

TO: HISTORIC LANDMARKS COMMISSON

THROUGH: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

FROM: KIMBERLI FITZGERALD, AICP, HISTORIC PRESERVATION OFFICER

SUBJECT: HISTORIC PRESERVATION PLAN UPDATE AND PROPOSED HISTORIC CODE AMENDMENTS

ISSUE:

Should the City amend the Salem Area Comprehensive Plan (SACP) to include an update to the City's Historic Preservation Plan, and amend the Salem Revised Code (SRC) updating SRC Chapter 230 (Historic Preservation) and other identified chapters of the City's Unified Development Code (UDC) addressing historic preservation?

RECOMMENDATION:

Adopt the facts and findings of this staff report and recommend that the City Council accept first reading of an ordinance bill for the purpose of amending the Salem Area Comprehensive Plan (SACP) to include an update to the City's Historic Preservation Plan and update SRC Chapter 230 (Historic Preservation) and other identified chapters of the City's Unified Development Code (UDC) addressing historic preservation.

SUMMARY BACKGROUND:

Adopting the facts and findings of this staff report and recommending that City Council accept first reading will initiate first reading of an ordinance bill that will:

- a. Update the existing Historic Preservation Plan, a component of Salem's Comprehensive Plan;
- b. Amend SRC Chapter 230 (Historic Preservation), SRC 300 (Procedures for Land Use Applications and Legislative Land Use Proposals); and
- c. Create SRC Chapter 231 (Historic Adaptive Reuse).

The proposed changes aim to update the Salem Historic Preservation Plan and adopt associated code amendments in order to improve and streamline the historic design review standards and processes and to move the historic adaptive reuse provisions into their own chapter.

Procedural Findings

- 1) The City Council adopted the 2010-2020 Salem Historic Preservation Plan (Plan) as a support document to the Salem Area Comprehensive Plan in 2010.
- 2) In March 2019, the City received a Certified Local Government (CLG) Grant to complete an update of the Plan.
- 3) In May 2019, the City hired preservation consultant Painter Preservation to complete the update of the Plan. Work on the project began in July 2019.
- 4) The City formed a Stakeholder Advisory Committee (SAC) to advise staff throughout the duration of the project. Additionally, input was provided by the public through online surveys and public open houses.
- 5) The updated 2020-2030 Historic Preservation Plan recommends six goals with 57 actions related to improving public outreach and community education; streamlining historic code; increasing financial support; protecting the cultural landscapes and archaeological resources; encouraging sustainability; and surveying historic resources.
- 6) Implementation of the recommendations in the Historic Preservation Plan require that the zoning code be amended, in order to improve and streamline historic design review standards and processes and to move the historic adaptive reuse provisions into their own chapter.
- 7) Pursuant to SRC 64.025(b)(1) a Major Comprehensive Plan Amendment must be initiated by the City Council and amendments to the Unified Development Code (UDC) may be initiated by City Council by resolution under SRC 300.1110(a). City Council initiated the amendments on July 13, 2020 by Resolution 2020-33.
- 8) The City Council may refer the matter to the Historic Landmarks Commission (HLC) for public hearing and recommendation pursuant to SRC 300.1110(a)(1). City Council referred the matter to the HLC on July 13, 2020 by Resolution 2020-33.
- 9) The public hearing on the proposed amendments was subsequently set for August 20, 2020 before the HLC.
- 10) Amendments to the Comprehensive Plan and UDC require notice to the Director of the Department of Land Conservation and Development no later than 35 days before the first public hearing pursuant to SRC 300.1110(d). All required notices will be provided prior to any public hearings on the proposed amendments. Notice to DLCD was provided on July 16, 2020.

- 11) Public notice was mailed on July 30, 2020 and the notice was published in the Statesman Journal newspaper as required under SRC 30.1110(e) on August 5, 2020 and August 12, 2020.

Planning Process

Beginning in June of 2019, the City, assisted by a consultant team, worked with the community to assess Salem's Historic Preservation program and identify and evaluate program successes and needs. Throughout the remainder of 2019 and through February of 2020, extensive public outreach was conducted, including two online surveys, an interactive map survey, two public open houses and three meetings of a Stakeholder Advisory Committee (SAC), which included public participation. The SAC included City Councilors with historic districts in their wards (Councilors Kaser and Anderson), Historic Landmarks Commission members (Commissioners Cottingham, Maglinte-Timbrook and Mulvihill), historic property owners, representatives from Neighborhood Associations, heritage organizations, development and business communities, and other stakeholders.

Additional public outreach and engagement methods included a project website: <https://www.cityofsaalem.net/Pages/salem-historic-preservation-plan-update.aspx>; interviews with historic property owners and other stakeholders; presentations at meetings of Northeast Neighbors (NEN) and South East Salem Neighborhood Association (SESNA), the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz and the Confederated Tribes of Warm Springs and other community organizations; two online surveys with postcards were mailed to all historic property owners; project updates were announced through the City's HLC newsletter and Facebook, E-Blast newsletter; conducted interviews on the KMUZ; and additional outreach videos about the Plan and goals shared with stakeholders. In June 2020, the HLC held a public work session on the Plan update.

Historic Preservation Plan

The purpose of the Historic Preservation Plan is to further the City's commitment to historic preservation by providing a methodology to implement programs and projects to preserve and highlight Salem's important places. The 2020-2030 Historic Preservation Plan is an update of the 2010-2020 Plan which provides recommendations for:

- Acknowledging and celebrating outstanding historic preservation projects and the preservation of landscapes and archaeological resources
- Expanding interpretation programs, talks and tours about Salem's historic resources

- Improving communication with the public about available resources on historic preservation, the design review process and historic preservation code
- Providing technical assistance and educating property owners and the HLC members about the best practices for rehabilitation of historic properties
- Streamlining and reducing the review time for processing Historic Preservation applications
- Improving the consistency of the enforcement process for those violating the historic design review process
- Improving the design review process for adaptive reuse
- Continuing the residential grant program and seeking additional funding for the program

In addition to the proposed code amendments below, the Plan will provide a framework for staff and the HLC for their work for the next decade. HLC will report on their progress on the individuals actions each year in their annual report to City Council.

Comprehensive Plan Amendment -Approval Criterion: SRC 64.020(f) establishes the approval criteria which must be met for a Comprehensive Plan Amendment.

1. SRC 64.020(f)(1)(A) The amendment is in the best interest of the public health, safety, and welfare of the City; and

Finding: It is in the public's best interest further the City's commitment to historic preservation by providing a methodology to implement programs and projects to preserve and highlight Salem's important places in compliance with state and federal requirements. The City will continue to improve communication with the public about Salem's historic resources and available resources on historic preservation. The Historic Preservation Plan provides a framework for expanding interpretation programs, talks and tours about Salem's historic resources thus providing a public benefit through increased community awareness about Salem's historic buildings, landscapes and archaeological resources.

2. SRC 64.020(f)(1)(B) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The proposal is consistent with the Salem Area Comprehensive Plan and Statewide Planning Goals as follows.

Goal 1: Citizen Involvement. Opportunity for citizens to be involved in all phases of the planning process.

The public was given multiple opportunities to be involved in the proposed reduction of the Oregon State Hospital District Boundary. On May 16, 2019, discussion about the proposed Oregon State Hospital Historic District Boundary Decrease was held with the Historic Landmarks Commission at their regular public meeting.

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area. The SACP includes two goals related to historic preservation:

Natural, Ecological, Historic and Scenic Areas. Identified areas of significant architectural, archaeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate government body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.

Historic Sites and Structures. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. The City's land use regulations establish the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.

The proposed update to the Salem Historic Preservation Plan is consistent with these two goals relating to historic preservation and is the result of significant public outreach within the community including two online surveys, an interactive map survey, two public open houses and three meetings of a Stakeholder Advisory Committee (SAC), which included public participation. The updated 2020-2030 Historic Preservation Plan recommends six goals with 57 actions related to improving public outreach and community education; streamlining historic code; increasing financial support; protecting the cultural landscapes and archaeological resources; encouraging sustainability; and surveying historic resources. By updating the historic preservation plan with modifying text and proposing clarifying language and improved processes and design review standards will ensure that Salem's designated historic resources are preserved and protected.

Proposed Code Amendments

The proposed amendments to the Salem Revised Code are intended to implement the recommendations of the Plan. The proposed amendments are described below.

1. Clarification Amendments

Amendments are proposed to clarify some definitions, standards and review processes, as well as to add language that was inadvertently left out in the last round of amendments. Specific clarifications include:

- Establish definitions for certain terms utilized in SRC Chapter 230;
- Clarify language for new construction in Commercial Historic Districts;
- Providing clarifying examples for energy efficiency and storm windows in Residential Historic Districts;
- Insert missing language relating to the alteration of site features on residential noncontributing buildings;
- Clarify language related to demolition by neglect;
- Improve standards for Signs in Commercial Districts and alterations to Streetscape.

2. Streamlining Amendments establishing new process and criterion

The proposed amendments create an administrative process with clear and objective standards for in-kind replacements, restoration and non-visible minor alterations (Class 1 Minor Historic Design Review).

The proposed amendments establish standards for signs in historic residential districts as well as standards and processes for demolition of historic accessory structures. The existing Historic Adaptive Reuse section is proposed as a new chapter (SRC 231) to align with the structure of the Unified Development Code.

Proposed amendments required as a result of newly adopted Oregon Administrative Rules that implement Goal 5 establish a new process for relocation and demolition of historic structures.

Code Amendment -Approval Criterion:

SRC 110.085 establishes the approval criteria which must be met for a code amendment to be approved.

1. SRC 110.085(b)(1) The amendment is in the best interest of the public health, safety, and welfare of the City; and

Finding: It is in the public's best interest to maintain the zoning code, zoning map and historic resources with accuracy and in compliance with state and federal requirements. By clarifying both the historic design review processes and standards, the City will be able to more effectively continue to maintain a robust historic inventory within our historic districts and individually designated properties thus providing a public benefit by preserving Salem's past for future generations.

2. SRC 110.085(b)(2) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The proposal is consistent with the Salem Area Comprehensive Plan and Statewide Planning Goals as follows.

Goal 1: Citizen Involvement. Opportunity for citizens to be involved in all phases of the planning process.

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area. The SACP includes two goals related to historic preservation:

Natural, Ecological, Historic and Scenic Areas. Identified areas of significant architectural, archaeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate government body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.

Historic Sites and Structures. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. The City's

land use regulations establish the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.

The proposed amendments are the result of significant public outreach within the community and are consistent with and implement the Salem Area Comprehensive plan components relating to historic preservation. By modifying text and proposing clarifying language and establishing improved processes and design review standards the City will ensure that Salem's designated historic resources are preserved and protected.

BACKGROUND:

The City of Salem is updating Salem's 2010-2020 Historic Preservation Plan and proposing related historic code amendments. The existing Plan is comprised of five goals related to code improvements, public education, economic and recognition incentives, survey and heritage tourism. Salem's Historic Landmarks Commission has successfully accomplished a majority of the tasks identified in the current Historic Preservation Plan.

Attachment: A. Draft Historic Preservation Plan Update
 B. Draft Code Amendments



MEMO

DATE: For the Historic Landmarks Commission Meeting of August 20, 2020

SUBJECT: Access to Draft Historic Preservation Plan

Due to the length and size of the draft Historic Preservation Plan, Staff recommends you visit the website, where it is available to view:

<https://www.cityofsalem.net/Pages/salem-historic-preservation-plan-update.aspx>



Historic Preservation Code Update (DRAFT Proposed Amendments)

Amendments to SRC Chapter 230 (Historic Preservation)

Sec. 230.005. - Definitions; rules of decision; administrative resources.

- (a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition means an expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

~~*Alteration* means a physical modification of the exterior of a historic resource that does not include an expansion of the building footprint. Alterations do not include painting, color selection, or ordinary maintenance or repair of the resource, an addition to, removal of, removal from, or physical modification of, an exterior part of a historic resource. Alteration does not include color selection or ordinary maintenance and repair.~~

~~*Archaeological artifact* means any pre-contact or historic objects or cultural material 75 years of age or older, or 50 years of age or older on federal lands, which contain material remains of past human life or activity that are significant for their potential contribution to the understanding of history or prehistory.~~

~~*Archaeological resource* means an archaeological artifact or archaeological site.~~

~~*Archeological site* means ten or more archaeological artifacts, including debitage, likely to have been generated by patterned cultural activity within an area reasonable to that activity; or the presence of any archaeological feature such as a culturally modified tree, cache pit, hearth, housepit, rockshelter, cairn, historic mining ditch, petroglyph, or historic dendroglyph.~~

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. The term "building" may refer to a historically related complex such as a courthouse and jail or a house and barn.

~~*Cost prohibitive* means the price of completing the repair or restoration work on the historic resource or structure exceeds the real market value of the resource or structure.~~

~~*Demolition* means any act that destroys, removes, or relocates, in whole or in part, a historic contributing building or accessory structure such that its historic, cultural, or architectural character and significance is lost.~~

~~*Historic accessory structure* means an accessory structure that is 50 years or older located on the site of an individually designated resource, or within a designated historic district, and that is accessory to a primary historic structure designated on the site.~~

Historic contributing building means a building or structure, including an accessory structure, within a historic district that existed during the period of significance, and has retained sufficient integrity to convey the history of the district and to contribute to its character.

~~*Historic district* means a geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register of Historic Places. A historic district may also comprise individual elements separated geographically but linked by association or history. Historic districts are defined by a period of significance. National Register District nominations for historic district designation are processed by the Oregon State Historic Preservation Office (SHPO) and reviewed by the State Advisory Committee on Historic Preservation (SACHP). The final decision for listing on the National Register of Historic Places is made by the National Park Service. Property owners within the~~

~~proposed National Register Districts are notified by SHPO and have the opportunity to object. 36 CFR 60.6 provides that if 51 percent of owners object to the proposed district, the nomination cannot proceed to review by SACHP and the National Park Service. The Historic Landmarks Commission and Council have the opportunity to comment and make recommendations on the nomination prior to review by SACHP.~~

Historic non-contributing building means a building or structure, including an accessory structure, with in a historic district that existed during the period of significance, but has been so altered that it no longer conveys the history of the district or contributes to its character.

Historic preservation means preservation, restoration, or rehabilitation of a historic resource.

Historic Preservation Officer means the administrator of the City's historic preservation program and Cultural Resources program,, including professional support to the Historic Landmarks Commission. The Historic Preservation Officer shall meet the requirements of the United States Department of the Interior and the National Park Service.

~~*Historic resource* means a historic contributing building, individually listed resource, a site or an object that is an individually listed resource or designated as a historic contributing site or an object in a historic district.any artifact, object, sign, structure, or building 50 years or older which has potential to further understanding of local, state, or national history or pre-history. Historic resources on a site are categorized as either primary or accessory.~~

Individually listed resource means a building, structure, site, or object listed individually on the National Register of Historic Places or designated as a local historic resource by the Council.

In-kind replacement means replacement of a deteriorated or damaged historic feature that matches the old in material, design, color, and texture, based upon either direct physical evidence of the feature or photographic evidence of the feature, and that results in a true replication of the original outward appearance of the feature.

Local historic district means and geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, or individual elements separated geographically but linked by association or history. A local historic district is defined by a period of significance, designated as a local historic district by the City Council and adopted as part of Salem's Comprehensive Plan and Historic Preservation Plan, and listed as a historic district in the National Register of Historic Places.

~~*Local historic resource* means a building, structure, site, or object designated as a local historic resource pursuant to this chapter, an individually listed local or National Register resource, or a building, structure, site, artifact, or object that is designated as a historic-contributing or non-contributing resource within a local historic district.~~

National Register historic district means a geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, or individual elements separated geographically but linked by association or history. A National Register historic district is defined by a period of significance and listed as a historic district in the National Register of Historic Places.

National Register resource means a historic resource listed on the National Register of Historic Places.

New construction means a building or structure, other than an accessory structure, constructed on property within a historic district, or on property that is designated as a local historic resource, that is not attached to, or included as a portion of, an existing building or structure.

Non-contributing building means a historic non-contributing building or a non-historic non-contributing building or accessory structure.

Non-historic non-contributing building means a building or structure in a historic district that did not exist during the period of significance.

Object means a material thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Ordinary maintenance and repair means restoration of exterior features that does not involve a change in design, material, or outward appearance.

Original means the component was constructed on or added to the building during the period of significance.

Period of significance means the dates stated in the official designation of a historic district by the National Parks Service that identifies the period or periods of time when the geographic area/district attained the characteristics which qualify the area/it for designation as a historic district.

Primary facade means that part of a historic resource/building or structure where the main entry is located. On a corner lot each wall fronting the street shall be considered a primary facade.

Primary historic structure means a historic resource within a historic district or an individually listed historic resource that is designated as the main resource on the site due to its size or historic significance.

Property pending designation means a building, structure, site, or object for which a formal application for local historic designation has been initiated, or which has been recommended for nomination to the National Register of Historic Places by SACHP, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which have not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be "eligible."

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the resource, generally focuses on the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not considered preservation; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Public agency means the State, and all the administrative subdivisions thereof, including, but not limited to, the Oregon Department of Administrative Services.

Public historic resource means a historic resource that is owned by a public agency.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, or detailing of a non-surviving building, or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation means the process of making possible a compatible use for a historic-contributing resource or individually listed resource through repair, alterations, and additions, while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration means the act or process of accurately depicting the form, features, and character of a historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

SHPO means the Oregon State Historic Preservation Office.

Significance means the buildings, structures, or features of the site subject to a designation that contribute to the integrity, design, setting, and workmanship of the district or the designated resource, which may include the important people and events connected with the designated resource or the period of significance established for the district or the significant date(s) of the historic resource.

Site means, unless the context requires otherwise, the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Structure means a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by humans, a structure is often an engineering project large in scale.

Visible means the resource, or a portion of the resource, can be seen from the public right-of-way. For example, typically the primary facade of a historic resource can be seen from the public right-of-way.

- (b) *Supplemental standards and guidelines for historic design review.* In the event the standards and guidelines contained in this chapter fail to provide regulations for a specific type of historic resource, the rules of the decision will be the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National Park Service.
- (c) *Authority to promulgate guidelines.* The Director may, upon consultation with the Historic Landmarks Commission, promulgate illustrative guidelines to provide general guidance to interested persons on the application of the standards in this chapter.

Sec. 230.018. - Public historic design review jurisdiction.

The City has jurisdiction over historic design review for all public historic resources. If the public agency is the State, or any administrative subdivision of the State, the public agency may enter into a program with SHPO for the conservation of the National Register designated historic resource pursuant to ORS 358.653, in which case historic design review for that historic resource is exempted from this chapter; provided, however, that such program complies with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National Parks Service, and the public agency provides the Director with notice of such election, no later than the date the contract for construction is advertised for bids.

Sec. 230.020. - Historic design review.

- (a) *Applicability.* Unless undertaken by a public agency pursuant to a program established ~~between the public agency and SHPO under ORS 358.653 under SRC 230.018~~, no exterior portion of a local historic resource, contributing building, non-contributing building, or new construction in a local historic district shall be erected, altered, restored, moved, or demolished until historic design review approval has been granted, as provided in this section.
 - (1) *Historic design review required.* Historic design review is required for the following:
 - (A) Remodeling or repair that would change, in any manner, the exterior of a local historic resource or a building or structure in a local historic district, but excluding painting.
 - (B) Moving a local historic or National Register resource, or moving a building or structure into or out of a local or National Register historic district.
 - (C) Construction of a new building in a local historic district.
 - (D) Alteration of, or addition to, a local historic resource, or to a contributing or non-contributing building in a local historic district.
 - (E) Construction of new walks, fences, parking facilities, and other features on the site of a local historic resource, when adjacent to or within view of public right-of-way.
 - (F) Demolition of a local or National Register historic resource.
 - (G) Streetscape improvements in local historic districts.
 - (2) *Historic design review not required.* Historic design review is not required for the following:
 - (A) Ordinary maintenance or repair of any exterior architectural feature of a structure or contributing site feature of a local historic resource or contributing or non-contributing

building in a local or National Register historic district to correct deterioration, decay, or damage, which utilizes in-kind materials and restores, replicates, or to and sustains the existing form. By way of illustration, but not of limitation, ordinary maintenance and repair includes replacement of cracked or broken window panes; surface treatment that is consistent with accepted historic preservation methods; replacement of broken hardware; repair of a portion of a window frame or sash, part of a roof or a small percentage of siding.

- (B) Change in paint color of a local or National Register historic resource or a contributing or non-contributing building in a local or National Register historic district.
- (C) Work conducted entirely within the interior of a local historic resource or contributing or non-contributing building in a local historic district which has no effect on exterior architectural features.

(D) The addition of mechanical (HVAC) and associated equipment to the exterior roof or secondary façade of a structure or site of a local historic resource or contributing or non-contributing building in a local or National Register historic district provided the equipment is not visible from the right of way.

