retained by the Metropolitan Area Planning Department; and is required for establishment of an historic district:

(1) A list of specific historic resources located within the proposed district boundaries and a description of the particular importance or value of each such historic resource, such description to include the following:

(A) Approximate date of construction, and dates of major alterations, if known,

(B) Builder and/or architect, if known,

(C) Architectural style,

(D) Primary building materials,

(E) Current owner of record,

(F) Legal description of each property;

(2) A map showing the boundaries of the proposed historic district and the location of each structure of importance or value identified by a number or letter designation;

(3) Sufficient photographs of each building, structure, site, object or land area.

(c) Establishment of an historic district or boundaries thereof shall be subject to the procedure specified in Section 2.12.1021.

(d) Applications to increase the boundaries of an historic district may be made if one or more of the following conditions are met:

(1) When buildings, structures, sites, object or land areas of importance or value that are related to the district are requested for inclusion;

(2) When facts previously undisclosed to or unknown by the Historic Preservation Board are revealed which indicate that a particular building or site is possessed of special architectural, archaeological, or cultural character or economic viability of the district.

(e) Applications to reduce the boundaries of an historic district may be made when one or more of the following conditions have been met:

(1) When it can be shown that a particular building, structure, site, object or land area, has no historic, architectural, archaeological, or cultural importance or value to the viability of the district;

(2) When it can be shown that no degradation of the district either physical, historical, architectural, archaeological, or cultural will result from exclusion of property from the district.

(f) Historic landmark districts so designated prior to December 24, 1992 shall not be subject to requirements of this section. (Ord. No. 41-921 § 6)

Section 2.12.1019.2 Same--Who may nominate.

A Wichita Register of Historic Places inventory nomination form, completed by the applicant, must be submitted by one of the following:

(a) The property owner, or a minimum of fifty percent of property owners of record within an applicant historic district;

- (b) A majority of the Historic Preservation Board;
- (c) A majority of the City Council;
- (d) Other, if accompanied by written consent of owner. (Ord. No. 41-921 § 7)

Section 2.12.1020 Historic preservation board--Function.

The board will have the following functions:

(a) The board shall familiarize itself with the historic resources within the city and those which may be eligible for designation as historic landmarks and shall administer the identification, documentation and designation of such landmarks, and shall present verification of significance to the Metropolitan Area Planning Commission and the City Council.

(b) The board shall identify criteria to be used in determining whether certain buildings, structures, land areas, districts, and interiors should be designated as historic landmarks.

(c) The board shall administer certificate of appropriateness review according to specified guidelines to determine whether to grant or deny approval of proposed undertakings. Design criteria shall be either:

(1) "The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings"; or

(2) Specifically adopted district or property type guidelines based on criteria of the "Secretary of Interior's Standards."

(d) The board may review and provide comment on undertakings that may, in the opinion of the preservation staff, affect the overall visual or functional character of a historic landmark district or historic landmark that either involve the historic landmark or is within a [200] foot radius:

(1) Change of zoning;

(2) Publicly funded projects of construction such as streets, lighting, paving, sidewalks, etc., excepting maintenance.

(e) The board shall review and comment on projects determined by the City Archaeologist to pose a threat to an archaeological site.

(f) The board may suggest sources of funds for preservation and restoration activities and for acquisitions, to include federal, state, municipal, private and foundation sources.

(g) The board may recommend incentives for preservation.

(h) If the board finds that certain buildings, structures, land, areas, or districts cannot be preserved without acquisition, the board may recommend to the City Council that the fee or a lesser interest in the property be acquired by gift, or purchase, using funds or facilities available for preservation or restoration.

(i) The board may annually review the status of designated resources and districts and include in the board minutes a report of such review.

(j) The board shall make or cause to be made, a preservation plan with authorization hereby to review and update the preservation plan as needed.

(k) The board may implement a receivership program for facade easement donations for the purpose of historic preservation.

(1) The board may recommend programs and legislation to the City Council to encourage historic preservation in the city. (Ord. No. 41-921 § 8)

Section 2.12.1021 Procedure for designation of historic landmark and historic district.

An application for historic landmark designation requires the following procedures:

(a) A Wichita Register of Historic Places nomination form and, for districts, district preservation guidelines as defined in Section 2.12.1021.1, shall be submitted to the Metropolitan Area Planning Department.