(E) The addition of temporary and removable alterations, or alterations completed in response to an emergency declared by the City, County, State, or Federal government, to the exterior of a local historic resource or contributing or non-contributing building or site in a local or National Register historic district.

(F) The addition of fencing to the site of a local historic resource or contributing or non-contributing resource in a local or National Register historic district provided the fencing is not attached to any primary or secondary resource on the site, is of wood or metal, and does not exceed four feet in height within the front yard and six feet in height within the side and rear yards.

- (3) *Buildings partially within and partially without local historic districts.* Where addition or alteration to the exterior of a historic contributing resource or non-contributing building in a local historic district, or construction of a new building in a local historic district, will occur partially inside and partially outside of the district boundaries, historic design review is required for that portion of the building that is within the local district and, if the majority of the area of the building is inside the local historic district, for that portion of the building that is not within the local historic district.
 - (4) *Relationship to other land use reviews.* Projects that require historic design review may also require other land use reviews. If other land use reviews are requirements for development, such reviews shall be held prior to or concurrently with historic design review.
- (b) *Objectives.* The standards in this chapter shall be construed to do the following:
- (1) *Historic contributing buildings and individually listed resources.* Historic contributing buildings and individually listed resources are valuable community resources that contribute immeasurably to the City's identity, history, unique sense of place, and quality of life. Preserving these buildings and resources involves careful planning, conscientious maintenance and repair, knowledgeable and informed restoration, and sensitive rehabilitation that accommodates modern business and residential lifestyles. The standards set forth in this chapter for historic contributing buildings and individually listed resources are intended to preserve and enhance the buildings, resources and districts generally, while allowing for adaptive reuse through sensitive rehabilitation of these buildings and resources.
 - (2) *Non-contributing buildings.* Some buildings and structures in a historic district are non-contributing. These buildings and structures typically do not contribute to the district's historic significance because they either date from outside the district's period of significance or their historic significance has been materially impaired by additions and alterations. The standards set forth in this chapter for non-contributing buildings and structures do not require restoration to their original appearance or require imitation of the appearance of a historic contributing building or structure; rather, the objectives are two-fold. First, the objective for historic non-contributing is to return, when feasible, these buildings to a historic contributing state. Second, the objective for

all non-contributing buildings is to maintain the visual coherence of the historic district as a whole.

- (3) *New construction.* New buildings and structures will be built in historic districts. These new buildings and structures should enhance, rather than detract, from the overall character of the district. It is crucial that the existing harmony of proportions and materials be enhanced when new construction occurs. Therefore, the objective of the standards set forth in this chapter for new construction is to ensure that the design and construction of new buildings and structures is consistent and compatible with the architectural styles of historic contributing buildings that are found in the district.

- (c) *Classes.* ~~There are three classes of historic design review which include Class 1 minor historic design review, Class 2 minor historic design review, and Class 3 Major Historic Design Review. Historic design review is either "minor" or "major." Table 230-1 and Table 230-2 set forth the~~ classifies activities ~~based on their required that are minor and major~~ historic design review class. Notwithstanding Table 230-1 ~~and 230-2~~, any activity proposed that is not covered by the table or does not meet the specific standards set forth for historic contributing buildings in SRC 230.025, SRC 230.040, and 230.061; or for non-contributing buildings and structures the standards set forth in SRC 230.030, SRC 230.045, and 230.063 of this section requires Class 3 major historic design review.

TABLE 230-1. HISTORIC DESIGN REVIEW BY REVIEW CLASS						
Activity Proposed	Review Class					
	Historic Contributing			Non-Contributing		
	<u>Visible Primary Façade</u>	<u>Not Visible Secondary Façade</u>	Applicable Code Section	<u>Visible Primary Façade</u>	<u>Not Visible Secondary Façade</u>	Applicable Code Section
Residential Historic Districts						
Alterations and additions	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.025(g)	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.030(g)
Deck replacement and additions	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.025(h)	<u>Class 2 Minor</u>	N/A	230.030(h)
Door replacement	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.065 230.025(c)	<u>Class 2 Minor</u>	N/A	230.070 230.030(c)
Door replacement (in-kind)	<u>Class 1 Minor</u>	<u>Class 1 Minor</u>	230.025(c)	<u>Class 1 Minor</u>	N/A	230.030(c)
Fences	Major <u>Class 2 Minor</u>	<u>Class 2 Minor</u>	230.025(j)	<u>Class 2 Minor</u>	N/A	230.030(j)
New accessory structures	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.025(i)	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.030(i)
Porch replacement	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.065 230.025(d)	<u>Class 2 Minor</u>	N/A	230.070 230.030(d)
Porch replacement (in-kind)	<u>Class 1 Minor</u>	<u>Class 1 Minor</u>	230.025(d)	<u>Class 1 Minor</u>	N/A	230.030(d)
Restoration of missing features	Major <u>Class 2 Minor</u>	<u>Class 2 Minor</u>	230.025(f)	<u>Class 2 Minor</u>	N/A	230.030(f)
Retaining walls	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	230.025(k)	<u>Class 2 Minor</u>	N/A	230.030(k)

Roof replacement	Class 2 Minor	Class 2 Minor	230.065 230.025(e)	Class 2 Minor	N/A	230.070 230.030(e)
Roof replacement (in-kind)	N/A	N/A	230.025(e)	N/A	N/A	230.030(e)
Siding, exterior trim and minor architectural features replacement	Class 3 Major	Class 2 Minor	230.065 230.025(a)	Class 2 Minor	N/A	230.070 230.030(a)
Siding, exterior trim and minor architectural features replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(a)	Class 1 Minor	N/A	230.030(a)
Signs	Class 2 Minor	Class 2 Minor	230.036	Class 2 Minor	N/A	230.036
Site features replacement	Class 3 Major	Class 2 Minor	230.065 230.025(l)	Class 2 Minor	N/A	230.070 230.030(l) 230.025(h)
Site features replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(l)	Class 1 Minor	N/A	230.070 230.030(h) 230.025(h)
Streetscape	Class 2 Minor	—	230.075	Minor-N/A	—	230.075
Window replacement	Class 3 Major	Class 2 Minor	230.065 230.025(b)	Class 2 Minor	N/A	230.070 230.030(b)
Window replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(b)	Class 1 Minor	N/A	230.030(b)
Commercial Historic Districts						
Accessibility alterations and additions	Class 3 Major	Class 2 Minor	230.040(h)	Class 2 Minor	N/A	230.045(h)
Alterations and additions	Class 3 Major	Class 2 Minor	230.040(f)	Class 3 Major	Class 2 Minor	230.045(g)
Awnings and canopies replacement or installation	Class 3 Major	Class 2 Minor	230.040(k)	Class 2 Minor	Class 2 Minor	230.045(k)
Awnings and canopies replacement or installation (in-kind)	Class 1 Minor	Class 1 Minor	230.040(k)	Class 1 Minor	N/A	230.045(k)
Door replacement	Class 3 Major	Class 2 Minor	230.065 230.040(c)	Class 2 Minor	N/A	230.070 230.045(c)
Door replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(c)	Class 1 Minor	N/A	230.045(c)
Energy	Class 3 Major	Class 2 Minor	230.040(i)	Class 2 Minor	N/A	230.045(i)
Lintels, architraves, sills, and other architectural details replacement	Class 3 Major	Class 2 Minor	230.065 230.040(g)	Class 2 Minor	N/A	230.070 230.045(f)
Lintels, architraves, sills, and other architectural details replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(g)	Class 1 Minor	N/A	230.045(f)
Masonry, siding, and exterior trim replacement	Class 3 Major	Class 2 Minor	230.065 230.040(a)	Class 2 Minor	N/A	230.070 230.045(a)
Masonry, siding, and exterior trim replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(a)	Class 1 Minor	N/A	230.045(a)

Mechanical equipment and service areas addition and replacement	Class 3 Major	Class 1 Minor	230.065 230.040(j)	Class 1 Minor	N/A	230.070 230.045(j)
Murals	Class 3 Major	Class 2 Minor	230.055	Class 3 Major	N/A	230.055
Roof and cornice replacement	Class 3 Major	Class 2 Minor	230.065 230.040(e)	Class 2 Minor	N/A	230.070 230.045(e)
Roof and cornice replacement (in-kind)	N/A	N/A	230.040(e)	N/A	N/A	230.045(e)
Signs	Class 2 Minor	Class 1 Minor	230.056	Class 2 Minor	N/A	230.056
Storefront, or component of storefront, replacement	Class 3 Major	Class 2 Minor	230.065 230.040(d)	Class 2 Minor	N/A	230.070 230.045(d)
Storefront, or component of storefront, replacement (in-kind)	Class 3 Major	Class 1 Minor	230.040(d)	Class 1 Minor	N/A	230.045(d)
Streetscape	Class 2 Minor	—	230.075	Minor N/A	—	230.075
Window replacement	Class 3 Major	Class 2 Minor	230.065 230.040(b)	Class 2 Minor	N/A	230.070 230.045(b)
Window replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(b)	Class 1 Minor	N/A	230.045(b)
<u>Public Historic Districts</u>						
Accessibility alterations and additions	Class 3 Major	Class 2 Minor	230.060(k)	Class 2 Minor	N/A	230.063(k)
Alterations and additions	Class 3 Major	Class 2 Minor	230.060(h)	Class 3 Major	Class 2 Minor	230.063(h)
Awnings and canopies replacement or installation	Class 3 Major	Class 2 Minor	230.060(n)	Class 2 Minor	Class 2 Minor	230.063(n)
Awnings and canopies replacement or installation (in-kind)	Class 1 Minor	Class 1 Minor	230.060(n)	Class 1 Minor	N/A	230.063(n)
Decks replacement and additions	Class 3 Major	Class 2 Minor	230.060(i)	Class 2 Minor	N/A	230.063(i)
Door replacement	Class 3 Major	Class 2 Minor	230.060(c)	Class 2 Minor	N/A	230.063(c)
Door replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(c)	Class 1 Minor	N/A	230.063(c)
Energy	Class 3 Major	Class 2 Minor	230.060(l)	Class 2 Minor	N/A	230.063(l)
Fences	Class 2 Minor	Class 2 Minor	230.060(p)	Class 2 Minor	N/A	230.063(p)
Lintels, architraves, sills, and other architectural details replacement	Class 3 Major	Class 2 Minor	230.060(j)	Class 2 Minor	N/A	230.063(j)
Lintels, architraves, sills, and other architectural details replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(j)	Class 1 Minor	N/A	230.063(j)
Masonry, siding, and exterior trim replacement details replacement	Class 3 Major	Class 2 Minor	230.060(a)	Class 2 Minor	N/A	230.063(a)

<u>Masonry, siding, and exterior trim replacement details replacement (in-kind)</u>	<u>Class 1 Minor</u>	<u>Class 1 Minor</u>	<u>230.060(a)</u>	<u>Class 1 Minor</u>	<u>N/A</u>	<u>230.063(a)</u>
<u>Mechanical equipment and service areas addition and replacement</u>	<u>Class 3 Major</u>	<u>Class 1 Minor</u>	<u>230.060(m)</u>	<u>Class 1 Minor</u>	<u>N/A</u>	<u>230.063(m)</u>
<u>New accessory structures</u>	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	<u>230.060(o)</u>	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	<u>230.063(o)</u>
<u>Porch replacement</u>	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	<u>230.060(d)</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.063(d)</u>
<u>Porch replacement (in-kind)</u>	<u>Class 1 Minor</u>	<u>Class 1 Minor</u>	<u>230.060(d)</u>	<u>Class 1 Minor</u>	<u>N/A</u>	<u>230.063(d)</u>
<u>Restoration of missing features</u>	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.060(g)</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.063(g)</u>
<u>Retaining walls</u>	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	<u>230.060(q)</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.063(q)</u>
<u>Roof and cornice replacement</u>	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.060(e)</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.063(e)</u>
<u>Roof and cornice replacement (in-kind)</u>	<u>N/A</u>	<u>N/A</u>	<u>230.060(e)</u>	<u>N/A</u>	<u>N/A</u>	<u>230.063(e)</u>
<u>Signs</u>	<u>Class 2 Minor</u>	<u>Class 1 Minor</u>	<u>230.062</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.062</u>
<u>Site features replacement</u>	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	<u>230.060(r)</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.063(r)</u>
<u>Site features replacement (in-kind)</u>	<u>Class 1 Minor</u>	<u>Class 1 Minor</u>	<u>230.060(r)</u>	<u>Class 1 Minor</u>	<u>N/A</u>	<u>230.063(r)</u>
<u>Solar panels, rooftop mechanical, and skylights</u>	<u>Class 3 Major</u>	<u>Class 1 Minor</u>	<u>230.060(f)</u>	<u>Class 1 Minor</u>	<u>N/A</u>	<u>230.063(f)</u>
<u>Streetscape</u>	<u>Class 2 Minor</u>	<u>---</u>	<u>230.075</u>	<u>N/A</u>	<u>---</u>	<u>230.075</u>
<u>Window replacement</u>	<u>Class 3 Major</u>	<u>Class 2 Minor</u>	<u>230.060(b)</u>	<u>Class 2 Minor</u>	<u>N/A</u>	<u>230.063(b)</u>
<u>Window replacement (in-kind)</u>	<u>Class 1 Minor</u>	<u>Class 1 Minor</u>	<u>230.060(b)</u>	<u>Class 1 Minor</u>	<u>N/A</u>	<u>230.063(b)</u>
Individually Listed Historic Resources						
Any activity proposed	Follows review class for historic contributing buildings for the type of resource					
Activity Proposed (New Construction)	Review Class			Applicable Code Section		
	<u>Visible-Primary Facade</u>	<u>Not Visible-Secondary Facade</u>				
Residential historic districts	Major		Major	230.035		
Commercial historic districts	Major		Major	230.050		
<u>Public Historic Districts</u>	<u>Major</u>		<u>Major</u>	<u>230.064</u>		

TABLE 230.2 – PUBLIC HISTORIC DESIGN REVIEW BY REVIEW CLASS

Activity Proposed	Review Class					
	Historic-Contributing			Non-Contributing		
	Primary Facade	Secondary Facade	Applicable Code Section	Primary Facade	Secondary Facade	Applicable Code Section
Public Historic District						
Accessibility alterations and additions	Major	Minor	230.060(j)	Minor	N/A	230.063(j)
Alterations and additions	Major	Minor	230.060(g)	Major	Minor	230.063(g)
Awnings and canopies replacement or installation	Major	Minor	230.060(m)	Minor	Minor	230.063(m)
Awnings and canopies replacement or installation (in-kind)	Minor	Minor	230.060(m)	Minor	N/A	230.063(m)
Decks replacement and additions	Major	Minor	230.060(h)	Minor	N/A	230.063(h)
Door replacement	Major	Minor	230.060(e)	Minor	N/A	230.063(e)
Door replacement (in-kind)	Minor	Minor	230.060(e)	Minor	N/A	230.063(e)
Energy	Major	Minor	230.060(k)	Minor	N/A	230.063(k)
Fences	Major	Minor	230.060(o)	Minor	N/A	230.063(o)
Lintels, architraves, sills, and other architectural details replacement	Major	Minor	230.060(i)	Minor	N/A	230.063(i)
Lintels, architraves, sills, and other architectural details replacement (in-kind)	Minor	Minor	230.060(i)	Minor	N/A	230.063(i)
Masonry, siding, and exterior trim replacement details replacement	Major	Minor	230.060(a)	Minor	N/A	230.063(a)
Masonry, siding, and exterior trim replacement details replacement (in-kind)	Minor	Minor	230.060(a)	Minor	N/A	230.063(a)
Mechanical equipment and service areas addition and replacement	Major	Minor	230.060(l)	Minor	N/A	230.063(l)
Signs	Major	Minor	230.062	Major	N/A	230.062
New accessory structures	Major	Minor	230.060(n)	Major	Minor	230.063(n)
Porch replacement	Major	Minor	230.060(d)	Minor	N/A	230.063(d)
Porch replacement (in-kind)	Minor	Minor	230.060(d)	Minor	N/A	230.063(d)
Restoration of missing features	Major	Minor	230.060(f)	Minor	N/A	230.063(f)
Retaining walls	Major	Minor	230.060(p)	Minor	N/A	230.063(p)
Roof and cornice replacement	Minor	Minor	230.060(e)	N/A	N/A	230.063(e)
Roof and cornice replacement (in-kind)	N/A	N/A	230.060(e)	N/A	N/A	230.063(e)
Site features replacement	Major	Minor	230.060(q)	Minor	N/A	230.063(q)
Site features replacement (in-kind)	Minor	Minor	230.060(q)	Minor	N/A	230.063(q)
Streetscape	Minor	—	230.075	Minor	—	230.075

Window replacement	Major	Minor	230.060(b)	Minor	N/A	230.063(b)
Window replacement (in-kind)	Minor	Minor	230.060(b)	Minor	N/A	230.063(b)

(d) *Procedure type.*

(1) Class 1 Minor-minor historic design review is processed as a Type I procedure under SRC chapter 300.

(2) Class 2 minor historic design review is processed as a Type II procedure under SRC Chapter 300.

~~(2)~~(3) Class 3 Major-major historic design review is processed as a Type III procedure under SRC chapter 300.

(e) ~~Additional s~~Submittal requirements.

(1) Class 1 and Class 2 minor historic design review. In addition to the submittal requirements ~~specified in set forth under~~ SRC chapter 300, an application for Class 1 or Class 2 minor historic design review shall include the following:

(A) Plan and elevation drawings, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, of the existing building or structure and of the proposed changes, including materials;

(B) Photos of the existing building or structure; and

(C) Historic photos of the existing building or structure, if available.

(2) Class 3 major historic design review. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for Class 3 major historic design review shall include the following:

(A) Plan and elevation drawings of the existing building or structure and of the proposed changes, including materials;

(B) Photos of the existing building or structure;

(C) Historic photos, if available; and

(D) Plan and elevation drawings of adjacent properties, or photo-simulation, for additions that increase the gross square footage of the structure by more than 50 percent, or new construction in a historic district.

(f) *Criteria.* Historic design review approval shall be granted if the application satisfied the applicable standards set forth in this chapter.

Sec. 230.025. - Standards for historic contributing buildings in residential historic districts.

Modifications to historic contributing buildings in residential historic districts shall comply with this section.

(a) *Siding, exterior trim and minor architectural features.* Replacement of siding, exterior trim, and minor architectural features of historic contributing buildings shall be allowed only where the owner has attempted to repair the original siding, exterior trim or minor architectural feature, but repair was determined to be unfeasible due to poor condition of the original materials. If the trim or siding is not original then every effort shall be made to replicate the original trim or siding; the effort shall be substantiated by historic, physical, or pictorial evidence. If the trim and siding cannot be replicated then it should be of a compatible design and material.

(1) *Materials.* The replacement materials are the same type and quality as the original siding, exterior trim or minor architectural feature, or duplicate, to the greatest degree possible, the appearance and structural qualities of the material being replaced.

- (2) *Design.* The replacement reproduces the appearance of the original siding, exterior trim or minor architectural feature.
 - (3) *Energy efficiency.* Improvements to improve energy efficiency are allowed, provided the exterior appearance of the historic resource is preserved to the greatest extent possible. Example: Adding additional insulation to attics, crawl spaces or basements.
- (b) *Windows.* Replacement of windows in historic contributing buildings shall be allowed only where the owner has attempted to repair the original window, but repair was not feasible due to the poor condition of the original materials. If the window is not original then every effort shall be made to replicate the original window; the effort shall be substantiated by historic, physical, or pictorial evidence. If the window cannot be replicated then it should be of a compatible design and material to the original.
- (1) *Materials.* All features of the window, including the window frame, sash, stiles, rails, muntins, lamb's tongues and glass, are replaced with materials that duplicate, to the greatest degree possible, the appearance and structural qualities of the original.
 - (2) *Design.* Overall design of the window profile of all parts of the window shall reproduce the appearance of the original window.
 - (3) *Improvements to create energy efficiency.*
 - (A) The use of weather-stripping, insulation, storm windows, or materials to either repair or improve the energy efficiency of shall be evaluated as means to achieve the desired energy efficiency objectives prior to seeking authorization to replace a window.
 - (B) If an owner wishes to improve the energy efficiency of windows located on the primary facade, only energy efficiency measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used on the primary facade.
 - (C) If an owner wishes to improve the energy efficiency of windows located on a facade other than the primary facade, measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used. Reuse of the original window frame and sash with replacement by glass that maintains the overall design and appearance of the window is allowed. Example: ~~Replacement of single-pane glass with new energy efficient double-paned glass is permissible, so long as the window is in satisfactory condition, muntins are wide enough to hold the double-paned glass, the double-paned glass can be inserted into the original window sash, there are only minor alterations to the overall design of the window, and the double-paned glass is not visibly tinted or reflective. Single pane glass can be supplemented or thermally upgraded with the addition of another pane of glazing such as adding an interior energy panel (storm window) or exterior panel mounted on the window sash itself.~~
- (c) *Doors.* Replacement of doors in historic contributing buildings shall be allowed only where the owner has attempted to repair the original door, but repair was not feasible due to the poor condition of the original materials. If the doors are not original then every effort shall be made to replicate the original doors; the effort shall be substantiated by historic, physical, or pictorial evidence. If the door cannot be replicated then it should be of a compatible design and material.
- (1) *Materials.* All features of the door shall be replaced with material that duplicate, to the greatest degree possible, the appearance and structural qualities of the original door.
 - (2) *Design.* The overall design of the door shall reproduce, to the greatest degree possible, the appearance of the original door.
- (d) *Porches.* Replacement of porches on historic contributing buildings shall be allowed only where the owner has attempted to repair the original porch, but repair was not feasible due to the poor condition of the original materials. If the porch is not original then every effort shall be made to

replicate the original porch; the effort shall be substantiated by historic, physical, or pictorial evidence. If the porch cannot be replicated then it should be of a compatible design and material.

- (1) *Materials.* All features of the porch shall be replaced with material that duplicate, to the greatest degree possible, the appearance and structural qualities of the original porch.
 - (2) *Design.* The overall design of the porch shall reproduce, to the greatest degree possible, the appearance of the original porch.
- (e) *Roofs.* Replacement of roofs on historic contributing buildings shall be allowed only where the owner has attempted to repair the original roof, but repair was not feasible due to the poor condition of the original materials.
- (1) *Materials.*
 - (A) Historic specialty roofing materials, such as original tile, slate, or rolled composition roofing should be maintained in place whenever possible.
 - (B) New roof materials should match the original materials in scale and texture as closely as possible. Use of plastic or concrete simulated materials is not allowed.
 - (C) Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
 - (D) Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
 - (2) *Design.*
 - (A) The original roof form and detailing shall be preserved.
 - (B) Original eave overhangs shall be maintained.
 - (C) Cutting back roof rafters and soffits, boxing in exposed rafter tails, adding fascia boards where none existed, or otherwise altering the historical roof overhang is not allowed.
 - (D) To the extent feasible, inappropriate repairs or additions should be removed or corrected.
 - (3) *Solar panels, rooftop mechanical devices, and skylights.* Solar panels and other rooftop mechanical structures may be added to historic contributing buildings.
 - (A) *Materials.*
 - (i) Non-reflective glass and metal panels are allowed.
 - (ii) Reflective glass and plastic frames are prohibited.
 - (B) *Design.*
 - (i) Solar panels shall not alter the existing profile of the roof, and shall be mounted parallel to the roof plane on rear-facing roofs or placed on the ground in an inconspicuous location.
 - (ii) Satellite dishes, TV antennae and other rooftop mechanical structures shall be installed so they are not visible from the street and do not damage or obscure significant architectural features of the resource.
 - (iii) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
- (f) *Missing features.* Features that were present on a historic contributing building during the period of significance but which were later removed may be reconstructed.

- (1) *Materials.* Materials used in the replacement shall match as closely as practicable the composition, design, texture, and other visual qualities of the materials of the missing feature.
 - (2) *Design.* The design accurately duplicates the missing feature. The design shall be substantiated by historic, physical, or pictorial evidence. Evidence does not include conjectural designs, or the appearance of features or different elements from other buildings or structures built during the period of significance.
- (g) *Alterations and additions.* Additions to and alterations of ~~the a~~ historic contributing building or site is-are allowed.
- (1) *Materials.* Materials for alterations or additions:
 - (A) Building materials shall be of traditional dimensions.
 - (B) Material shall be of the same type, quality and finish as original material in the building.
 - (C) New masonry added to a building shall, to the greatest extent feasible, match the color, texture and bonding pattern of the original masonry.
 - (D) For those areas where original material must be disturbed, original material shall be retained to the maximum extent possible.
 - (2) *Design.* Alterations or additions shall:
 - (A) Additions shall Be-be located at the rear, or on an inconspicuous side, of the building.
 - (B) Be designed and constructed to minimize changes to the building.
 - (C) Be limited in size and scale such that a harmonious relationship is created in relationship to the original building.
 - (D) Be designed and constructed in a manner that significant historical, architectural or cultural features of the building are not obscured, damaged, or destroyed.
 - (E) Be designed to be compatible with the size, scale, material, and character of the building, and the district generally.
 - (F) Not destroy or adversely impact existing distinctive materials, features, finishes and construction techniques or examples of craftsmanship that are part of the building
 - (G) Be constructed with the least possible loss of historic materials.
 - (H) Not create a false sense of historical development by including features that would appear to have been part of the building during the period of significance but whose existence is not supported by historical evidence shall not be added to the building.
 - (I) Be designed in a manner that makes it clear what is original to the building, and what is new.
 - (J) Be designed to reflect, but not replicate, the architectural styles of the period of significance.
 - (K) Preserve features of the building that has occurred over time and has attained significance in its own right.
 - (L) Preserve distinguishing original qualities of the building and its site.
 - (M) Alterations to the building such as the addition of steps, ramps, railings, and lighting in order to address safety or ADA accessibility needs are allowed provided these alterations are compatible with the resource. Exterior lighting shall comply with SRC 800.060.

(N) Site alterations such as the addition of walkways, steps, ramps, railings, and lighting in order to address safety or ADA accessibility needs are allowed provided these alterations are compatible with the resource. Exterior lighting shall comply with SRC 800.060.

- (h) *Decks.* Replacement and addition of decks in historic contributing buildings is allowed.
- (1) *Materials.* The deck shall be constructed of wood, a wood composite, or a material available during the period of significance.
 - (2) *Design.* The deck shall:
 - (A) Be located off the rear of the resource.
 - (B) Not obscure any significant architectural features of the resource.
 - (C) Be of a reasonable size and scale in relationship to the resource.
 - (D) Shall not extend beyond the width of the existing footprint of the resource.
- (i) *New accessory structures.* New accessory structures may be built on the site of historic contributing buildings.
- (1) *Materials.* New accessory structures shall have the same siding material as the resource on the site.
 - (2) *Design.* New accessory structures shall:
 - (A) Be located at the rear of the site.
 - (B) Be no taller than one story.
 - (C) Be similar in character to those built during the period of significance.
 - (D) Be subordinate to the primary structure in terms of mass, size, and height.
- (j) *Fences.* Fences may be added to sites of historic contributing buildings, provided the fence will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.
- (1) *Materials.* The fence shall be constructed of traditional materials that were available during the period of significance.
 - (2) *Design.* Fences shall be no taller than four feet in the front yard and no taller than six feet inside and rear yards.
- (k) *Retaining walls.* Retaining walls may be added to sites of historic contributing buildings, provided the retaining wall will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.
- (1) *Materials.* The retaining wall shall be constructed of traditional materials that were available during the period of significance. Example: If the period of significance is 1920-1940 the materials that were available included, but were not limited to, rusticated stone, formed concrete, poured concrete, and brick.
 - (2) *Design.* Retaining walls shall be no taller than two feet in the front and four feet on the side and rear yard.
- (l) *Site features.* Replacement or alteration of site features of a historic contributing building that are identified as significant features on the historic resource inventory for the district, including, but not limited to, driveways, sidewalks, gardens, significant trees, lighting, or geological features is allowed, unless the replacement or alteration would materially alter or destroy the features.
- (1) *Materials.* Materials shall duplicate, to the greatest degree possible, the appearance and physical qualities of the original materials. Example: Rhododendron hedge planted during

the period of significance is replanted with heritage varieties available during the period of significance.

- (2) *Design.* The design shall reproduce, to the greatest extent possible, the appearance of the original site feature. Example: If the site contains a Lord and Schryver garden, the replacements shall be allowed provided the original design and location of plantings of the historical garden are retained.

Sec. 230.030. - Standards for non-contributing buildings and structures in residential historic districts.

Modifications to non-contributing buildings in residential historic districts shall comply with this section.

- (a) *Siding, exterior trim and minor architectural features.* Replacement of siding, exterior trim and minor architectural features of non-contributing buildings in residential historic districts is allowed.
 - (1) *Materials.*
 - (A) Building materials shall be of traditional dimensions.
 - (B) Replacement materials shall duplicate, to the greatest degree possible, appearance and structural qualities that are consistent with building materials on buildings in the district.
 - (C) Wood lap, shingles, brick, and stone are appropriate materials.
 - (D) Alternative materials shall appear similar in scale, proportion, texture and finish with buildings in the district.
 - (2) *Design.*
 - (A) Elements should be similar in dimension, design, and pattern to those used on buildings in the district.
 - (B) Extensive use of glass, polished or galvanized metal or other highly-reflective material as a primary exterior finish is not allowed.
 - (C) Ornamental details shall be minimized.
 - (D) Use architectural detail that is generally seen in the district.
 - (3) *Improvements to create energy efficiency.* If an owner wishes to improve the energy efficiency of a non-contributing building, the exterior appearance shall be preserved to the greatest degree possible. Example: Adding additional insulation to attics, crawl spaces or basements.
- (b) *Windows.* Replacement of windows in non-contributing buildings is allowed.
 - (1) *Materials.* The replacement window shall be constructed with materials that duplicate, to the greatest degree possible, an appearance and structural qualities consistent with windows in buildings in the district.
 - (2) *Design.*
 - (A) Window openings shall maintain a similar size to the existing windows in the building.
 - (B) Window styles and types shall be similar to the styles and types of buildings in the district.
 - (C) Windows should be simple in shape, arrangement, and detail.
 - (D) Windows shall be finished with trim elements in a manner consistent with buildings in the district.
 - (E) The number of different window styles in the building shall be limited.

- (3) *Improvements to create energy efficiency.*
- (A) The use of weather-stripping, insulation, or materials to either repair or improve the energy efficiency of shall be evaluated as means to achieve the desired energy efficiency objectives prior to seeking authorization to replace a window.
 - (B) If an owner wishes to improve the energy efficiency of windows ~~located on the primary facade, only energy efficiency measures shall that are removable and in a non-contributing resource, this is allowed provided the proposed improvements are compatible and do not permanently alter any historic contributing features of the resource, including, but not limited to, exterior storm windows and weather-stripping shall be used on the primary facade.~~
 - ~~(C) If an owner wishes to improve the energy efficiency of windows located on other than the primary facade, measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, and to reuse the original window frame and sash with replacement by energy efficient glass that maintains the overall design and appearance of the window are allowed. Example: Replacement of single-pane glass with new energy efficient double-paned glass is permissible, so long as the window is in satisfactory condition, muntins are wide enough to hold the double-paned glass, the double-paned glass can be inserted into the original window sash, there are only minor alterations to the overall design of the window, and the double-paned glass is not visibly tinted or reflective.~~
- (c) *Doors.* Replacement of doors in non-contributing buildings is allowed.
- (1) *Materials.* The replacement door shall be constructed with materials that duplicate, to the greatest degree possible, the appearance and structural qualities consistent with doors in buildings in the district.
 - (2) *Design.*
 - (A) Door openings shall maintain a similar size to the existing doors in the building.
 - (B) Door styles and types shall be similar to the styles and types of buildings in the district.
 - (C) Doors should be simple in shape, arrangement, and detail.
 - (D) Door shall be finished with trim elements in a manner consistent with buildings in the district.
 - (E) The number of different door styles in the building shall be limited.
- (d) *Porches.* Replacement of porches in non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Building materials shall be of traditional dimensions.
 - (B) Replacement materials shall duplicate, to the greatest degree possible, appearance and structural qualities that are consistent with building materials on buildings in the district.
 - (C) Wood lap, shingles, brick, and stone are appropriate materials.
 - (D) Alternative materials shall appear similar in scale, proportion, texture and finish with buildings in the district.
 - (2) *Design.* The design should be similar in dimension, style, pattern and detail to porches on buildings in the district.
- (e) *Roofs.* Replacement of roofs on non-contributing buildings is allowed.
- (1) *Materials.*

- (A) Replacement materials shall be of traditional dimensions.
- (B) Replacement materials shall duplicate, to the greatest degree possible, appearance and structural qualities that are consistent with building materials on buildings in the district.
- (C) Replacement materials shall have a non-reflective, matte finish.
- (2) *Design.* The design should be similar in dimension, style, pattern and detail to roofs on buildings in the district.
- (3) *Solar panels, rooftop mechanical devices, and skylights.* Solar panels and other rooftop mechanical structures may be added to non-contributing buildings.
 - (A) *Materials.*
 - (i) Non-reflective glass and metal panels are allowed.
 - (ii) Reflective glass and plastic frames are prohibited.
 - (B) *Design.*
 - (i) Solar panels shall not alter the existing profile of the roof, and shall be mounted flush on rear-facing roofs or placed on the ground in an inconspicuous location.
 - (ii) Satellite dishes, TV antennae and other rooftop mechanical structures shall be installed so they are not visible from the street and do not damage or obscure significant architectural features of the resource.
 - (iii) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
- (f) *Restoration of missing features.* Features present on a historic non-contributing building that were removed after the period of significance may be reconstructed, subject to the following standards:
 - (1) *Materials.* Materials used in the replacement shall match as closely as practicable the composition, design, texture, and other visual qualities of the materials of the missing feature.
 - (2) *Design.* The design shall accurately duplicate the missing feature. The design of the missing feature shall be substantiated by historic, physical, or pictorial evidence. Evidence does not include conjectural designs, or the appearance of features or different elements from other buildings or structures built during the period of significance.
- (g) *Alterations and additions.* Additions and alterations that comply with the standards in this section may be made to non-contributing buildings or sites. Whenever practical, additions and alterations to historic non-contributing buildings or sites should result in the restoration of missing features from the period of significance, or the removal of alterations that were made outside of the period of significance.
 - (1) *Materials.*
 - (A) Materials shall be consistent with those present on buildings in the district generally.
 - (B) Roofing materials shall have a non-reflective, matte finish.
 - (2) *Design.*
 - (A) ~~The location for an addition~~ Additions shall be located at the rear, or on an inconspicuous side, of the building.
 - (B) ~~Alterations~~ Changes to features of the building or site that date from the period of significance shall be minimized.

(C) Alterations to the building such as the addition of steps, ramps, railings, and lighting in order to address safety or ADA accessibility needs are allowed provided these alterations are compatible with the resource. Exterior lighting shall comply with SRC 800.060.

(D) Site alterations such as the addition of walkways, steps, ramps, railings, and lighting in order to address safety or ADA accessibility needs are allowed provided these alterations are compatible with the resource. Exterior lighting shall comply with SRC 800.060.

~~(E)~~ The design of the addition shall be compatible with general character of historic contributing buildings in the historic district and create a harmonious relationship with historic contributing buildings in the district generally. Factors in evaluating the design under this subsection include, but are not limited to:

- (i) Similarities in the size and scale to those used in historic contributing buildings in the district generally.
- (ii) Use of architectural features that reflect, or are similar to, the architectural style of historic contributing buildings in the district.
- (iii) Simple gable or hipped roofs with a pitch similar to surrounding buildings are generally appropriate. Flat roofs may be appropriate when the prevailing styles of architecture provide an appropriate context. Exotic or complex roof forms that detract from the visual continuity of the district are generally inappropriate.
- (iv) Additions should have a similar mass to surrounding buildings.
- (v) Front elevations should appear similar in scale to those seen traditionally in the surrounding neighborhood.
- (vi) The width and height of the addition should not exceed the typical dimensions seen in the district.
- (vii) Simple rectangular building forms are generally preferred.

~~(F)~~ The design shall make clear what is original and what is new.

~~(G)~~ Features that have been added over time and have attained significance in their own right shall be preserved, even if the features do not reflect the period of significance.

(h) *Decks.* Decks may be added to non-contributing buildings, subject to the following standards:

(1) *Materials.* The deck shall be constructed of wood, a wood composite, or a material available during the period of significance.

(2) *Design.*

(A) The deck shall be located off the rear of the building and shall not extend beyond the width of the existing footprint of the building.

(B) The deck shall be of a reasonable size and scale in relationship to the building.

(i) *New accessory structures.* New accessory structures may be built on the site of non-contributing buildings, subject to the following standards:

(1) *Materials.*

(A) Building materials shall be of traditional dimensions.

(B) Siding material shall consistent with those present in buildings in the district generally.

(2) *Design.*

- (A) The accessory structure shall be located at the rear of the lot or parcel.
 - (B) The accessory structure shall be no taller than one story.
 - (C) The accessory structure shall be of a reasonable size and scale in relationship to the building.
- (j) *Fences.* Fences may be added to sites of non-contributing buildings, provided the fence will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.
- (1) *Materials.* Fences shall be constructed of traditional materials available during the period of significance.
 - (2) *Design.* Fences shall be no taller than four feet in the front yard and no taller than six feet in side and rear yards.
- (k) *Retaining walls.* Retaining walls may be added to sites of non-contributing buildings, provided the retaining wall will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.
- (1) *Materials.* The retaining wall shall be constructed of traditional materials that were available during the period of significance. Example: If the period of significance is 1920-1940 the materials that were available included, but were not limited to, rusticated stone, formed concrete, poured concrete, and brick.
 - (2) *Design.* Retaining walls shall be no taller than two feet in the front and four feet on the side and rear yard.
- (l) *Site features.* Replacement or alteration of site features of a historic non-contributing building that are identified as significant features on the historic resource inventory for the district, including, but not limited to, driveways, sidewalks, gardens, significant trees, lighting, or geological features is allowed, unless the replacement or alteration would materially alter or destroy the features.
- (1) *Materials.* Materials shall duplicate, to the greatest degree possible, the appearance and physical qualities of the original materials. Example: Rhododendron hedge planted during the period of significance is replanted with heritage varieties available during the period of significance.
 - (2) *Design.* The design shall reproduce, to the greatest extent possible, the appearance of the original site feature. Example: If the site contains a Lord and Schryver garden, the replacements shall be allowed, provided the original design and location of plantings of the historical garden are retained.

Sec. 230.036. - Signs in residential historic districts.

Signs in residential historic districts shall meet the standards set forth in this section. The standards in this section are in addition to, and not in lieu of, the applicable standards of SRC Chapter 900. Where the standards in this section conflict with the standards of SRC Chapter 900, the standards in this section shall be the applicable standard.

(a) Historic Signs.

- (1) Notwithstanding SRC Chapter 900, historic signs shall be retained whenever possible, particularly if the sign is:
 - (A) Associated with historic figures, events, or places significant as evidence of the history of the product, business, or service advertised, or significant as reflecting the history of the building or the development of the historic district;
 - (B) Characteristic of a specific period; or

(C) Integral to the design of the building or structure.

(2) Design

(A) Historic signs shall be recreated only with historical, pictorial, and physical documentation.

(b) Permanent non-historic signs.

(1) Materials. New signs shall be constructed of wood or metal.

(2) Design.

(A) Permanent non-historic signs shall be located:

(i) Within an existing sign frame attached to the historic structure provided this frame does not obscure significant features;

(ii) On the building, flush to the building façade or perpendicular to the building not obscuring any character defining features of the historic resource;

(iii) On the historic site within an existing sign monument, provided it does not obscure any character defining features of the historic resource or site; or

(iv) On the site within 50 feet of the main entrance of the building or tenant space the sign is identifying, not obscuring any character defining features of the historic resource or site.

(B) Permanent non-historic signs shall be attached:

(i) Into mortar joints, not into masonry; and

(ii) Where significant features are not obscured.

(C) Any permanent non-historic sign that incorporates lighting shall:

(i) Not be electronic or internally illuminated;

(ii) Only include lighting that indirectly illuminates the sign. In no case shall such lighting exceed 25 watts (250 nits) or point directly or indirectly at adjacent or neighboring properties within the district; and

(iii) Not have exposed conduit.

Sec. 230.040. - Standards for historic contributing buildings in commercial historic districts.

Modifications to historic contributing buildings in commercial historic districts shall comply with this section.

(a) *Masonry, siding and exterior trim.* Replacement of masonry, siding, and exterior trim of historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was unfeasible due to poor condition of the materials. If the masonry, siding or trim is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.

(1) *Materials.*

(A) Original material shall, if possible, be retained or repaired.

(B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions, and configuration of the original materials.

(2) *Design.*

(A) New materials added to a building shall, to the greatest degree possible, match the color, texture and bonding pattern of the original masonry.