(b) Upon receipt of such nomination, a hearing by the Historic Preservation Board will be scheduled either at its regular meeting or at a special meeting, provided that published notice be given fifteen days prior to the date of such hearing. The owner or owners of any parcel on which a proposed historical landmark is situated or which is a part of a proposed historic district shall be mailed written notice at least fifteen days prior to the hearing relating to the designation of such proposed historic landmark or historic landmark district, the amendment to any designation thereof, or the proposed rescission of any designation or the amendment thereto. The board shall afford a full and fair hearing to all interested persons. The board may solicit expert testimony regarding the historical and architectural importance of the historic resource under consideration for designation. All interested persons may appear in person or by representative and present evidence or comment. The board shall make its decision within a reasonable time, preferably at the close of the hearing. In the event a member of the board shall make application, evidence shall be presented in the same manner as all other persons and the board member shall not vote on the matter contained in the application. Four affirmative votes shall be required to constitute a recommendation of approval on any application presented to the board.

(c) After consideration of and recommendation by the board, the applicant shall submit application for designation to the Metropolitan Area Planning Department, Division of Current Plans. The following materials are required as part of the designation application:

- (1) The Historic Preservation Board recommendation;
- (2) Required filing fee, unless submitted by the City Council or the Historic Preservation Board;
- (3) Legal description and map of the boundaries of the proposed designation;
- (4) Completed Wichita Register of Historic Places nomination form;
- (5) District preservation guidelines as defined in Section 2.12.1021.1, for nomination dated after December 24, 1992, if applicable;
- (6) List of property owner(s) of record.

(d) The designation shall be placed on the next possible Metropolitan Area Planning Commission meeting agenda for public hearing as provided in this code to consider historic resource designation. At the conclusion of its hearing, the Metropolitan Area Planning Commission shall set forth in writing its findings as to whether the designation is consistent with adopted plans and shall transmit such findings to the City Council.

(e) After notice and public hearing as required by law in a zoning case under Title 28 of this code, the City Council may enact by ordinance a historic resource designation. Upon passage of such ordinance, the City Clerk shall file a certified copy of the ordinance with the County Register of Deeds, and provide an affidavit of public notice stating the fact of the designation to the County Clerk. A

copy of such affidavit shall be sent to the owner or owners of all affected property.

(f) Upon approval of a historic resource designation ordinance by City Council, the Metropolitan Area Planning Department shall set out on the official zoning map of the city, a designation corresponding to the case number and delineation of the property or properties involved.

(g) When a majority of landowners, in the case of historic resource designation, object in writing and file with the City Clerk or in person at the public hearing before the City Council, a two-thirds majority affirmative vote by the City Council is required for approval of the designation. (Ord. No. 41-921 § 9)

Section 2.12.1021.1 District preservation guidelines.

Preservation guidelines for historic districts, to be completed by the applicant, are required to be submitted with a nomination application when said application is submitted after December 24, 1992. The district preservation guidelines shall include, but not be limited to the following:

(a) Guidelines for those seeking a certificate of appropriateness pursuant to Section 2.12.1023, including, but not limited to, the following:

- (1) Acceptable materials for any construction, additions, remodeling or rehabilitation activities;
- (2) Appropriate architectural character, scale, and detail for any construction, additions, remodeling or rehabilitation activities;
- (3) Acceptable appurtenances to new and existing structures;
- (4) Acceptable textures, and ornamentation;
- (5) Acceptable accessories on new or existing structures;
- (6) Such other building regulations which would have impact on either new or existing buildings;
- (7) Acceptable standards for changes to noncontributing resources within the district;
- (8) Acceptable signage.

(b) Guidelines for public improvements in districts, including but not limited to: street lighting, street furniture, signs, landscaping, utility facilities such as electric poles and wires, telephone lines, design textures of sidewalks and streets, and such other elements as deemed necessary for enhancement and preservation. (Ord. No. 41-921 § 10)

Section 2.12.1022 Historic district designation administrative requirements.

The following shall apply:

(a) When the Historic Preservation Board considers an area as a possible historic district, the board shall, prior to rendering its final recommendations, submit the nomination package including district preservation guidelines to city departments, boards and commissions, and other public agencies directly affected.

(b) In addition, the board shall, prior to rendering its final recommendation, make the district preservation guidelines available upon request to landowners in the proposed district.

(c) Board-approved graphics for designated structures within a district may be prepared and made available to the owners of designated structures. (Ord. No. 41-921 § 11)

Section 2.12.1023 Certificate of appropriateness review.

The following procedures/requirements apply to certificate of appropriateness review:

(a) A permit for any project affecting a designated historic landmark or any property within a designated historic landmark district shall not be issued to any applicant by the Office of Central Inspection unless an application for a certificate of appropriateness has first been reviewed and approved by either the preservation staff, the Historic Preservation Board and/or the City Council. Projects not requiring a permit but which propose to alter features which have been defined in a district's preservation guidelines as requiring protection shall require a certificate of appropriateness application. Projects which will or have the potential to damage or destroy historic features of an historic landmark or an historic resource which is located within an historic district shall be subject to certificate of appropriateness review. Projects described in Section 2.12.1024(b) shall be subject to certificate of appropriateness review.