- (B) When repointing brick or masonry, the joint size, profile, color, strength, porosity and permeability of the original mortar should be matched.
 - (C) Unpainted masonry should not be painted or sealed.
 - (D) Paint should not be removed from brick unless testing demonstrates that no damage to the brick will result.
 - (E) The original appearance of the original materials shall be retained, including early signage, whenever possible.
- (b) *Windows.* Replacement of windows in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was unfeasible due to poor condition of the materials. If the window is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
- (1) *Materials.*
 - (A) Original material shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and light configuration of the original materials in the windows.
 - (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted, unless it is the historic glazing type.
 - (2) *Design.*
 - (A) A replacement window shall, to the greatest extent feasible, match design, size, proportions, configuration, reflective qualities, and profile of the original window.
 - (B) The size and shape of original window openings should be preserved so that the configuration of the facade is not changed.
 - (C) New window openings into the principal elevations, enlargement or reduction of original historic window openings, and infill of original historic window openings are not permitted.
 - (D) New window openings at the rear façade or sides if not visible from the public right-of-way are allowed.
 - ~~(D)~~(E) Original openings that have been covered or blocked should be re-opened when feasible.
 - ~~(E)~~(F) Windows historically used on upper levels shall not be installed at storefront level, and storefront (large paned) windows shall not be installed on upper levels.
 - ~~(F)~~(G) Commercial window types shall not be substituted with residential window types on storefronts.
 - ~~(G)~~(H) Interior grilles, grilles between layers of insulating glass, or stenciled mullions in lieu of true divided lights or permanently attached exterior mullions are not permitted.
- (c) *Doors.* Replacement of doors in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the doors are not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
- (1) *Materials.*
 - (A) Original material shall, if possible, be retained or repaired.

- (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the door.
- (2) *Design.*
- (A) The replacement door shall, to the greatest extent feasible, match design, size, proportions, and profile of the original door.
 - (B) The size and shape of original door openings should be preserved so that the configuration of the facade is not changed.
 - (C) Original door openings that have been covered or blocked should be re-opened when feasible.
 - (D) Commercial door types shall not be substituted with residential door types.
- (d) *Storefronts.* Replacement of storefronts or components of storefronts in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the storefront is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
- (1) *Materials.*
- (A) Original material shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the storefront.
- (2) *Design.*
- (A) To the extent practicable, original storefront components such as windows, door configuration, transoms, signage, and decorative features shall be preserved.
 - (B) Where the original storefront is too deteriorated to save, the commercial character of the building shall be retained through:
 - (i) A restoration of the storefront based on historical research and physical evidence.
 - (ii) Contemporary design that is compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.
 - (C) For buildings that provide a separate upper-story entrance on the exterior facade, the street-level entrance should be the primary focus of the building facade.
- (e) *Roofs and cornices.* Replacement of roofs and cornices on historic contributing buildings is allowed.
- (1) *Materials.*
- (A) Historic specialty materials, such as original tile, slate, or rolled composition roofing visible from the street should be maintained in place whenever possible.
 - (B) New roof materials that are visible from the street should match the original materials in type, quality, size, finish, proportions, scale, texture and configuration as closely as possible. Plastic or concrete simulated materials are not allowed. Imitation slate and imitation wood are allowed as a substitute for original materials in a complete replacement.
- (2) *Design.*
- (A) The original roof and cornice form and detailing shall be preserved.

- (B) Original eave overhangs shall be maintained.
 - (C) Cutting back roof rafters and soffits, boxing in exposed rafter tails, adding fascia boards where none existed, or otherwise altering the historical roof overhang is not allowed.
 - (D) To the extent practical, inappropriate repairs or additions should be removed or corrected.
- (f) *Alterations and additions.* Additions to, or alterations of, the historic contributing building may be made to accommodate uses other than the originally intended purpose.
- (1) *Materials.* Materials for alterations or additions shall:
 - (A) Building materials shall be of traditional dimensions.
 - (B) Material shall be of the same type, quality and finish as original material in the building.
 - (C) New masonry added to a building shall, to the greatest degree possible, match the color, texture and bonding pattern of the original masonry.
 - (D) For those areas where original material must be disturbed, original material shall be retained to the maximum extent possible.
 - (2) *Design.* Alterations or additions shall:
 - (A) Additions shall be located at the rear, or on an inconspicuous side, of the building.
 - (B) Be designed and constructed to minimize changes to the building.
 - (C) Be limited in size and scale such that a harmonious relationship is created in relationship to the original building.
 - (D) Be designed and constructed in a manner that significant historical, architectural or cultural features of the building are not obscured, damaged, or destroyed.
 - (E) Be designed to be compatible with the size, scale, material, and character of the building, and the district generally.
 - (F) Not destroy or adversely impact existing distinctive materials, features, finishes and construction techniques or examples of craftsmanship that are part of the building.
 - (G) Be constructed with the least possible loss of historic materials
 - (H) Not create a false sense of historical development by including features that would appear to have been part of the building during the period of significance but whose existence is not supported by historical evidence.
 - (I) Be designed in a manner that makes it clear what is original to the building and what is new.
 - (J) Be designed to reflect, but not replicate, the architectural styles of the period of significance.
 - (K) Preserve features of the building that has occurred over time and has attained significance in its own right.
 - (L) Preserve distinguishing original qualities of the building and its site.
 - (M) Not increase the height of a building to more than four stories.
- (g) *Lintels, architraves, sills, and other architectural details.* Replacement of lintels, architraves, sills and other architectural details in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was unfeasible due to poor condition of the original materials. If the feature is not original then every effort shall be made to replicate the original

feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.

(1) *Materials.*

- (A) Existing architectural details shall be retained.
- (B) Original material shall, if possible, be retained or repaired.
- (C) If replacement material is required, similar material shall be used.

(2) *Design.*

- (A) The replacement shall, to the greatest extent feasible, match design, size, proportions, and profile of the original architectural details.
- (B) Architectural details should not be added unless there is archival evidence suggesting their presence and design.

(h) *Accessibility.* Additions or alterations to improve accessibility are allowed.

(1) *Materials.* Materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration of the original materials in the building.

(2) *Design.*

- (A) Design additions or alterations to improve accessibility in a manner that identifies the building's character-defining spaces and features and prevents their damage or loss.
- (B) Additions and alterations to improve accessibility should be designed in a manner that is compatible with the building and its setting.

(i) *Energy.* Retrofitting historic contributing buildings to achieve energy efficiency is permitted, if the retrofitting preserves the building's historic character.

(1) *Materials.*

- (A) Materials shall be of a type and quality that will not result in degradation of original material in the resource. Example: Addition of insulation to exterior walls should not negatively affect the function of the wall assembly.
- (B) The materials for any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for materials for such elements set forth in this section.

(2) *Design.*

- (A) To the extent practicable, original systems to control ventilation, such as double hung, transom windows and awnings, shall be preserved.
- (B) Before seeking to replace windows or doors, improve thermal efficiency through weather-stripping, storm windows, interior shades, blinds and awnings.
- (C) The designs of any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for replacement of such elements set forth in this section.
- (D) Retrofitting shall be designed in a manner that prevents loss of original material or architectural elements.

(j) *Mechanical equipment and service areas.* Addition and replacement of mechanical equipment, including, but not limited to, heating and cooling systems, solar panels and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, is permitted.

(1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.

(2) *Design.*

- (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
- (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
- (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or set back and screened from view.
- (D) Solar panels should have low profiles and not be visible from right-of-way, other than alleys, and shall be installed in a manner that minimizes damage to historic materials.
- (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
- (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
- (G) New skylights and vents shall be placed behind and below the parapet level.
- (H) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

- (k) *Awnings and canopies.* Replacement or installation of awnings and canopies on historic contributing buildings is allowed.

(1) *Materials.*

- (A) Materials that are compatible with the character of the building's period and style shall be used.
- (B) Canvas is an approved material for awnings and canopies.

(2) *Design.*

- (A) Awnings shall be located within window openings, and below transoms.
- (B) Umbrella-type awnings and non-historic forms are not permitted.
- (C) Awnings shall be attached in such a manner that historic materials or features are not damaged.
- (D) Marquees may be used where compatible with the building and neighboring buildings.
- (E) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
- (F) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.

Sec. 230.045. - Standards for non-contributing buildings and structures in commercial historic districts.

Modifications to non-contributing buildings in commercial historic districts shall comply with this section.

- (a) *Masonry, siding and exterior trim.* Replacement of masonry, siding, and exterior trim of non-contributing buildings is allowed.

(1) *Materials.*

- (A) For historic non-contributing buildings, material dating from the period of significance shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions, and configuration of the materials commonly used on other buildings in the district.
- (2) *Design.*
- (A) The design shall, to the greatest degree possible, match the color, texture and bonding pattern of the original materials.
 - (B) For historic non-contributing buildings the appearance of original materials that were used on the building during the period of significance shall be restored or reconstructed whenever possible.
- (b) *Windows.* Replacement of windows in non-contributing buildings is allowed.
- (1) *Materials.*
- (A) Windows dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration of windows commonly used on other buildings in the district.
 - (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted, unless it is the historic glazing type.
- (2) *Design.*
- (A) Replacement windows should, to the greatest degree possible, match design, size, proportions, configuration, reflective qualities and profile of original windows dating from the period of significance, if documentary evidence of the appearance is available.
 - (B) The size and shape of window openings dating from the period of significance should be preserved so that the configuration of the facade is not changed.
 - (C) Original openings that have been covered or blocked should be re-opened when feasible.
 - (D) New window openings into the principal elevations, enlargement or reduction of original window openings and infill of original window openings are not permitted.
 - (E) Window styles historically used on upper levels shall not be installed at storefront level, and storefront windows shall not be installed on upper levels.
 - (F) Commercial window types shall not be substituted with residential window types.
 - (G) Interior grilles, grilles between layers of insulating glass, or stenciled mullions in lieu of true divided lights or exterior mullions are not permitted.
- (c) *Doors.* Replacement of doors in non-contributing buildings is allowed.
- (1) *Materials.*
- (A) Doors dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the doors commonly found in the district.
- (2) *Design.*

- (A) Replacement doors shall, to the greatest degree possible, match design, size, proportions and profile of the original door dating from the period of significance, if documentary evidence of the appearance is available.
 - (B) Original door openings that have been covered or blocked should be re-opened when feasible.
 - (C) The size and shape of original door openings should be preserved so that the configuration of the facade is not changed.
 - (D) Commercial door types shall not be substituted with residential door types.
- (d) *Storefronts.* Replacement of storefronts or components of storefronts in non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Materials dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the storefronts commonly found in the district.
 - (2) *Design.*
 - (A) To the extent practicable, original storefront components such as windows, door configuration, transoms, signage and decorative features dating from the period of significance shall be preserved.
 - (B) Restoration of the appearance of the storefront during the period of significance, based on historical research and physical evidence, is preferred.
 - (C) Replacement that is contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic contributing buildings in the district.
- (e) *Roofs and cornices.* Replacement of roofs and cornices on non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Historic specialty materials, such as original tile, slate, or rolled composition roofing dating from the period of significance should be maintained in place whenever possible.
 - (B) Replacement materials that are visible from the street shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the roof and cornices commonly found in the district. Plastic or concrete simulated materials are not allowed. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
 - (2) *Design.*
 - (A) To the extent practicable, original roof and cornice components visible from the street dating from the period of significance shall be preserved.
 - (B) Eave overhangs dating from the period of significance shall be maintained.
 - (C) Restoration of the appearance of the roof and cornice that is visible from the street, based on historical research and physical evidence from the period of significance, is preferred.

- (D) Replacement of roofs and cornices that are contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic buildings in the district.
 - (E) Cutting back roof rafters and soffits, boxing in exposed rafter tails, adding fascia boards where none existed, or otherwise altering material that dates from the period of significance is not allowed.
 - (F) To the extent practical, inappropriate repairs or additions that occurred after the period of significance should be removed or corrected.
- (f) *Lintels, architraves, sills and other architectural details.* Replacement of lintels, architraves, sills and other architectural details on non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Materials dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration commonly found in the district.
 - (2) *Design.*
 - (A) To the extent practicable, original material dating from the period of significance shall be preserved.
 - (B) Restoration of the appearance of architectural details that are visible from the street, based on historical research and physical evidence from the period of significance, is preferred.
 - (C) Replacement architectural details that are contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic buildings in the district.
- (g) *Alterations and additions.* Additions and alterations that comply with the standards in this section may be made to historic non-contributing buildings. Whenever practical, additions and alterations to historic non-contributing buildings should result in the restoration of missing features from the period of significance, or the removal of alterations that were made outside of the period of significance.
- (1) *Materials.*
 - (A) Materials shall be consistent with those present in buildings in the district generally.
 - (B) Roofing materials shall have a non-reflective, matte finish.
 - (2) *Design.*
 - (A) The location for an addition shall be at the rear, or on an inconspicuous side, of the building.
 - (B) Changes to features of a historic non-contributing building that date from the period of significance shall be minimized.
 - (C) The design shall be compatible with the character of historic contributing buildings in the historic district and create a harmonious relationship with historic contributing buildings in the district generally. Factors in evaluating the design under this subsection include, but are not limited to:
 - (i) Similarities in the size and scale to those used in historic contributing buildings in the district generally.

- (ii) Use of architectural features that reflect, or are similar to, the architectural style of historic contributing buildings in the district.
 - (iii) Simple gable or hipped roofs with a pitch similar to surrounding buildings are generally appropriate. Flat roofs may be appropriate when the prevailing styles of architecture provide an appropriate context. Exotic or complex roof forms that detract from the visual continuity of the district are generally inappropriate.
 - (iv) Additions should have a similar mass to surrounding buildings.
 - (v) Front elevations should appear similar in scale to those seen traditionally in the surrounding neighborhood.
 - (vi) The width and height of the addition should not exceed the typical dimensions seen in the district.
 - (vii) Simple rectangular building forms are generally preferred.
 - (D) The design shall make clear what is original and what is new.
 - (E) Features that have been added over time and have attained significance in their own right shall be preserved, even if the features do not reflect the period of significance.
 - (F) An addition that adds stories shall increase the height of a building to no more than four stories.
- (h) *Accessibility.* Additions or alterations to improve accessibility are allowed.
- (1) *Materials.* Materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of materials commonly used in the district.
 - (2) *Design.*
 - (A) Design additions or alterations to improve accessibility in a manner that identifies the building's character-defining spaces and features and prevents their damage or loss.
 - (B) Additions and alterations to improved accessibility should be designed in a manner that is compatible with the building and its setting.
- (i) *Energy.* Retrofitting non-contributing buildings to achieve energy efficiency is permitted, if the retrofitting preserves the character of the historic district.
- (1) *Materials.* The materials for any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for materials for such elements set forth in this section.
 - (2) *Design.*
 - (A) To the extent practicable, systems to control ventilation, such as double hung, transom windows and awnings, dating from the period of significance should be preserved.
 - (B) The designs of any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for replacement of such elements set forth in this section.
 - (C) Retrofitting shall be designed in a manner that prevents loss of material or architectural elements dating from the period of significance.
- (j) *Mechanical equipment and service areas.* Addition and replacement of mechanical equipment, including, but not limited to, heating and cooling systems, solar panels and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, is allowed.
- (1) *Materials.* Materials shall be harmonious in type, color, scale, texture and proportions with the building and the district generally.

(2) *Design.*

- (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
- (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
- (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or set back and screened from view.
- (D) Solar panels should have low profiles and not be visible from right-of-way, other than alleys, and shall be installed in a manner that minimizes damage to historic materials.
- (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
- (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
- (G) New skylights and vents shall be placed behind and below the parapet level.
- (H) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

- (k) *Awnings and canopies.* Replacement or installation of awnings and canopies on non-contributing buildings is allowed.

(1) *Materials.*

- (A) Materials that are compatible with the character of the district shall be used.
- (B) Canvas is an approved material for awnings and canopies.

(2) *Design.*

- (A) Awnings shall be located within window openings, and below transoms.
- (B) Umbrella-type awnings and non-historic forms are not permitted.
- (C) Awnings shall be attached in such a manner that historic materials or features are not damaged.
- (D) Marquees may be used where compatible with the building and neighboring buildings.
- (E) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
- (F) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.

Sec. 230.050. - Standards for new construction in commercial historic districts.

New buildings may be constructed in commercial historic districts, subject to the following standards:

(a) *Materials.*

- (1) The primary facade shall be constructed of traditional building materials such as brick or stone. Stucco or pre-cast concrete block shall not be used in the primary facade.
- (2) Materials used in the construction shall be identical or similar to those available for similar buildings or structures built during the period of significance.

- (3) Materials shall be similar in scale, proportion, texture, and finish to those found on nearby historic structures.
- (b) *Design.*
- (1) The design shall be compatible with the general character of historic contributing buildings in the historic district. Factors in evaluating compatibility include, but are not limited to:
 - (A) The height, width, proportions, size and scale is consistent with those used in similar historic contributing buildings in the district generally.
 - (B) The design reflects, but does not replicate, the architectural style of historic contributing buildings in the district.
 - (C) Architectural elements that are similar to those found on historic contributing buildings in the historic district are used.
 - (D) Architectural elements such as lintels, cornices, doors, storefronts and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.
 - (E) The front facade is designed with human-scaled proportions that are compatible with adjacent buildings and the district as a whole.
 - (2) Buildings shall be placed contiguous with the right-of-way line.
 - (3) Buildings shall be designed without above ground pedestrian walkways which are prohibited across any public street.
 - (4) Walls shall include storefronts along each ground floor and shall extend the length of each lot line that is adjacent to a public street. Windows shall not be tinted, mirrored, or treated in such a way as to block views into the interior.
 - (5) Parking within a building on the ground floor shall only be allowed behind secondary facades. Commercial storefronts or office uses shall be provided between any ground floor parking area and the primary facades fronting the public street. Parking is prohibited between the building and the street.
 - (6) No new building shall be designed to allow drive-through uses, except banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may include a drive-through use as a conditional use subject to the following standards:
 - (A) All components of the drive-through, including kiosk, structure, and drive aisle, shall be located on a secondary facade, not visible from the right-of-way, other than an alley,
 - (B) Queuing lanes shall not be permitted between the building and the right-of-way, other than an alley,
 - (C) Up to two queuing lanes may be permitted,
 - (D) If the subject property abuts an alley, access to and from the drive-through from the alley is encouraged.
 - (7) Manufactured dwelling units are prohibited.
- (c) *Mechanical equipment and service areas.* Mechanical equipment, including, but not limited to, heating and cooling systems, solar panels and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, shall meet the following standards:
- (1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.
 - (2) *Design.*

- (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
 - (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or are set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from the street.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
 - (G) Skylights and vents shall be placed behind and below the parapet level.
- (d) *Awnings and canopies.* Awnings and canopies on new construction shall meet the following standards:
- (1) *Materials.*
 - (A) Materials that are compatible with the character of the district shall be used.
 - (B) Canvass is an approved material for awnings and canopies.
 - (2) *Design.*
 - (A) Awnings shall be located within window openings, and below transoms.
 - (B) Umbrella-type awnings and non-historic forms are not permitted.
 - (C) Marquees may be used where compatible with the building and neighboring buildings.
 - (D) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
 - (E) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.

Sec. 230.056. - Signs in commercial historic districts.

~~In addition to other regulations within this chapter, signs in commercial historic districts shall be designed and approved in accordance with the following standards: Signs in commercial historic districts shall meet with the standards set forth in this section. The standards in this section are in addition to, and not in lieu of, the applicable standards of SRC Chapter 900. Where the standards in this section conflict with the standards of SRC Chapter 900, the standards in this section shall be the applicable standard.~~

- ~~(a) Historic signs shall be retained whenever possible, particularly if the sign is associated with historic figures, events or places, significant as evidence of the history of the product, business or service advertised, significant as reflecting the history of the building or the development of the historic district, characteristic of a specific period, or integral to the building's or structure's design or physical fabric.~~
- ~~(b) Recreate a historic sign only with sufficient historical, pictorial, and physical documentation.~~
- ~~(c) New signs shall:

 - ~~(1) Be located between transom and sill of first story, within a historic signboard, or suspended from awning or marquee.~~
 - ~~(2) Be located perpendicular to corner, flush to the facade or perpendicular to building.~~~~

- ~~(3) — Not be located in transom areas.~~
- ~~(4) — Not obscure windows or significant architectural features.~~
- ~~(5) — Be painted on side of building only if the building was previously painted and the sign has historic precedence. Do not paint on brick surfaces, if not previously painted.~~
- ~~(6) — Be oriented to the main entrance and shall not be placed in a manner that has no relationship to main customer entrance.~~
- ~~(7) — Be constructed of materials such as wood or metal, except for untreated mill-finished metals.~~
- ~~(8) — Not use neon unless incorporated into a larger sign and there is historic precedence.~~
- ~~(9) — Not use freestanding neon or plastic, back-lighted boxes.~~
- ~~(10) — Be attached into mortar joints, not into masonry, with sign loads properly calculated and distributed.~~
- ~~(11) — Have conduit located in the least obtrusive places.~~
- ~~(12) — Not have exposed conduit.~~
- ~~(13) — Use a dark background with light lettering.~~
- ~~(14) — Not incorporate faux painting, e.g., stone, brick, metal.~~
- ~~(15) — Design new signs that respect the size, scale and design of the historic resource.~~
- ~~(16) — Locate new signs where they do not obscure significant features.~~
- ~~(17) — Design new signs that respect neighboring resources.~~
- ~~(18) — Use materials that are compatible with and characteristic of the building's or structure's period and style.~~
- ~~(19) — Attach signs carefully to prevent damage to historic materials and ensure the safety of pedestrians.~~
- ~~(20) — Any sign identifying the use of the building or structure otherwise permitted by this chapter shall be limited to the minimum necessary for such identification.~~

(a) Historic signs.

- (1) Notwithstanding SRC Chapter 900, historic signs shall be retained whenever possible, particularly if the sign is:
 - (A) Associated with historic figures, events, or places significant as evidence of the history of the product, business, or service advertised, or significant as reflecting the history of the building or the development of the historic district;
 - (B) Characteristic of a specific period; or
 - (C) Integral to the design or physical fabric of the building or structure.
- (2) Design
 - (A) Historic signs shall be recreated only with historical, pictorial, and physical documentation.

(b) Permanent non-historic signs.

- (1) Materials. Permanent non-historic signs shall be constructed of wood, metal, or acrylic.
- (2) Design.
 - (A) Permanent non-historic signs shall be located:

- (i) Within an existing sign frame attached to the historic structure provided the sign frame does not obscure significant features of the historic resource; or
- (ii) Between the transom and sill of the first story and:
 - (aa) Perpendicular to the corner;
 - (bb) Flush to the façade; or
 - (cc) Perpendicular to the building;
- (iii) Suspended from the awning or marquee.
- (B) Permanent non-historic signs shall be attached:
 - (i) Into mortar joints, not into masonry; and
 - (ii) Where significant features are not obscured.
- (C) Any permanent non-historic sign that incorporates lighting shall:
 - (i) Not be internally illuminated, except if it incorporates halo illumination utilizing reversed pan-channel letters with an internal light source reflecting off the building;
 - (ii) Not exceed 366 watts or 250 nits between sunset and sunrise; and
 - (iii) Not have exposed conduit.

Sec. 230.057. - Oregon state capitol.

Unless approved pursuant to SRC 230.065, no significant features on existing resources within the boundary of the Oregon State Capitol as identified in Table 230-~~3-2~~ shall be altered.

TABLE 230-~~3-2~~. OREGON STATE CAPITOL

Zone	Resource	Significant Features
1	Capitol Building and adjacent wings Additions	<ul style="list-style-type: none"> ■ Rotunda. ■ Gold Oregon Pioneer Statue. ■ Cast bronze Bas-Reliefs.
2	Oregon Migration Relief Sculpture	<ul style="list-style-type: none"> ■ Figures of Pioneers and a Covered Wagon. ■ Map of Oregon Trail.
	Lewis & Clark Relief Sculpture	<ul style="list-style-type: none"> ■ Figures of Lewis, Clark and Sacagawea. ■ Map of Expedition
3	Willson Park	<ul style="list-style-type: none"> ■ Breyman Fountain. ■ Waite Fountain. ■ Walk of Flags. ■ Liberty Bell Replica. ■ Gazebo. ■ Parade of Animals Sculpture. ■ Douglas-Fir tree grown from seed that rode aboard Apollo 14. ■ Capitol Beaver Family Sculpture.
4	Capitol (East) Park	<ul style="list-style-type: none"> ■ Circuit Rider Statue. ■ John McLoughlin Statue. ■ Jason Lee Statue. ■ Corinthian Columns remaining from Second Capitol. ■ Memorial to Oregon Recipients of Congressional Medal of Honor.
5	North Plaza, Sunken Terrace	<ul style="list-style-type: none"> ■ Sprague Fountain.

		■ Wall of Water Fountain.
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Sec. 230.058. - Oregon State Hospital Historic District.

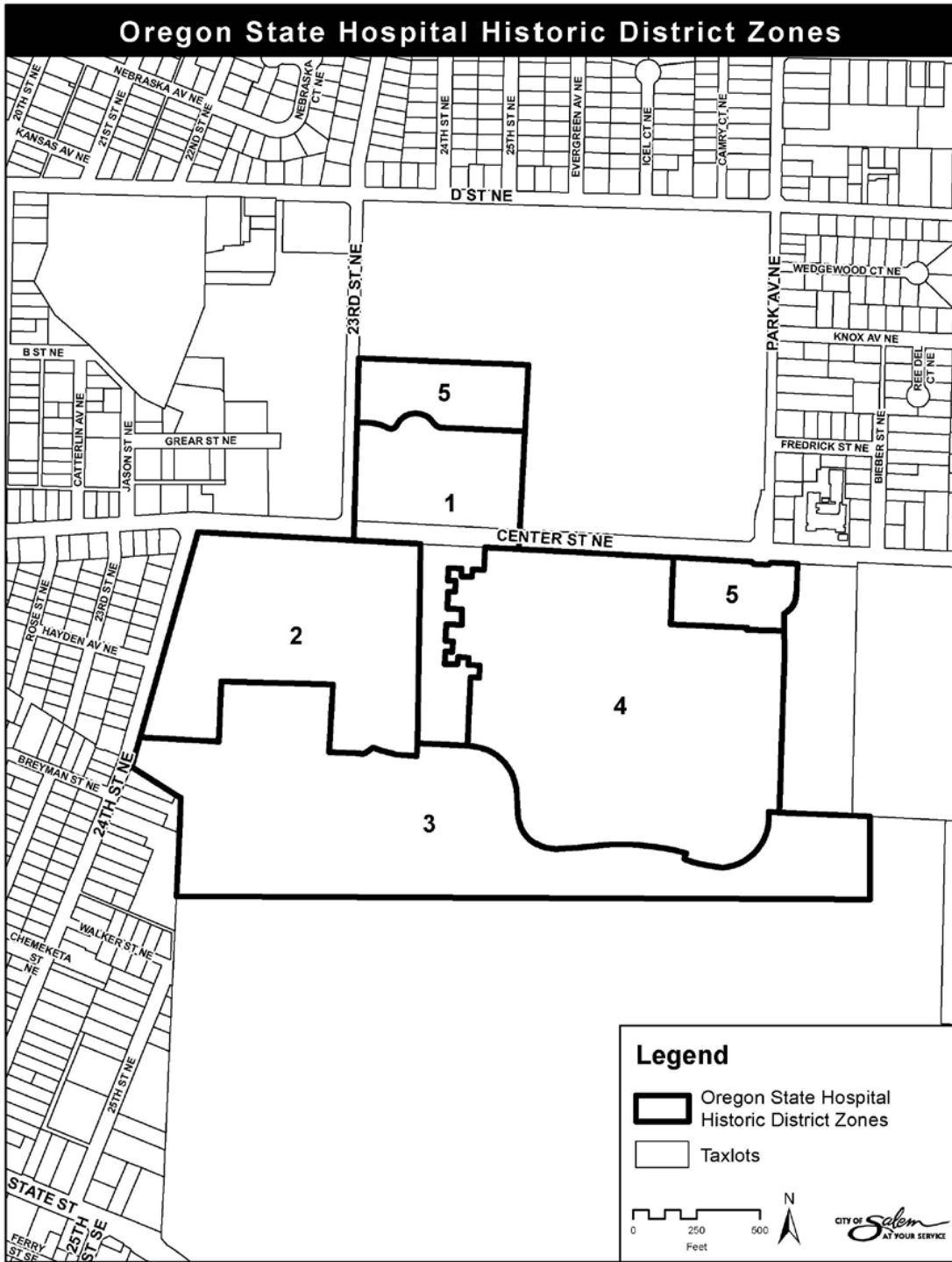
Unless approved pursuant to SRC 230.065, no significant features on existing resources within the Oregon State Hospital Historic District as identified in Table 230-43 shall be altered. Any alterations or additions within Zone 1 of the Oregon State Hospital Historic District shall be limited to secondary facades. No alterations shall be allowed on primary facades or significant features as identified in Table 230-43.

TABLE 230-43. OREGON STATE HOSPITAL HISTORIC DISTRICT RESOURCES

Zone	Structure/Building	Primary Facade	Significant Features
1	Memorial Building	South (Greenway Dr.) North (Recovery Dr.) South (Recovery Dr.)	<ul style="list-style-type: none"> ■ Double-hung windows. ■ Decorative brick corbelling at roofline.
	Kirkbride Building	West (24th St.) North (Center St.)	<ul style="list-style-type: none"> ■ Cupola spire. ■ Arched multi-light double hung windows. ■ Roof corbelling and brackets.
	Dome Building	West (23rd St.) South (Center St.—includes south facade of east wing) North (Bittern Street)	<ul style="list-style-type: none"> ■ Dome. ■ Wood multi-light windows. ■ Front entry staircase.
2	Kirkbride Grounds Structures/Historic Park	West (24th St.) North (Center St.)	<ul style="list-style-type: none"> ■ Fountain area with 'Baby Hercules' Statue. ■ Memorial circle with vault markers. ■ Park entrance pillars.
3	R01-Cottage	South (Greenway Dr.) North (Center St.) West (26th St. NE) East (Recovery Dr. NE)	<ul style="list-style-type: none"> ■ Roof gables. ■ Wooden lintels. ■ Multi-light double-hung windows. ■ Brick/stucco-clad chimneys.
	R02-Cottage	South (Greenway Dr.) North (Center St.) West (26th St. NE) East (Recovery Dr. NE)	
	R03-Cottage	South (Greenway Dr.) North (Center St.) West (26th St. NE) East (Recovery Dr. NE)	
	R04-Cottage	North (Greenway Dr.)	
	R05-Cottage	North (Greenway Dr.)	
	R06-Cottage	North (Greenway Dr.)	
	R07-Cottage	North (Greenway Dr.)	
	R08-Cottage	North (Greenway Dr.)	
	R09-Cottage	North (Greenway Dr.)	
	R10-Cottage	North (Greenway Dr.)	
	R11-Cottage	North (Greenway Dr.)	

	R12-Cottage	North (Greenway Dr.)	
	R13-Cottage	North (Greenway Dr.)	
	R14-Cottage	West (24th Pl.)	
	R15-Cottage	West (24th Pl.)	
	R16-Cottage	West (24th Pl.)	
	R17-Cottage	East (24th Pl.)	
	R18-Cottage	East (24th Pl.)	
	R19-Cottage	North (Bates Dr.)	
	R20-Cottage	North (Bates Dr.)	
	R21-Cottage	North (Bates Dr.)	
	S07-Cottage	North (private rd. off of Park Ave.)	
	S08-Cottage	North (private rd. off of Park Ave.)	
4	Oregon State Hospital (primary treatment building)	West (24th St.) North (Center St.) (Considered an addition to the Kirkbride structure)	■ Front entry
5	S04-Physical Plant	North (Center St.) East (Park Ave.) West	■ Corbelled cornices, flat roof, wood doors and transoms.
	Yaquina Hall	South (Bittern St.)	■ Front entries

FIGURE 230-1. OREGON STATE HOSPITAL HISTORIC DISTRICT ZONES



Sec. 230.060. - Standards for historic contributing buildings in public historic districts and individually listed public historic resources.

Modification to historic contributing buildings in public historic districts and individually listed public historic resources shall comply with this section.

- (a) *Masonry, siding, exterior trim and minor architectural features.* Replacement of masonry, siding, exterior trim, and minor architectural features of historic contributing buildings and individually listed public historic resources shall be allowed only where the owner has attempted to repair the original siding, exterior trim or minor architectural feature, but repair was determined to be unfeasible due to the poor condition of the original materials. If the masonry, siding, or trim is not original then every effort shall be made to replicate the original materials; the effort shall be substantiated by historic, physical, or pictorial evidence. If the masonry, siding, or trim cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.* The replacement materials are the same type and quality as the original siding, exterior trim or minor architectural feature, or duplicate, to the greatest degree possible, the appearance and structural qualities of the material being replaced.
 - (2) *Design.* The replacement reproduces the appearance of the original siding, exterior trim or minor architectural feature.
 - (3) *Energy efficiency.* Improvements to improve energy efficiency are allowed, provided the exterior appearance of the historic resource is preserved to the greatest extent possible. Example: Adding additional insulation to attics, crawl spaces or basements.
- (b) *Windows.* Replacement of windows and individually listed public historic resources shall be allowed only where the owner has attempted to repair the original window, but repair was not feasible due to the poor condition of the original materials. If the window is not original then every effort shall be made to replicate the original window; the effort shall be substantiated by historic, physical, or pictorial evidence. If the window cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.* All features of the window, including the window frame, sash, stiles, rails, muntins, lamb's tongues and glass, are replaced with materials that duplicate, to the greatest degree possible, the appearance and structural qualities of the original.
 - (2) *Design.* Overall design of the window profile of all parts of the window shall reproduce the appearance of the original window.
 - (3) *Energy efficiency.*
 - (A) The use of weather-stripping, insulation, or materials to either repair or improve the energy efficiency shall be evaluated as means to achieve the desired energy efficiency objectives prior to seeking authorization to replace a window.
 - (B) If an owner wishes to improve the energy efficiency of windows located on the primary facade, only energy efficiency measures that are removable and do not permanently alter the resource shall be used. This includes, but is not limited to, exterior storm windows, weather-stripping.
 - (C) If an owner wishes to improve the energy efficiency of windows located on a facade other than the primary facade, measures that are removable and do not permanently alter the resource shall be used. This includes, but is not limited to, exterior storm windows, weather-stripping. Reuse of the original window frame and sash with replacement glass that maintains the overall design and appearance of the window is allowed. Example: Replacement of single-pane glass with new energy efficient double-paned glass is permissible, so long as the window is in satisfactory condition, muntins are wide enough to hold the double-paned glass, the double-paned glass can be inserted into the original window sash, there are only minor alterations to the

overall design of the window, and the double-paned glass is not visibly tinted or reflective.

- (c) *Doors.* Replacement of doors in historic contributing buildings and individually listed public historic resources shall be allowed only where the owner has attempted to repair the original door, but repair was not feasible due to the poor condition of the original materials. If the doors are not original, then every effort shall be made to replicate the original doors; the effort shall be substantiated by historic, physical, or pictorial evidence. If the door cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.* All features of the door shall be replaced with materials that duplicate, to the greatest degree possible, the appearance and structural qualities of the original door.
 - (2) *Design.* The overall design of the door shall reproduce, to the greatest degree possible, the appearance of the original door.
- (d) *Porches.* Replacement of porches on historic contributing buildings and individually listed public historic resources shall be allowed only where the owner has attempted to repair the original porch, but repair was not feasible due to the poor condition of the original materials. If the porch is not original, then every effort shall be made to replicate the original porch; the effort shall be substantiated by historic, physical, or pictorial evidence. If the porch cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.* All features of the porch shall be replaced with material that duplicate, to the greatest degree possible, the appearance and structural qualities of the original porch.
 - (2) *Design.* The overall design of the porch shall reproduce, to the greatest degree possible, the appearance of the original porch.
- (e) *Roofs and cornices.* Replacement of roofs and cornices on historic contributing buildings and individually listed public historic resources shall be allowed only where the owner has attempted to repair the original roof, but repair was not feasible due to the poor condition of the original materials.
 - (1) *Materials.*
 - (A) Historic specialty roofing materials, such as original tile, slate, or rolled composition roofing should be maintained in place whenever possible.
 - (B) New roof materials should match the original materials in scale and texture as closely as possible. Use of plastic or concrete simulated materials is not allowed.
 - (C) Composition roofing is allowed as a substitute for wood shingles in a complete replacement.
 - (D) Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
 - (2) *Design.*
 - (A) The original roof and cornice form and detailing shall be preserved.
 - (B) Original eave overhangs shall be maintained.
 - (C) Cutting back roof rafter and soffits, boxing in exposed rafter tails, adding fascia boards where none existed, or otherwise altering the historical roof overhang is not allowed.
 - (D) To the extent feasible, inappropriate repairs or additions should be removed or corrected.
- (3)(f) *Solar panels, rooftop mechanical devices, and skylights.* Solar panels and other rooftop mechanical structures may be added to historic contributing buildings and individually listed public historic resources.

- (A) *Materials.*
 - (i) Non-reflective glass and metal panels are allowed.
 - (ii) Reflective glass and plastic frames are prohibited.
- (B) *Design.*
 - (i) Solar panels shall not alter the existing profile of the roof, and shall be mounted parallel to the roof plane on rear-facing roofs or placed on the ground in an inconspicuous location.
 - (ii) Satellite dishes, TV antennae and other rooftop mechanical structures shall be installed so they are not visible from the street and do not damage or obscure significant architectural features of the resource.
 - (iii) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (iv) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

(f)(g) *Missing features.* Features that were present on a historic contributing building and individually listed public historic resources during the period of significance but which were later removed may be reconstructed.

- (1) *Materials.* Materials used in the replacement shall match as closely as practicable the composition, design, texture, and other visual qualities of the materials of the missing feature.
- (2) *Design.* The design shall accurately duplicate the missing feature. The design shall be substantiated by historic, physical, or pictorial evidence. Evidence does not include conjectural designs, or the appearance of features or different elements from other buildings or structures built during the period of significance.

(g)(h) *Alterations and additions.* Additions to and alterations of the historic contributing building and individually listed public historic resources are allowed.

- (1) *Materials.*
 - (A) Building materials shall be of traditional dimensions.
 - (B) Material shall be of the same type, quality and finish as original material in the building.
 - (C) New masonry added to a building shall, to the greatest extent feasible, match the color, texture and bonding pattern of the original masonry.
 - (D) For those areas where original material must be disturbed, original material shall be retained to the maximum extent possible.
- (2) *Design.* Alterations or additions shall:
 - (A) Be located at the rear, or on an inconspicuous side, of the building.
 - (B) Be designed and constructed to minimize changes to the building.
 - (C) Be limited in size and scale such that a harmonious relationship is created with the original building.
 - (D) Be designed and constructed in a manner that significant historical, architectural or cultural features of the building are not obscured, damaged, or destroyed.

- (E) Be designed to be compatible with the size, scale, material, and character of the building, and the district generally.
- (F) Not destroy or adversely impact existing distinctive materials, features, finishes and construction techniques or examples of craftsmanship that are part of the building.
- (G) Be constructed with the least possible loss of historic materials.
- (H) Not create a false sense of historical development by including features that would appear to have been part of the building during the period of significance but whose existence is not supported by historical evidence.
- (I) Be designed in a manner that makes it clear what is original to the building and what is new.
- (J) Be designed to reflect, but not replicate, the architectural styles of the period of significance.
- (K) Preserve features of the building that have occurred over time and have attained significance in their own right.
- (L) Preserve distinguishing original qualities of the building and its site.
- (M) Not increase the height of a building to more than four stories.

~~(H)~~(I) *Decks.* Replacement and addition of decks in historic contributing buildings and individually listed public historic resources is allowed.

- (1) *Materials.* The deck shall be constructed of wood, a wood composite, or a material available during the period of significance.
- (2) *Design.* The deck shall:
 - (A) Be located off the rear of the resource.
 - (B) Not obscure any significant architectural features of the resource.
 - (C) Be of a reasonable size and scale in relationship to the resource.
 - (D) Shall not extend beyond the width of the existing footprint of the resource.

~~(H)~~(I) *Lintels, architraves, sills, and other architectural details.* Replacement of lintels, architraves, sills and other architectural details in historic contributing buildings and individually listed public historic resources shall be allowed only where the owner has attempted repair, but repair was unfeasible due to the poor condition of the original materials. If the feature is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.

- (1) *Materials.*
 - (A) Existing architectural details shall be retained.
 - (B) Original material shall, if possible, be retained or repaired.
 - (C) If replacement material is required, similar material shall be used.
- (2) *Design.*
 - (A) The replacement shall, to the greatest extent feasible, match design, size, proportions, and profile of the original architectural details.
 - (B) Architectural details should not be added unless there is archival evidence suggesting their presence and design.

~~(H)~~(K) *Accessibility.* Additions or alterations to improve accessibility are allowed.

- (1) *Materials.* To the greatest extent practicable, materials shall be of the same type, quality, design, size, finish, proportions and configuration of the original materials in the building.
- (2) *Design.*
 - (A) Additions or alterations to improve accessibility should be designed in a manner that identifies the building's character-defining spaces and features and prevents their damage or loss.
 - (B) Additions and alterations to improve accessibility should be designed in a manner that is compatible with the building and its setting.

~~(k)~~(l) *Energy efficiency.* Retrofitting historic contributing buildings and individually listed public historic resources to achieve energy efficiency is permitted, if the retrofitting preserves the building's historic character.