(b) When applying for a certificate of appropriateness, the applicant shall provide plans, specifications or other documentation pertaining to the work as required on board-adopted application forms. A completed certificate of appropriateness application and accompanying materials must be submitted to the Metropolitan Area Planning Department where the preservation staff will review the application and determine if the proposed work is a major or minor project.

(c) A certificate of appropriateness for a major project shall receive preliminary review by the design review committee. The committee shall then report and make a recommendation to the board. The board shall review the application and recommend approval, approval with conditions, or denial within thirty days of the receipt of the application. If approved, and provided that a protest is not filed within five business days, preservation staff shall issue a copy of the certificate of appropriateness to the applicant and provide a copy to the Office of Central Inspection. If protest is filed by the applicant or any interested party with the preservation staff within five business days of the board's approval, the certificate of appropriateness shall not be issued until the City Council holds a public hearing regarding the application. This public hearing shall be at the next possible City Council meeting.

(d) A certificate of appropriateness for a minor project shall be reviewed and approved or denied by the preservation staff. If approved, the preservation staff shall provide a copy of the signed application to the applicant and provide documented approval to the Office of Central Inspection.

(e) If no action has been taken by the preservation staff and/or the board within forty-five days for major projects and within fifteen days for minor projects after the date of receipt by the Metropolitan Area Planning Department of the completed application, the building permit may be applied for with the Office of Central Inspection.

(f) Any applicant or other interested party wishing to appeal a denial or approval with conditions of any certificate of appropriateness may appeal to the next

higher authority. The order of the appeal procedure shall be: (1) the preservation staff, (2) the design review committee, (3) the Historic Preservation Board, and (4) the City Council.

(g) No change shall be made in the work defined in the certificate of appropriateness without resubmittal and approval thereof in the same manner as provided above.

(h) After a decision is reached denying with prejudice an application for certificate of appropriateness, a resubmittal of application will not be accepted for additional hearing within a twelve-month period from the date of final decision except upon written request by the applicant indicating the incorporation of recommended changes in plans and specifications to the original application. Denial of a certificate of appropriateness without prejudice permits reapplication immediately.

(i) In the event the staff assigned to the board certifies to the City Manager that the board and/or its president are unable to process a certificate of appropriateness for a major project in a timely fashion (through lack of quorum or otherwise) then the City Council is empowered to act upon written recommendation of the preservation staff without the review procedure set forth above. (Ord. No. 42-146 § 2)

Section 2.12.1024 Historic landmark--Demolition, moving or damage or destruction of historic features.

(a) If an application is received by the Office of Central Inspection for demolition or moving of any historic resource the applicant shall be referred to the preservation staff for a certificate of appropriateness application. Review of such application for a certificate of appropriateness shall be as provided in Section 2.12.1023.

(b) For a project which involves demolition or which will or has the potential to damage or destroy historic features of an historic landmark or resource which is listed on the National, State and Local registers, the proponent of such project shall, before doing any of the demolition or work in furtherance of such project, whether or not a building or other permit is required to be obtained to do such demolition or work, submit a certificate of appropriateness for review as provided for in Section 2.12.1023.

(c) The City Council may approve the certificate of appropriateness or deny the certificate of appropriateness if it determines that feasible and prudent alternatives to demolition or moving the proposed project exist and that in the interest of preserving historical values, the historic landmark or resource should not be demolished, moved or altered.

(d) In the event of an emergency demolition of a designated historic resource within an historic landmark district, Office of Central Inspection staff shall notify the preservation staff as soon as is possible. (Ord. No. 42-645)

Section 2.12.1024.1 Review of demolition and moving permits--Nondesignated historic resources.

An application to the Office of Central Inspection for a demolition or moving permit shall require notification to preservation staff if the permit is for a historic

resource determined by preservation staff to have potential for landmark designation. The following procedure applies:

(a) Demolition and moving permit applications for buildings or structures, whether an individual site or sites within a preservation district so identified in the city's preservation plan, will be reviewed by preservation staff.

(b) Preservation staff may make the determination that a building, site or structure threatened with demolition or removal meets the criteria for landmark designation; or may make the determination that a building, site or structure within a preservation district contributes to that preservation district and that the proposed undertaking will have a detrimental effect on the preservation district.

(c) If a building, site or structure is determined to meet criteria for historic landmark designation by the preservation staff, a written notice shall be sent by certified mail to the owner or owners of such building, site or structure. The notice shall describe the property which meets historic landmark criteria including its location and boundaries, justification of its historical or architectural significance, announcement of the time, date and place of public hearing by the Historic Preservation Board, and statement of interim controls as provided in subsection (d). The notice shall also be delivered to the Office of Central Inspection with acknowledgment of receipt by the Superintendent of Central Inspection required.