- (1) *Materials.*
 - (A) Materials shall be of a type and quality that will not result in degradation of original material in the resource. Example: Addition of insulation to exterior walls should not negatively affect the function of the wall assembly.
 - (B) The materials for any retrofitted architectural elements shall comply with the standards for materials for such elements set forth in this section. This includes, but is not limited to, windows and doors.
- (2) *Design.*
 - (A) To the extent practicable, original systems to control ventilation, such as double hung, transom windows and awnings, shall be preserved.
 - (B) Before seeking to replace windows or doors, improve thermal efficiency through weather-stripping, storm windows, interior shades, blinds and awnings.
 - (C) The designs of any retrofitted architectural elements shall comply with the standards for replacement of such elements set forth in this section.
 - (D) Retrofitting shall be designed in a manner that prevents loss of original material or architectural elements.

~~(j)~~(m) *Mechanical equipment and service areas.* Addition and replacement of mechanical equipment is permitted. This includes, but is not limited to, heating and cooling systems, solar panels, telecommunications equipment and dumpster enclosures.

- (1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.
- (2) *Design.*
 - (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
 - (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or are set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from right-of-way, other than alleys, and shall be installed in a manner that minimizes damage to historic materials.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.

(G) New skylights and vents shall be placed behind and below the parapet level.

(H) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

~~(m)~~(n) *Awnings and canopies.*

(1) *Materials.* Replacement or installation of awnings and canopies on historic contributing buildings and individually listed public historic resources is allowed.

(A) Materials that are compatible with the character of the building's period and style shall be used.

(B) Canvas is an approved material for awnings and canopies.

(2) *Design.*

(A) Awnings shall be located within window openings and below transoms.

(B) Umbrella-type awnings and non-historic forms are not permitted.

(C) Awnings shall be attached in such a manner that historic materials or features are not damaged.

(D) Marquees may be used where compatible with the building and neighboring buildings.

(E) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.

(F) Awnings, canopies, or marquees shall have size, scale and design that are compatible with the building and neighboring buildings.

~~(o)~~(o) *New accessory structures.* New accessory structures may be built on the site of historic contributing buildings and individually listed public historic resources.

(1) *Materials.* New accessory structures shall have the same siding material as the primary resources, or consistent with other primary structures in the zone.

(2) *Design.* New accessory structures shall:

(A) Not be located on or around the primary facade of an existing resource.

(B) Be no taller than one story.

(C) Be similar in character to those built during the period of significance.

(D) Be subordinate to the primary structure in terms of mass, size, and height.

~~(p)~~(p) *Fences.* Fences may be added to sites of historic contributing buildings and individually listed public historic resources, provided the fence will not result in the removal or destruction of site features identified as significant on the historic resource inventory.

(1) *Materials.* The fence shall be constructed of traditional materials that were available during the period of significance.

(2) *Design.* Fences shall be no taller than four feet in the front yard and no taller than six feet in side and rear yards.

~~(q)~~(q) *Retaining walls.* Retaining walls may be added to sites of historic contributing buildings and individually listed public historic resources, provided the retaining wall will not result in the removal or destruction of site features identified as significant on the historic resource inventory.

- (1) *Materials.* The retaining wall shall be constructed of traditional materials that were available during the period of significance. Example: If the period of significance is 1920-1940 the materials that were available included, but were not limited to, rusticated stone, formed concrete, poured concrete, and brick.
- (2) *Design.* Retaining walls shall be no taller than two feet in the front and four feet on the side and rear yards.

~~(e)~~(r) Site features. Replacement or alteration of site features of a historic contributing building and individually listed public historic resources that are identified as significant features on the historic resource inventory, including, but not limited to, driveways, sidewalks, gardens, significant trees, or geological features is allowed, unless the replacement or alteration would materially alter or destroy the features.

- (1) *Materials.* Materials shall duplicate, to the greatest degree possible, the appearance and physical qualities of the original materials. Example: Rhododendron hedge planted during the period of significance is replanted with heritage varieties available during the period of significance.
- (2) *Design.* The design shall reproduce, to the greatest extent possible, the appearance of the original site feature. Example: If the site contains a Lord and Schryver garden, the replacements shall be allowed provided the original design and location of plantings of the historical garden are retained.

Sec. 230.063. - Standards for non-contributing buildings and structures in public historic districts.

Modifications to non-contributing buildings in public historic districts shall comply with this section.

- (a) *Masonry, siding, exterior trim, and minor architectural features.* Replacement of masonry, siding, and exterior trim of non-contributing buildings is allowed.
 - (1) *Materials.*
 - (A) For historic non-contributing buildings, material dating from the period of significance shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions, and configuration of the materials commonly used on other buildings in the district.
 - (2) *Design.*
 - (A) The design shall, to the greatest degree possible, match the color, texture and bonding pattern of the original materials.
 - (B) For historic non-contributing buildings the appearance of original materials that were used on the building during the period of significance shall be restored or reconstructed whenever possible.
- (b) *Windows.* Replacement of windows in historic non-contributing buildings is allowed.
 - (1) *Materials.*
 - (A) Windows dating from the period of significance shall, if feasible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration of windows commonly used on other buildings in the district.
 - (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted, unless it is the historic glazing type.
 - (2) *Design.*

- (A) Replacement windows should, to the greatest degree possible, match design, size, proportions, configuration, reflective qualities and profile of the original windows dating from the period of significance, if documentary evidence of the appearance is available.
 - (B) The size and shape of the window openings dating from the period of significance should be preserved so that the configuration of the facade is not changed.
 - (C) Original openings that have been covered or blocked should be re-opened when feasible.
 - (D) New window openings into the principal elevations, enlargement or reduction of original window openings, and infill of original window openings are not permitted.
 - (E) Window styles historically used on upper levels shall not be installed at storefront level, and storefront windows shall not be installed on upper levels.
 - (F) Commercial window types shall not be substituted with residential window types, unless the type of window being replaced is residential.
 - (G) Interior grilles, grilles between layers of insulating glass, or stenciled mullions in lieu of true divided lights or exterior mullions are not permitted.
- (c) *Doors.* Replacement of doors in non-contributing buildings shall be allowed.
- (1) *Materials.*
 - (A) Doors dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the doors commonly found in the district.
 - (2) *Design.*
 - (A) Replacement doors shall, to the greatest degree possible, match design, size, proportions and profile of the original door dating from the period of significance, if documentary evidence of the appearance is available.
 - (B) Original door openings that have been covered or blocked should be reopened when feasible.
 - (C) The size and shape of original door openings should be preserved so that the configuration of the facade is not changed.
 - (D) Commercial door types shall not be substituted with residential door types, unless the type of door being replaced is residential.
- (d) *Porches.* Replacement of porches on non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) All features of the porch shall be replaced with material that duplicate, to the greatest degree possible, the appearance and structural qualities of the original porch.
 - (B) Replacement materials shall duplicate, to the greatest degree possible, the appearance and structural qualities that are consistent with building materials on buildings in the district.
 - (C) Wood lap, shingles, brick, and stone are appropriate materials.
 - (D) Alternative materials shall appear similar in scale, proportion, texture and finish with buildings in the district.

- (2) *Design.* The design should be similar in dimension, style, pattern and detail to porches on buildings in the district.
- (e) *Roofs and cornices.* Replacement of roofs and cornices on non-contributing buildings shall be allowed.
 - (1) *Materials.*
 - (A) Historic specialty roofing materials, such as original tile, slate, or rolled composition roofing dating from the period of significance should be maintained in place whenever possible.
 - (B) Replacement materials that are visible from the street shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the roof and cornices commonly found in the district. Plastic or concrete simulated materials are not allowed. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.
 - (2) *Design.*
 - (A) To the extent practicable, original roof and cornice components visible from the street dating from the period of significance shall be preserved.
 - (B) Eave overhangs dating from the period of significance shall be maintained.
 - (C) Restoration of the appearance of the roof and cornice that is visible from the street, based on historical research and physical evidence from the period of significance, is preferred.
 - (D) Replacement of roofs and cornices that are contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic buildings in the district.
 - (E) Cutting back roof rafters and soffits, boxing in exposed rafter tails, adding fascia boards where none existed, or otherwise altering material that dates from the period of significance is not allowed.
 - (F) To the extent practical, inappropriate repairs or additions that occurred after the period of significance should be removed or corrected.

(f) *Solar panels, rooftop mechanical devices, and skylights.* Solar panels and other rooftop mechanical structures may be added to historic contributing buildings and individually listed public historic resources.

(A) *Materials.*

- (i) *Non-reflective glass and metal panels are allowed.*
- (ii) *Reflective glass and plastic frames are prohibited.*

(B) *Design.*

- (i) *Solar panels shall not alter the existing profile of the roof, and shall be mounted parallel to the roof plane on rear-facing roofs or placed on the ground in an inconspicuous location.*
- (ii) *Satellite dishes, TV antennae and other rooftop mechanical structures shall be installed so they are not visible from the street and do not damage or obscure significant architectural features of the resource.*
- (iii) *Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.*
- (iv) *Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall*

not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

~~(f)~~(g) *Missing features.* Features that were present on a non-contributing building during the period of significance but which were later removed may be reconstructed.

- (1) *Materials.* Materials used in the replacement shall match as closely as practicable the composition, design, texture, and other visual qualities of the materials of the missing feature.
- (2) *Design.* The design accurately duplicates the missing feature. The design shall be substantiated by historic, physical, or pictorial evidence. Evidence does not include conjectural designs, or the appearance of features or different elements from other buildings or structures built during the period of significance.

~~(g)~~(h) *Alterations and additions.* Additions and alterations that comply with the standards in this section may be made to historic non-contributing buildings. Whenever practical, additions and alterations to historic non-contributing buildings should result in the restoration of missing features from the period of significance, or the removal of alterations that were made outside of the period of significance.

- (1) *Materials.*
 - (A) Materials shall be consistent with those present in buildings in the district generally.
 - (B) Roofing materials shall have a non-reflective, matte finish.
- (2) *Design.*
 - (A) The location for an addition shall be at the rear, or on an inconspicuous side of the building.
 - (B) Changes to features of a historic non-contributing building that date from the period of significance shall be minimized.
 - (C) The design shall be compatible with the character of non-contributing buildings in the historic district and create a harmonious relationship with historic contributing buildings in the district generally. Factors in evaluating the design under this subsection include, but are not limited to:
 - (i) Similarities in the size and scale to those used in historic contributing buildings in the district generally.
 - (ii) Use of architectural features that reflect, or are similar to, the architectural style of historic contributing buildings in the district.
 - (iii) Simple gable or hipped roofs with a pitch similar to surrounding buildings are generally appropriate. Flat roofs may be appropriate when the prevailing styles of architecture provide an appropriate context. Exotic or complex roof forms that detract from the visual continuity of the district are generally inappropriate.
 - (iv) Additions should have a similar mass to surrounding buildings.
 - (v) Front elevations should appear similar in scale to those seen traditionally in the surrounding neighborhood.
 - (vi) The width and height of the addition should not exceed the typical dimensions seen in the district.
 - (vii) Simple rectangular building forms are generally preferred.
 - (D) The design shall make clear what is original and what is new.

- (E) Features that have been added over time and have attained significance in their own right shall be preserved, even if the features do not reflect the period of significance.
- (F) An addition that adds stories shall increase the height of a building to no more than four stories.

~~(H)~~(I) *Decks.* Replacement and addition of decks in non-contributing buildings is allowed, subject to the following standards:

- (1) *Materials.* The deck shall be constructed of wood, a wood composite, or a material available during the period of significance.
- (2) *Design.* The deck shall:
 - (A) Be located off the rear of the resource.
 - (B) Be of a reasonable size and scale in relationship to the resource.

~~(H)~~(I) *Lintels, architraves, sills, and other architectural details.* Replacement of lintels, architraves, sills, and other architectural details on non-contributing buildings is allowed.

- (1) *Materials.*
 - (A) Materials dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration commonly found in the district.
- (2) *Design.*
 - (A) To the extent practicable, original material dating from the period of significance shall be preserved.
 - (B) Restoration of the appearance of architectural details that are visible from the street, based on historical research and physical evidence from the period of significance, is preferred.
 - (C) Replacement of architectural details that are contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color, and texture of historic buildings in the district.

~~(H)~~(K) *Accessibility.* Additions or alterations to improve accessibility are allowed.

- (1) *Materials.* Materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration of the original materials in the building.
- (2) *Design.*
 - (A) Additions or alterations to improve accessibility shall be designed in a manner that identifies the building's character-defining spaces and features, and prevents their damage or loss.
 - (B) Additions and alterations to improve accessibility should be designed in a manner that is compatible with the building and its setting.

~~(H)~~(L) *Energy efficiency.* Retrofitting non-contributing buildings to achieve energy efficiency is permitted, if the retrofitting preserves the character of the historic district.

- (1) *Materials.* The materials for any retrofitted architectural elements shall comply with the standards for materials for such elements set forth in this section. This includes, but is not limited to, windows and doors.
- (2) *Design.*

- (A) To the extent practicable, original systems to control ventilation, such as double hung, transom windows and awnings, dating from the period of significance shall be preserved.
- (B) The designs of any retrofitted architectural elements shall comply with the standards for replacement of such elements set forth in this section. This includes, but is not limited to, windows and doors.
- (C) Retrofitting shall be designed in a manner that prevents loss of original material or architectural elements dating from the period of significance.

~~(m)~~(m) *Mechanical equipment and service areas.* Addition and replacement of mechanical equipment is permitted. This includes, but is not limited to, heating and cooling systems, solar panels, telecommunications equipment, and dumpster enclosures.

(1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.

(2) *Design.*

- (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
- (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
- (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or are set back and screened from view.
- (D) Solar panels should have low profiles and not be visible from right-of-way, other than alleys, and shall be installed in a manner that minimizes damage to historic materials.
- (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
- (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
- (G) New skylights and vents shall be placed behind and below the parapet level.

(H) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

~~(n)~~(n) *Awnings and canopies.* Replacement or installation of awnings and canopies on non-contributing buildings is allowed.

(1) *Materials.*

- (A) Materials that are compatible with the character of the district shall be used.
- (B) Canvass is an approved material for awnings and canopies.

(2) *Design.*

- (A) Awnings shall be located within window openings, and below transoms.
- (B) Umbrella-type awnings and non-historic forms are not permitted.
- (C) Awnings shall be attached in such a manner that historic materials or features are not damaged.
- (D) Marquees may be used where compatible with the building and neighboring buildings.

- (E) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
- (F) Awnings, canopies, or marquees shall have size, scale, and design that are compatible with the building and neighboring buildings.

~~(n)~~(o) *New accessory structures.* New accessory structures may be built on the site of non-contributing buildings, subject to the following standards:

- (1) *Materials.*
 - (A) Building materials shall be of traditional dimensions.
 - (B) Siding material shall be consistent with those present in buildings in close proximity to the accessory, generally.
- (2) *Design.* New accessory structures shall:
 - (A) Not be located on or around the primary facade of an existing resource.
 - (B) Be no taller than one story.
 - (C) Be of a reasonable size and scale in relationship to the building.

~~(e)~~(p) *Fences.* Fences may be added to sites of non-contributing buildings, provided the fencing will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.

- (1) *Materials.* Fences shall be constructed of traditional materials that were available during the period of significance.
- (2) *Design.* Fences shall be no taller than four feet in the front yard and no taller than six feet in side and rear yards.

~~(e)~~(q) *Retaining walls.* Retaining walls may be added to sites of non-contributing buildings, provided the retaining wall will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.

- (1) *Materials.* The retaining wall shall be constructed of traditional materials that were available during the period of significance. Example: If the period of significance is 1920-1940, the materials that were available included, but were not limited to, rusticated stone, formed concrete, poured concrete, and brick.
- (2) *Design.* Retaining walls shall be no taller than two feet in the front and four feet on the side and rear yard.

~~(e)~~(r) *Site features.* Replacement or alteration of site features of a non-contributing building that are identified as significant features on the historic resource inventory for the district, including, but not limited to, driveways, sidewalks, gardens, significant trees, or geological features is allowed, unless the replacement or alteration would materially alter or destroy the features.

- (1) *Materials.* Materials shall duplicate, to the greatest degree practicable, the appearance and physical qualities of the original materials. Example: Rhododendron hedge planted during the period of significance is replanted with heritage varieties available during the period of significance.
- (2) *Design.* The design shall reproduce, to the greatest extent practicable, the appearance of the original site feature. Example: If the site contains a Lord and Schryver garden, the replacements shall be allowed provided the original design and location of plantings of the historical garden are retained.

Sec. 230.064. - Standards for new construction in public historic districts.

New buildings may be constructed in public historic districts, subject to the following standards:

- (a) *Materials.*
 - (1) The primary facade shall be constructed of building materials that are consistent with other primary structures in the vicinity.
 - (2) Materials used in the construction shall be identical or similar those available for similar buildings or structures built during the period of significance.
 - (3) Materials shall be similar in scale, proportion, texture, and finish to those found on nearby historic structures.
- (b) *Design.*
 - (1) Within all public historic districts, other than the Oregon State Hospital Historic District, the design shall be compatible with general character of historic contributing buildings in the historic district. Factors in evaluating compatibility include, but are not limited to:
 - (A) The height, width, proportions, size and scale is consistent with those used in similar historic contributing buildings in the district generally.
 - (B) The design reflects, but does not replicate, the architectural style of historic contributing buildings in the district.
 - (C) Architectural elements that are similar to those found on historic contributing buildings in the historic district are used.
 - (D) Architectural elements such as lintels, cornices, doors, and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.
 - (E) The front facade is designed with proportions that are compatible with adjacent buildings in the vicinity.
 - (2) Within the Oregon State Hospital Historic District the design shall be compatible with general character of the historic contributing buildings, as identified in Table 230-43, located in the zone, as identified in Figure 230-5, where the work is occurring.
 - (A) The height, width, proportions, size and scale is consistent with those used in similar historic contributing buildings in the district generally.
 - (B) The design reflects, but does not replicate, the architectural style of historic contributing buildings in the district.
 - (C) Architectural elements that are similar to those found on historic contributing buildings in the historic district are used.
 - (D) Architectural elements such as lintels, cornices, doors, and windows reflect the spacing, placement, scale, orientation, and proportion of buildings in the district.
 - (E) The front facade is designed with proportions that are compatible with adjacent buildings in the vicinity.
- (c) *Mechanical equipment and service areas.* Mechanical equipment, including, but not limited to, heating and cooling systems, solar panels, and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, shall meet the following standards:
 - (1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.
 - (2) *Design.*
 - (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.

- (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or are set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from the street.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
 - (G) Skylights and vents shall be placed behind and below the parapet level.
- (d) *Accessory structures.* Accessory structures may be built on the site of new construction.
- (1) *Materials.*
 - (A) Building materials shall be of traditional dimensions.
 - (B) Siding material shall be consistent with those present in buildings in the district generally.
 - (2) *Design.*
 - (A) The accessory structure shall be located at the rear of the lot or parcel.
 - (B) The accessory structure shall be no taller than one story.
 - (C) The accessory structure shall be of a reasonable size and scale in relationship to the building.
- (e) *Awnings and canopies.* Awnings and canopies on new construction shall meet the following standards:
- (1) *Materials.*
 - (A) Materials that are compatible with the character of the district shall be used.
 - (B) Canvass is an approved material for awnings and canopies.
 - (2) *Design.*
 - (A) Awnings shall be located within window openings, and below transoms.
 - (B) Umbrella-type awnings and non-historic forms are not permitted.
 - (C) Marquees may be used where compatible with the building and neighboring buildings.
 - (D) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
 - (E) Awnings, canopies, or marquees shall have size, scale, and design that are compatible with the building and neighboring buildings.
- (f) *Fences.* Fences may be included in new construction.
- (1) *Materials.* Fences shall be constructed of traditional materials available during the period of significance.
 - (2) *Design.* Fences shall be no taller than four feet in the front yard and no taller than six feet in side and rear yards.
- (g) *Retaining walls.* Retaining walls may be included in new construction, provided the retaining wall will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.
- (1) *Materials.* The retaining wall shall be constructed of traditional materials that were available during the period of significance. Example: If the period of significance is 1920-

1940, the materials that were available included, but were not limited to, rusticated stone, formed concrete, poured concrete, and brick.

- (2) *Design.* Retaining walls shall be no taller than two feet in the front and four feet on the side and rear yard.
- (h) *Solar panels, rooftop mechanical devices, and skylights.* Solar panels and other rooftop mechanical structures may be included in new construction.
 - (1) *Materials.*
 - (A) Non-reflective glass and metal panels are allowed.
 - (B) Reflective glass and plastic frames are prohibited.
 - (2) *Design.*
 - (A) Solar panels shall not alter the existing profile of the roof, and shall be mounted flush on rear-facing roofs or placed on the ground in an inconspicuous location.
 - (B) Satellite dishes, TV antennae and other rooftop mechanical structures shall be installed so they are not visible from the street and do not damage or obscure significant architectural feature of the resource.
 - (C) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.

Sec. 230.065. - General guidelines for historic contributing resources.

In lieu of the standards for historic contributing buildings set forth in SRC 230.025 and 230.040, an applicant may make a proposal for preservation, restoration, or rehabilitation activity, regardless of type of work, which shall conform to the following guidelines:

- (a) Except as otherwise provided in this chapter, the property shall be used for its historic purpose, or for a similar purpose that will not alter street access, landscape design, entrance(s), height, footprint, fenestration, or massing.
- (b) Historic materials, finishes, and distinctive features shall, when possible, be preserved and repaired according to historic preservation methods, ~~rather than restored.~~
- (c) Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity.
- (d) Historic or original features shall be restored or reconstructed only when supported by physical or photographic evidence.
- (e) Changes that have taken place to a historic resource over the course of time are evidence of the history and development of a historic resource and its environment, and should be recognized and respected. These changes may have acquired historic significance in their own right, and this significance should be recognized and respected.
- (f) Additions and alterations to a historic resource shall be designed and constructed to minimize changes to the historic resource.
- (g) Additions and alterations shall be constructed with the least possible loss of historic materials and so that significant features are not obscured, damaged, or destroyed.
- (h) Structural deficiencies in a historic resource shall be corrected without visually changing the composition, design, texture or other visual qualities.
- (i) Excavation or re-grading shall not be allowed adjacent to or within the site of a historic resource which could cause the foundation to settle, shift, or fail, or have a similar effect on adjacent historic resources.

Sec. 230.075. - Streetscape standards.

Streetscape improvements in historic districts shall comply with this section.

- (a) ~~Materials~~Non-contributing features within the public right-of-way. Alterations to non-contributing features within the public right-of-way shall comply with the Public Works Design Standards.

(b) Materials.

- (1) Replacement materials should match as closely as possible to the original color, texture, size, and finish of the original materials.

~~(2) Diseased street trees should be replaced in kind, if possible.~~

~~(b)~~(c) Design.

- (1) Historic street lamps shall be preserved, if feasible.

~~(2) Healthy, mature street trees shall be preserved if they are significant to the district.~~

- (3)(2) Historic landscaped buffer zones, such as the grassy median between the sidewalk and curb shall be preserved.

- (4)(3) Historic retaining walls should be preserved, if feasible.

- (5)(4) Significant sidewalk and driveway features should be preserved when they contribute to the character of the district.

- (6)(5) Original driveway locations and curb cuts should be preserved when they contribute to the character of the district.

- (7)(6) Only those portions of character-defining streetscape that are deteriorated beyond repair shall be replaced.

- (8)(7) New sidewalks should align with existing historic sidewalks on the block, if present.

- (9)(8) When feasible, replacement or new sidewalks should exhibit scoring lines and brush patterns consistent with the historic material when those elements contribute to the historic character of the district.

(d) City trees.

(1) Removal of contributing City trees shall comply with SRC Chapter 86.

(2) Any contributing City tree that has been removed shall be replanted in the same location and with the same species, except as otherwise approved through an adjustment under SRC Chapter 250.

Sec. 230.082. - Public historic mitigation.

- (a) A public agency shall avoid inadvertent impacts to a historic resource for which the agency is responsible.

- (b) A public agency that alters an historic resource for which the agency is responsible to the degree where the alteration has adverse effect on the historic resource shall mitigate the adverse effect as provided in this subsection.

- (1) *Level of effect.* Any proposed alteration that will have an adverse effect to the historic resource shall be classified as to the level of effect, as set forth in Table 230-54. The level of effect is based on the scale of work and the location of the work. Example: An alteration that involves minor work on a secondary facade will not have as high of an adverse effect on a public historic resource as a project involving major work on a primary facade.

TABLE 230-54. PUBLIC HISTORIC MITIGATION - LEVEL OF EFFECT

Activity Proposed	Primary Facade	Level of Effect	Secondary Facade	Level of Effect
Public Historic District				
Demolition	Adverse Effect	Level Three	Adverse Effect	Level Two
Accessibility alterations and additions	Adverse Effect	Level One	No Adverse Effect	None
Alterations and additions	Adverse Effect	Level Two	No Adverse Effect	None
Awnings and canopies replacement or installation	Adverse Effect	Level One	No Adverse Effect	None
Awnings and canopies replacement or installation (in-kind)	No Adverse Effect	None	No Adverse Effect	None
Decks replacement and additions	Adverse Effect	Level One	No Adverse Effect	None
Door replacement	Adverse Effect	Level One	No Adverse Effect	None
Door replacement (in-kind)	No Adverse Effect	None	No Adverse Effect	None
Energy	Adverse Effect	Level One	No Adverse Effect	None
Fences	Adverse Effect	Level One	No Adverse Effect	None
Lintels, architraves, sills, and other architectural details replacement	Adverse Effect	Level One	No Adverse Effect	None
Lintels, architraves, sills, and other architectural details replacement (in-kind)	No Adverse Effect	None	No Adverse Effect	None
Masonry, siding, and exterior trim replacement details replacement	Adverse Effect	Level Two	No Adverse Effect	None
Masonry, siding, and exterior trim replacement details replacement (in-kind)	No Adverse Effect	None	No Adverse Effect	None
Mechanical equipment and service areas addition and replacement	Adverse Effect	Level One	No Adverse Effect	None
Murals and signs	Adverse Effect	Level One	No Adverse Effect	None
Murals and signs (meeting standards)	No Adverse Effect	None	No Adverse Effect	None
Porch replacement	Adverse Effect	Level Two	No Adverse Effect	None
Porch replacement (in-kind)	No Adverse Effect	None	No Adverse Effect	None
Restoration of missing features	No Adverse Effect	None	No Adverse Effect	None
Retaining walls	Adverse Effect	Level One	No Adverse Effect	None

Roof and cornice replacement	Adverse Effect	Level Two	No Adverse Effect	None
Roof and cornice replacement (in-kind)	No Adverse Effect	None	No Effect	None
Site features replacement	Adverse Effect	Level One	No Adverse Effect	None
Site features replacement (in-kind)	No Adverse Effect	None	No Adverse Effect	None
Window replacement	Adverse Effect	Level Two	No Adverse Effect	None
Window replacement (in-kind)	No Adverse Effect	None	No Adverse Effect	None

(2) *Mitigation required.* Mitigation shall be commensurate with the level, as set forth in this subsection.

(A) *Level One: minor adverse effect.* Work involves loss of historic features or minor alterations. Mitigation shall include photo documentation of original feature or features prior to removal and an intensive level documentation of the historic resource. The historic resource shall be documented utilizing the standards for photographing and documenting historic resources established by the SHPO.

(B) *Level Two: moderate adverse effect.* Work involves major alterations or additions. Mitigation shall include photo documentation of original feature or features prior to commencement of work, ILS level documentation of the historic resource, and the development of both on-site and stand-alone educational materials which will meaningfully educate the public about the historic resource. Examples of stand-alone educational materials include, but are not limited to, informational websites and pamphlets. A digital version of any educational materials shall be provided and adequate hard copies printed for distribution by the City. On-site materials include, but are not limited to, informational kiosks or panels containing historical photos, architectural information and maps relating to the historic resource and site that are installed on the site of the historic resource.

(C) *Level Three: major adverse effect.* Work results in demolition of a historic resource. Mitigation shall include photo documentation of historic resource prior to commencement of demolition. ILS level documentation of the historic resource, and the development of both on-site and stand-alone educational materials which will meaningfully educate the public about the historic resource, and donation to the City's Historic Preservation Trust Fund, as provided in this subsection. Examples of stand-alone educational materials include, but are not limited to, informational websites and pamphlets. A digital version of any educational materials shall be provided along, and adequate hard copies printed for distribution by the City. On-site materials include, but are not limited to, informational kiosks or panels containing historical photos, architectural information and maps relating to the historic resource and site that are installed on the site of the historic resource. The public agency shall donate 0.1 percent of the estimated market value of the historic resource to the City's Historic Preservation Trust Fund.

(3) *Completion of mitigation.* Mitigation shall be complete at the time of completion of project giving rise to the required mitigation.

Sec. 230.084 – Determination of historic resource relocation feasibility.

(a) Applicability. No historic contributing building within a local or National Register historic district or individually listed local or National Register historic resource shall be relocated or demolished without first obtaining a determination of relocation feasibility as provided in this section.

- (b) Procedure Type. An application for determination of historic resource relocation feasibility is processed as a Type I procedure under SRC Chapter 300.
- (c) Submittal Requirements. In addition to the submittal requirement for a Type I application under SRC chapter 300, an application for determination of historic resource relocation feasibility shall include the following:
- (1) A report from a structural engineer evaluating the structural integrity of the building or resource and the feasibility of transporting it on the public street right-of-way.
 - (2) A determination from the Building Official whether the building or resource can be reasonably moved.
- (d) Criteria. The relocation of a historic contributing building or individually listed resource shall be determined to be feasible if the following criterion is met:
- (1) The structural integrity of the building or resource is such that transporting it on the public street right-of-way will not result in the reasonable likelihood of collapse and will not otherwise endanger public health, safety, and welfare.

~~Sec. 230.085. Historic resource adaptive reuse.~~

- ~~(a) Applicability. This section allows adaptive reuse of historic contributing buildings and individually listed resources in all residential zones, in all public zones, and in the Commercial Office zone, in order to preserve these buildings or structures, where other uses would not be economically practical, and where a zone change would be inappropriate.~~
- ~~(b) Procedure type. Historical resource adaptive reuse is a Type III procedure under SRC chapter 300.~~
- ~~(c) Additional submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for historic resource adaptive reuse shall include:~~
- ~~(1) Cost/benefit analysis.~~
 - ~~(2) Documentation of good faith efforts by the property owner to put the property to economically beneficial use, including, but not limited to, leasing the building or resource;~~
 - ~~(3) Any capital expenditures associated with the building or structure during the two years immediately preceding the application for adaptive reuse.~~
 - ~~(4) Site plan identifying the following:
 - ~~(A) All streets that abut the site and their designation (i.e., arterial, collector etc.); and~~
 - ~~(B) Proposed parking, if applicable.~~~~
- ~~(d) Criteria. An application for historic resource adaptive reuse shall be granted if the following criteria are met:~~
- ~~(1) The building is a historic contributing building or an individually listed resource.~~
 - ~~(2) Use of the building or structure for any other use allowed in the zone is not economically practical, and the property does not meet the criteria for a zone change.~~
 - ~~(3) Allowing the proposed use will encourage preservation of the resource.~~
 - ~~(4) The building or structure will not be structurally expanded, or if historic non-contributing, will be restored.~~
 - ~~(5) The building or structure is located on an arterial or collector street.~~
 - ~~(6) Parking that meets the requirements of SRC chapter 806 will be provided.~~
 - ~~(7) The proposed use will be compatible with and have minimal impact on the livability or appropriate development of surrounding property.~~

- ~~(e) *Conditions.* The Review Authority shall impose such conditions on the historic resource adaptive reuse permit as are necessary to establish compliance with the approval criteria.~~
- ~~(f) *Approval to run with the land.* Unless otherwise provided in the decision granting, historic adaptive reuse permits shall run with the land.~~
- ~~(g) *Historic design review.* Historic design review is required for any exterior alterations to a building or structure that has received historic resource adaptive reuse approval.~~
- ~~(h) *Uses permitted.* The uses permitted for adaptive reuse pursuant to this section, either singularly or in combination, are:

 - ~~(1) *Additional dwelling units:*
 - ~~(A) *RS: maximum of four units;*~~
 - ~~(B) *RD: maximum of four units.*~~~~
 - ~~(2) *Telephone answering service.*~~
 - ~~(3) *Professional offices:*
 - ~~(A) *Accounting services;*~~
 - ~~(B) *Artists;*~~
 - ~~(C) *Engineering, architectural, and surveying services;*~~
 - ~~(D) *Legal services;*~~
 - ~~(E) *Offices of physicians, dentists, osteopathic physicians, and other health practitioners.*~~~~
 - ~~(4) *Retail:*
 - ~~(A) *Used merchandise store;*~~
 - ~~(B) *Men's and boys' clothing and accessory stores;*~~
 - ~~(C) *Women's ready-to-wear stores;*~~
 - ~~(D) *Women's accessory and specialty stores;*~~
 - ~~(E) *Children's and infants' wear stores;*~~
 - ~~(F) *Art gallery and framing shop.*~~~~
 - ~~(5) *Services:*
 - ~~(A) *Interior decorating studio;*~~
 - ~~(B) *Child day care services;*~~
 - ~~(C) *Residential care.*~~~~
 - ~~(6) *Other: Other office, service, and retail uses not otherwise enumerated in this subsection that are substantially similar in traffic generation, noise generation, parking demand, hours of operation, and other similar characteristics relating to compatibility with surrounding uses.*~~~~

Sec. 230.085. - Historic resource relocation.

- ~~(b) *Applicability.* No historic contributing building within a local or National Register historic district or individually listed local or National Register historic resource shall be relocated without obtaining historic resource relocation approval pursuant to this section.~~
- ~~(b) *Procedure Type.* Historic resource relocation is processed as a Type III procedure under SRC Chapter 300.~~
- ~~(c) *Submittal Requirements.* In addition to the submittal requirement for a Type III application under SRC chapter 300, an application for historic resource relocation shall include the following:~~

- (1) Site plan and vicinity map of the proposed new location.
 - (2) A determination of historic resource relocation feasibility pursuant to SRC 230.084.
 - (3) A plan for transporting the building or resource on the public street right-of way from its current location to the proposed new location.
- (d) Criteria. An application for historic resource relocation shall be granted if the following criteria are met:
- (1) The proposed new location is within the City limits; or a reasonable attempt has been made to locate the resource in a jurisdiction that has the ability to designate the resource as a historic resource.
 - (2) A reasonable attempt has been made to relocate the resource within an existing local or National Register historic district.
 - (3) The structural integrity of the building or resource is such that transporting it on the public street right-of-way will not result in the reasonable likelihood of collapse and will not otherwise endanger public health, safety, and welfare.
- (e) Historic Resource Designation. If the proposed new location is within the City limits and the original requirements relating to the historic integrity of the resource under SRC 230.010(e)(3) are met after the building or resource has been relocated, the applicant shall initiate redesignation of the building or resource pursuant to SRC 230.010 prior to obtaining Certificate of Occupancy at the new location. If, however, the original requirements relating to the historic integrity of the resource are not met after the building or resource has been relocated, the applicant shall initiate removal of local historic resource designation pursuant to SRC 230.015.

Sec. 230.090. - Demolition of primary historic structures.

- (a) *Applicability.* Prior to the issuance of a permit for the demolition ~~of one-half or more of the ground floor square footage~~ of a historic contributing building within a local or National Register historic district or individually listed local or National Register resource, the owner must ~~first obtain a~~ historic resource demolition ~~permit approval~~ pursuant to this section. ~~Historic resource demolition permit approval is a two-stage process. "Stage 1" requires review by the Building Official to determine whether the building or resource can be reasonably moved. If the building or structure can be moved, "Stage 1" requires review to certify the relocation of the building or resource. If the building or resource cannot be moved, or no suitable location can be found, "Stage 2" requires review by the Historic Landmarks Commission to determine whether the building or resource should be demolished.~~
- (b) *Procedure type.*
 - ~~(1)~~ Historic resource demolition ~~approval is processed is as~~ a Type III procedure under SRC chapter 300.
 - ~~(c)~~ *Historic resource demolition permit Stage 1:*
 - ~~(1)~~ *Submittal requirements.* An application for historic resource demolition permit Stage 1 shall include a report from a structural engineer as to the soundness of the structure and the feasibility of transporting the building or resource on public right-of-way.
 - ~~(2)~~ *Criteria.* Historic resource demolition permit Stage 1 shall be granted if the applicant demonstrates that the structural integrity of the building or resource retains sufficient integrity that transporting the building or resource upon public right-of-way would not present a reasonable likelihood of collapse, or would not otherwise endanger public health, safety and welfare. Should the permit be granted, the applicant shall proceed with a relocation permit application. Should the permit not be granted, the applicant shall proceed with Stage 2 demolition review before the Historic Landmarks Commission.

~~(3) — Relocation permit application. If the building or resource can be moved, the applicant shall make a reasonable attempt to relocate the building or resource. The applicant shall notify the Director of the new location of the building. If the original requirements relating to integrity under SRC 230.030 are met, the building or resource shall retain its designation on the new site. If the original requirements relating to integrity are not met, the building or resource shall have its designation removed pursuant to SRC 230.010. Should the applicant be unable to find a suitable site for relocation, the applicant may proceed to Stage 2 historic resource demolition review.~~

~~(4) — Appeals of building official's decision. Appeals of the Building Official's decision shall be made according to the procedures for contested case proceedings under SRC chapter 20J.~~

~~(d)(c) — Historic resource demolition Stage 2.~~

~~(1) — Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for historic resource demolition Stage 2 shall include:~~

~~(A)(1) — A Statement statement of the historic value and significance of the building or resource to the community from the listing document (Local, National Register listing) as well as any relevant supportive documentation from a preservation professional, taking into consideration its designation as a local landmark, individually listed historic contributing building on the National Register, or its location within a National Register Historic District;~~

~~(B) — Statement demonstrating the property is incapable of generating a reasonable economic return, including, but not limited to:~~

~~(i) — The purchase price of the building or resource;~~

~~(ii) — The annual gross income generated from the building or resource for the last two years;~~

~~(iii) — Documentation of good faith efforts by the property owner, leasee or renter the building or resource;~~

~~(iv) — The debt associated with the building or resource including a profit and loss statement for the two years immediately preceding the Stage 1 application for demolition; and~~

~~(v) — Any capital expenditures associated with the building or structure during the two years immediately preceding the Stage 1 application for demolition.~~

~~(C) — Statement demonstrating good faith efforts of property owner to sell or relocate the building or resource, including, but not limited to:~~

~~(i) — Real estate taxes for the two years immediately preceding the application;~~

~~(ii) — Assessed value for the two years immediately preceding the application;~~

~~(iii) — Current fair market value of building or resource as determined by appraiser;~~

~~(iv) — All listings for building or resource for past two years including prices asked/offers received; and~~

~~(v) — Documentation of all attempts to relocate the building or resource.~~

~~(2) Documentation confirming that the property owner has owned the property for at least one year prior to applying for historic resource demolition; and~~

~~(3) Documentation of economic hardship demonstrating the property is incapable of generating a reasonable economic return, including, but not limited to:~~

~~(A) The purchase price of the building or resource;~~

~~(B) Assessed value for the two years immediately preceding the application;~~

~~(C) Current fair market value of building or resource as determined by appraiser;~~

- (D) Real estate taxes for the two years immediately preceding the application;
- (E) The annual gross income generated from the building or resource for the last two years;
- (F) The debt associated with the building or resource including a profit and loss statement for the two years immediately preceding the application; and
- (G) Any expenditures associated with the building or structure during the two years immediately preceding the application.
- (4) Documentation demonstrating good faith efforts of the property owner to sell, rent, or lease the building or resource, including, but not limited to:
 - (A) All real estate listings for the building or resource for the past two years, including prices asked/offers received; and
 - (B) All real rental listings for the building or resource for the past two years including rental prices and number of rental applications received.
- ~~(D)~~(5) Analysis of the proposed adaptive reuse of the building or resource, including, but not limited to:
 - ~~(i)~~(A) Report from structural engineer on the condition of building or resource;
 - ~~(ii)~~(B) Estimate of cost for rehabilitation of building or resource with an existing use;
 - ~~(iii)~~(C) Report from real estate or other market professional identifying potential alternative uses allowed for development of the building or resource with existing zoning. The report should include a market analysis evaluating need for alternative uses as well as the number of existing alternative uses already present within the zone;
 - ~~(iv)~~(D) Estimate of cost for rehabilitation of building or resource for at least two other identified uses; and
 - ~~(v)~~(E) Report identifying available economic incentives for adaptive reuse of the building or resource, including any federal tax credits available for rehabilitation of National Register properties.
- (6) A determination of historic resource relocation feasibility pursuant to SRC 230.084.
- (7) A proposed plan for deconstruction of the resource, including provisions to salvage historic material for sale, donation, or reuse on the site.
- ~~(E)~~(8) A proposed plan for redevelopment of the site on which the building or resource is located.
- ~~(2)~~(d) *Criteria.* An application for a historic resource demolition ~~permit~~ shall be granted if the following criteria are met:
 - ~~(A)~~(1) The value to the community of the proposed use of the property outweighs the value of retaining the designated historic resource on the present site.
 - ~~(B)~~(2) The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary.
 - ~~(C)~~(3) The owner has made a good faith effort to sell or relocate the designated resource.
 - ~~(D)~~(4) No prudent and feasible alternative exists to rehabilitate and reuse the designated resource in its present location.
- (5) The applicant has demonstrated that the resource will be deconstructed and historic material will be salvaged at the time of demolition.
- ~~(3) Issuance of demolition permit. Unless an appeal is filed, or the Council initiates review, the demolition permit shall be issued upon the expiration of the 30-day notice period. If an appeal is filed, or review is initiated, the demolition permit shall be issued no sooner than 21 days from the date such appeal or review is final.~~

Sec. 230.095. - Demolition of historic accessory structure.