(d) Immediate but temporary interim controls, as provided in subsection (e) below, prohibiting any alteration or demolition, other than those alterations permitted by a valid certificate of appropriateness may be placed by the preservation planner on any building, site or structure that is identified in the preservation plan and for which a notice of interim control has been mailed, until effective evaluation of the building, site or structure can be made, provided that the interim period does not exceed sixty days. This sixty-day period may be extended by resolution of City Council but in no event may the interim control period exceed one hundred eighty days.

(e) The Office of Central Inspection is prohibited from issuing any permit for any building, site or structure upon which interim control has been placed unless the Superintendent of Central Inspection or his designee certifies to the preservation planner that such permit is necessary due to emergency public safety reasons, or is approved pursuant to a valid certificate of appropriateness.

(f) A historic resource that is located within a preservation district as defined in the preservation plan for which a demolition or moving permit has been requested may be reviewed by the Historic Preservation Board unless, in the case of a demolition permit, the Building Official certifies that demolition is necessary due to emergency public safety reasons.

(g) The Historic Preservation Board shall, in the case of a nondesignated historic landmark or of a historic resource within a preservation district, work with the owner of the property to provide alternatives to demolition, or if demolition is the conclusive alternative, the board shall document or cause to be documented the resource with photographs, and/or measured drawings.

(h) If in the interim period a nondesignated historic resource or a historic landmark district becomes designated pursuant to this subsection and Sections 2.12.1019, 2.12.1019.2 and 2.12.1021 and a permit application to demolish or

move is sought, the procedure in Section 2.12.1024 shall apply. (Ord. No. 41-921 § 14)

Section 2.12.1024.2 Historic landmark--Demolition by neglect.

In the event of demolition by neglect, as defined in Section 2.12.1016, of an historic landmark or a property within a landmark district on public or private property, the following provisions shall apply:

(a) If a designated historic landmark or a contributing historic resource within a designated historic landmark district has been determined by the Historic Preservation Board to be the subject of demolition by neglect, the board or staff shall notify the Superintendent of Central Inspection to issue a written notice specifying the conditions of deterioration and the minimum items of repair or maintenance necessary to correct or prevent further deterioration.

(b) Such notice shall be sent by certified mail, return receipt requested, addressed to the owner of the property, or other responsible person, at his or her last known address, or the address shown on the real property tax records in the clerk's office of the county. Such notice, when so addressed and deposited with the postal service with proper postage prepaid, shall be deemed complete and sufficient. In the event that notification cannot be accomplished as aforesaid, after reasonable efforts, notice shall be accomplished by posting a public notice on the property.

(c) The notice shall provide that corrective action shall commence no later than thirty days from the receipt or posting of the notice, unless an extension is granted by the Historic Preservation Board or City Council. The applicant shall demonstrate continual progress and all repairs shall be completed within a reasonable period of time. The notice shall state that the owner(s) of record of the subject property, or any person therein, may, within ten days request a hearing before the Historic Preservation Board challenging the finding, of demolition by neglect and/or the notice to repair. If such request for a hearing is received within this time period, a hearing will be at the next regular meeting of the Historic Preservation Board.

(d) The board shall review all evidence of demolition by neglect at the scheduled hearing, and authority granted in Section 18.40.180(e) to address correction shall be a remedy available.

(e) In the event that the Historic Preservation Board finds that, notwithstanding the necessity for such improvements, action provided in subsections (a) and (c) of this section would impose a substantial hardship on the owner or any or all persons with any right, title or interest in the subject property, then the board shall establish a period of forty-five days and direct staff to seek alternative methods to preserve the historic resource located within an historic district.

(f) If no alternative is found to preserve the structure without undue hardship to the owner, but the structure is determined a threat to human safety and is in violation of city code, a demolition permit may be issued.

(g) The provisions of this section shall supersede Sections 20.04.180 and 18.40.180 of this code when applied to removal and demolition of historic resources. Any requirements imposed upon an applicant by the Historic Preservation Board under this section may be appealed to the City Council. (Ord. No. 41-921 § 15)

Section 2.12.1025 Same--Penalty.

It is unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, deface, move or maintain any historic landmark in violation of the provisions of the ordinance codified in Sections 2.12.1015 through 2.12.1025. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, moving or maintenance to restrain, correct or abate such violation. Any person who violates any provision of the ordinance codified in the sections cited above shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted, and each offense shall be punishable by a fine of not more than one thousand dollars. (Ord. No. 41-921 § 16)