(a) Applicability. Prior to the issuance of a permit for the demolition of a historic accessory structure the owner must first obtain a historic accessory structure demolition approval pursuant to this section.

(b) Classes.

(1) Class 1 historic accessory structure demolition is the demolition of a historic accessory structure located at the rear of the property and not visible from the right-of-way.

(2) Class 2 historic accessory structure demolition is the demolition of a contributing historic accessory structure visible from the right-of-way.

(c) Procedure Type.

(1) Class 1 historic accessory structure demolition is processed as a Type I procedure under SRC Chapter 300.

(2) Class 2 historic accessory structure demolition is processed as a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1 or Class 2 historic accessory structure demolition shall include:

(1) Site plan. A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, property lines with dimensions, and orientation relative to north.

(B) The location, width, and names of all existing streets, alleys, flag lot accessways, and public accessways abutting the perimeter of the subject property.

(C) The location and distance to property lines of all existing primary and accessory structures and other improvements including fences, walls, driveways, off-street parking areas, off-street loading areas, vehicle turnaround areas.

(2) A summary of the estimated real market value of the structure, estimated costs to repair the accessory structure, any efforts to repair the structure and a statement regarding why repair is not feasible.

(3) A report from a structural engineer as to the soundness of the structure and the feasibility of repair.

(2) Criteria.

(1) An application for Class 1 historic accessory structure removal shall be granted if the accessory structure lacks structural integrity and would be cost prohibitive to repair on site.

(2) An application for Class 2 historic accessory structure removal shall be granted if the following criteria are met:

(A) The historic accessory structure is not individually significant nor comprised of distinctive stylistic features or examples of skilled craftsmanship that contribute significantly to the historic value of the primary historic structure on the site.

(B) The historic accessory structure lacks structural integrity and would be cost prohibitive to repair on site; and

(C) No feasible alternative exists to rehabilitate the historic accessory structure.

Sec. ~~230.095~~230.100. - Demolition by neglect.

(a) No owner of a historic contributing building or an individually listed resource shall maintain and keep such building or resource in a manner that promotes or allows deterioration, dilapidation and decay of any portion of the building or resource, or that would, if the building or resource is vacant, allow

open entry by unauthorized persons. Violation of this subsection is hereby declared to be a public nuisance which may be abated as provided in this section.

- (b) Criteria. An owner violates subsection (a) of this section, if the owner promotes or allows any of the following to occur to, or exist in, the historic contributing building or individually listed resource:
- (1) Faults, defects, or other conditions which render the building or resource structurally unsafe or not properly watertight including any condition which allows the building or resource to allow standing water.
 - (2) Deterioration of walls or support members due to damage caused by pests or animals, failure to paint, or otherwise maintain the building or resource.
 - (3) Failure to secure the building or resource and keep windows and doors secured in a manner that prevents the entry by unauthorized persons.
 - (4) Failure to maintain parts of the resource so they are securely attached and will not fall or injure persons or property.
 - (5) Deterioration to the foundation.
 - (6) Deterioration to floor supports such that they cannot carry imposed loads with safety.
 - (7) Deterioration to members of walls, or other vertical supports in such a manner to prevent splitting, leaning, listing, buckling, or becoming insufficient to carry imposed loads with safety.
 - (8) Deterioration of members of ceiling, roofs, ceiling and roof supports, or other horizontal members to the extent that they sag, split, or buckle.
 - (9) Deterioration of ceilings, roofs, or their supports, or other horizontal members such that they become insufficient to carry imposed loads with safety.
 - (10) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- (c) Abatement. When the code enforcement official has reasonable grounds to believe that a violation of this section has occurred or is occurring, the code enforcement official may initiate enforcement proceedings by issuing an enforcement order, as provided in SRC 20J.090. Enforcement proceedings, and appeals thereof, shall follow the procedures set forth in SRC 20J.090 through 20J.430.
- (d) Nothing in this section shall prevent the summary abatement of unsafe or dangerous condition of a historic resource that constitutes an imminent and serious threat to public safety.

Sec. ~~230.100~~230.105. - Preservation of archeological resources.

- (a) Archeological resources shall be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.961.
- (b) A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

Sec. ~~230.101~~230.110. - Enforcement.

In addition to any remedies set forth in this chapter, SRC 230.001—230.095 may be enforced through SRC 110.110.

Secs. ~~230.110~~230.115—230.190. - Reserved

New SRC Chapter SRC 231 (Historic Adaptive Reuse)

(Replaces the provisions of existing SRC 230.085 - Historic Resource Adaptive Reuse)

Sec. 231.001. - Purpose.

The purpose of this section is to allow the reuse of individually listed resources and historic-contributing buildings within historic districts in order to promote the preservation of these resources where the original use, or other allowed uses in the zone, are not otherwise feasible and a zone change would be inappropriate.

Sec. 231.005. - Historic resource adaptive reuse.

(a) Applicability.

(1) No historic resource shall be reused for a use not otherwise allowed in the zone without historic resource adaptive reuse approval as provided in this section.

(2) No use for which historic resource adaptive reuse approval has been granted shall be changed to another use that is not otherwise allowed in the zone without receiving a new historic resource adaptive reuse approval.

(b) Procedure Type. An application for historic resource adaptive reuse is processed as a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for historic resource adaptive reuse shall include:

(1) Documentation of economic hardship demonstrating the property is incapable of generating a reasonable economic return, including, but not limited to:

(A) The purchase price of the building or resource;

(B) Assessed value for the two years immediately preceding the application;

(C) Current fair market value of building or resource as determined by appraiser;

(D) Real estate taxes for the two years immediately preceding the application;

(E) The annual gross income generated from the building or resource for the last two years;

(F) The debt associated with the building or resource including a profit and loss statement for the two years immediately preceding the application; and

(G) Any expenditures associated with the building or structure during the two years immediately preceding the application.

(2) Documentation demonstrating good faith efforts of the property owner to sell, rent, or lease the building or resource, including, but not limited to:

(A) All real estate listings for the building or resource for the past two years, including prices asked/offers received; and

(B) All real rental listings for the building or resource for the past two years including rental prices and number of rental applications received.

(3) Site plan. A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, property lines with dimensions, and orientation relative to north;

(B) The location, width, and names of all existing streets, alleys, flag lot accessways, and public accessways abutting the perimeter of the subject property;

(C) The location and distance to property lines of all existing and proposed primary and accessory structures and other improvements including fences, walls, driveways, off-street parking areas, off-street loading areas, vehicle turnaround areas;

(D) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps;

(E) The location of all existing and proposed landscape areas on the site, with an indication of square footage and total percentage of site area;

(F) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;

(G) The location of all trees and vegetation required to be protected under SRC chapter 808; and

(H) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains.

(4) For any proposed recreational and cultural community services use, documentation describing how the proposed use will educate the community about the historical significance of the resource.

(d) *Criteria.* An application for historic resource adaptive reuse shall be granted if the following criteria are met:

(1) The building is a historic contributing building or an individually listed resource.

(2) The use of the historic resource for any other use allowed in the zone is not otherwise economically feasible, or the proposed use provides a benefit to the public by either:

(A) Providing public access to the building, structure, or site that would not otherwise be possible if the use were not allowed;

(B) Enhancing or better protecting the resource;

(C) Providing an educational benefit to the community directly related to the interpretation of the historical significance of the resource; or

(D) Providing a service that fulfills an identified need in the neighborhood.

(3) The proposed use will be compatible with and have minimal impact on the livability and general development character of adjacent properties.

(4) Any identified reasonably likely adverse impacts of the use on adjacent properties are minimized.

(5) The proposed use, and any related improvements to the site and any buildings or structures, will not adversely affect any character defining features of the resource.

(e) *Transfer of Historic Adaptive Reuse Approval.* Unless otherwise provided in the decision granting the historic adaptive reuse approval, historic adaptive reuse approval shall run with the land.

(f) *Historic Design Review.* Historic design review is required for any exterior alterations to a building or structure that has received historic resource adaptive reuse approval.

(g) *Uses permitted.* Historic contributing buildings and individually listed resources may be adaptively reused for any of the uses set forth in this subsection subject historic adaptive reuse approval.

(1) *Residential Historic Districts and Individually Listed Resources in Residential Zones.* The uses set forth in Table 231-1 are allowed subject to historic adaptive reuse approval within historic contributing buildings in residential historic districts or within individually listed resources in residential zones.

TABLE 231-1. USES WITHIN RESIDENTIAL HISTORIC DISTRICTS AND INDIVIDUALLY LISTED RESOURCES IN RESIDENTIAL ZONES

<u>Use</u>	<u>Status</u>		<u>Limitations & Qualifications</u>
	<u>Inside Historic District</u>	<u>Individually Listed Resource</u>	
<u>Household Living</u>			
<u>Single family</u>	<u>P</u>	<u>P</u>	
<u>Two family</u>	<u>P</u>	<u>P</u>	
<u>Three family</u>	<u>P</u>	<u>P</u>	
<u>Four family</u>	<u>P</u>	<u>P</u>	
<u>Group Living</u>			
<u>Room and board</u>	<u>P</u>	<u>P</u>	
<u>Retail Sales and Service</u>			
<u>Eating and drinking establishments</u>	<u>P</u>	<u>N/A</u>	<u>The following eating and drinking establishment activities, when located on a lot abutting the boundary of the historic district, an arterial street, and a more intensive zone outside the historic district:</u> <ul style="list-style-type: none"> ▪ <u>Coffee house.</u> ▪ <u>Tea house.</u>
	<u>N/A</u>	<u>P</u>	<u>The following eating and drinking establishment activities:</u> <ul style="list-style-type: none"> ▪ <u>Coffee house.</u> ▪ <u>Tea house.</u>
	<u>N</u>	<u>N</u>	<u>All other eating and drinking establishments.</u>
<u>Retail sales</u>	<u>P</u>	<u>N/A</u>	<u>The following retail sales activities, when located on a lot abutting the boundary of the historic district, an arterial street, and a more intensive zone outside the historic district:</u> <ul style="list-style-type: none"> ▪ <u>Book stores.</u> ▪ <u>Clothing, footwear, and apparel stores.</u> ▪ <u>Art gallery and framing shops.</u> ▪ <u>Used merchandise and consignment stores.</u>
	<u>N/A</u>	<u>P</u>	<u>The following retail sales activities:</u> <ul style="list-style-type: none"> ▪ <u>Book stores.</u> ▪ <u>Clothing, footwear, and apparel stores.</u> ▪ <u>Art gallery and framing shops.</u> ▪ <u>Used merchandise and consignment stores.</u>
	<u>N</u>	<u>N</u>	<u>All other retail sales.</u>
<u>Personal services</u>	<u>N</u>	<u>N</u>	<u>The following personal service activities:</u> <ul style="list-style-type: none"> ▪ <u>Laundromats.</u> ▪ <u>Laundry and dry-cleaning establishments.</u>

	<u>P</u>	<u>N/A</u>	<u>All other personal services, when located on a corner lot abutting an arterial or collector street; or when located on a lot abutting the boundary of the historic district, an arterial street, and a more intensive zone outside the historic district.</u>
	<u>N/A</u>	<u>P</u>	<u>All other personal services.</u>
<u>Business and Professional Services</u>			
<u>Office</u>	<u>P</u>	<u>N/A</u>	<u>When located on a corner lot abutting an arterial or collector street; or when located on a lot abutting the boundary of the historic district, an arterial street, and a more intensive zone outside the historic district.</u>
	<u>N/A</u>	<u>P</u>	
<u>Recreational and cultural community services</u>	<u>P</u>	<u>P</u>	<u>Recreational and cultural community services activities whose primary purpose is to provide an educational benefit to the community directly related to the interpretation of the historical significance of the resource.</u>
	<u>N</u>	<u>N</u>	<u>All other recreational and cultural community services.</u>
<u>Other</u>			
<u>The use for which the building or structure was originally constructed</u>	<u>P</u>	<u>P</u>	

(2) Non-Residential Historic Districts and Individually Listed Resources in Non-Residential Zones.
The uses set forth in Table 231-2 are allowed, subject to historic adaptive reuse approval, within historic contributing buildings in non-residential historic districts or within individually listed resources in non-residential zones.

<u>TABLE 231-2. USES WITHIN NON-RESIDENTIAL HISTORIC DISTRICTS AND INDIVIDUALLY LISTED RESOURCES IN NON-RESIDENTIAL ZONES</u>			
<u>Use</u>	<u>Status</u>		<u>Limitations & Qualifications</u>
	<u>Inside Historic District</u>	<u>Individually Listed Resource</u>	
<u>Lodging</u>			
<u>Short-term commercial lodging</u>	<u>P</u>	<u>P</u>	
<u>Retail Sales and Service</u>			
<u>Eating and drinking establishments</u>	<u>P</u>	<u>P</u>	

<u>Retail Sales</u>	<u>P</u>	<u>P</u>	<u>The following retail sales activities:</u> <ul style="list-style-type: none"> ▪ <u>Book stores.</u> ▪ <u>Clothing, footwear, and apparel stores.</u> ▪ <u>Art gallery and framing shops.</u> ▪ <u>Used merchandise and consignment stores.</u>
	<u>N</u>	<u>N</u>	<u>All other retail sales.</u>
<u>Business and Professional Services</u>			
<u>Office</u>	<u>P</u>	<u>P</u>	
<u>Recreation, Entertainment, and Cultural Services and Facilities</u>			
<u>Commercial Entertainment – Indoor</u>	<u>P</u>	<u>P</u>	
<u>Other</u>			
<u>The use for which the building or structure was originally constructed</u>	<u>P</u>	<u>P</u>	

Sec. 231.010. - Historic resource adaptive reuse expansion.

(a) Applicability. No use for which historic resource adaptive reuse approval has been granted shall be increased in size or extended into other areas of the site without receiving approval as provided in this section.

(b) Procedure Type. An application for historic resource adaptive reuse expansion is processed as a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for historic resource adaptive reuse expansion shall include:

(1) Site plan. A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (A) The total site area, property lines with dimensions, and orientation relative to north;
- (B) The location, width, and names of all existing streets, alleys, flag lot accessways, and public accessways abutting the perimeter of the subject property;
- (C) The location and distance to property lines of all existing and proposed primary and accessory structures and other improvements including fences, walls, driveways, off-street parking areas, off-street loading areas, vehicle turnaround areas;
- (D) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps;
- (E) The location of all existing and proposed landscape areas on the site, with an indication of square footage and total percentage of site area;
- (F) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- (G) The location of all trees and vegetation required to be protected under SRC chapter 808; and

(H) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains.

(d) Criteria. An application for historic resource adaptive reuse expansion shall be granted if the following criteria are met:

(1) The expanded use will be compatible with and have minimal impact on the livability and general development character of adjacent properties.

(2) Any reasonably likely adverse impacts on adjacent properties resulting from the expanded use are minimized.

(3) The expanded use, and any related improvements to the site and any buildings or structures, will not adversely affect any character defining features of the resource.

Amendments to SRC Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals)

Sec. 300.100. - Procedure types.

(a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

TABLE 300-1. LAND USE PROCEDURE TYPES			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.
Type IV	Quasi-Judicial	Land Use	Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

(c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the UDC, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate

procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

- (1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.
 - (2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.
 - (3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.
 - (4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the Council, which then makes the decision.
- (d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

TABLE 300-2. LAND USE APPLICATIONS BY PROCEDURE TYPE

		Application Pre-Submittal			Review Authority			
Application	Procedure Type	Pre-App. Required	N.A Contact	Open House	Decision	Appeal	Council Review	Applicable Code Chapter(s)
Adjustment								
Class 1 adjustment	II	N	N	N	PA	HO	N	SRC 250
Class 1 adjustment (modification)	II	N	N	N	PA	HO	N	SRC 250
Class 2 adjustment	II	N	N	N	PA	HO	Y ⁽¹⁾	SRC 250
Class 2 adjustment (modification)	II	N	N	N	PA	HO	Y ⁽¹⁾	SRC 250
Airport overlay zone height variance	I	N	N	N	PA	-	N	SRC 602
Comprehensive plan map amendment (minor)	III	Y	N	Y	PC	CC	Y	SRC 64
Conditional use	III	Y	Y	N	HO	PC	Y	SRC 240

Conditional use (modification)	II	N	N	N	PA	HO	Y	SRC 240
Design review								
Class 1 design review	I	Y	N	N	PA	-	N	SRC 225
Class 1 design review (modification)	I	N	N	N	PA	-	N	SRC 225
Class 2 design review	II	Y	N	N	PA	PC	N	SRC 225
Class 2 design review (modification)	II	N	N	N	PA	PC	N	SRC 225
Class 3 design review	III	Y	Y	N	PC	CC	Y	SRC 225
Class 3 design review (modification)	II	N	N	N	PA	PC	Y	SRC 225
Driveway approach permit								
Class 1 driveway approach permit	I	N	N	N	PWD	-	N	SRC 804
Class 2 driveway approach permit	II	N	N	N	PWD	HO	N	SRC 804
Extensions								
Class 1 Extension	I	N	N	N	PA	-	N	SRC 300
Class 2 Extension	II	N	N	N	PA	HO	Y	SRC 300
Fairview Mixed-Use Zone								
Fairview plan	III	Y	Y	Y	PC	CC	Y	SRC 530
Fairview plan amendment (minor)	II	Y	Y	N	PA	PC	Y	SRC 530
Fairview plan amendment (major)	III	Y	N	Y	PC	CC	Y	SRC 530

Refinement plan	III	Y	N	Y	PC	CC	Y	SRC 530
Refinement plan amendment (minor)	II	Y	Y	N	PA	PC	Y	SRC 530
Refinement plan amendment (major)	III	Y	N	Y	PC	CC	Y	SRC 530
Floodplain Overlay Zone								
Floodplain development permit	I	N	N	N	BO & PWD	-	N	SRC 601
Floodplain Overlay Zone Variance	III	N	N	N	HO	CC	Y	SRC 601
Historic Review								
Class 1 Minor minor historic design review	I	N	N	N	PA	HLC -	N	SRC 230
Class 2 minor historic design review	II	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HLC</u>	<u>N</u>	<u>SRC 230</u>
Class 3 Major major historic design review	III	N	N	N	HLC	HO	N	SRC 230
Class 3 Major major historic design review—new construction	III	N	N	N	HLC	HO	Y	SRC 230
Historic resource adaptive reuse	III	N	Y	N	HO	PC	Y	SRC 230 <u>231</u>
<u>Historic resource adaptive reuse expansion</u>	<u>III</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 231</u>
<u>Determination of historic</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>-</u>	<u>N</u>	<u>SRC 230</u>

resource relocation feasibility								
Historic resource relocation	III	N	N	N	HLC	CC	Y	SRC 230
Historic resource demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Class 1 historic accessory structure demolition	I	N	N	N	PA	-	N	SRC 230
Class 2 historic accessory structure demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Local historic resource designation	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
Class 1 local historic resource designation removal	I	N	N	N	PA	-	N	SRC 230
Class 2 local historic resource designation removal	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
Landslide hazard construction permit	I	N	N	N	PWD	HO	N	SRC 810
Manufactured dwelling park permit	II	Y	N	N	PA	HO	Y	SRC 235
Manufactured dwelling park permit (modification)	II	N	N	N	PA	HO	Y	SRC 235
Neighborhood center master plan								

Class 1 NCMP	III	Y	Y	N	PC	CC	Y	SRC 215
Class 2 NCMP	III	Y	Y	N	PC	CC	Y	SRC 215
Class 2 NCMP detailed plan (subsequent phases)	II	N	Y	N	PA	PC	Y	SRC 215
Class 3 NCMP (first subarea)	III	Y	Y	N	PC	CC	Y	SRC 215
Class 3 NCMP (subsequent subareas)	III	Y	Y	N	PC	CC	Y	SRC 215
NCMP amendment (minor)	II	N	Y	N	PA	PC	Y	SRC 215
NCMP amendment (major)	III	N	Y	N	PC	CC	Y	SRC 215
Neighborhood plan map amendment	III	Y	Y	N	PC	CC	Y	SRC 64
Nonconforming use extension, alteration, expansion, or substitution	III	Y	Y	N	HO	PC	Y	SRC 270
Partition								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Planned unit development								
Tentative plan	III	Y	Y	N	PC	CC	Y	SRC 210
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 210
Final plan	II	N	N	N	PA	-	N	SRC 210
Final plan (modification)	II	N	N	N	PA	-	N	SRC 210
Property line adjustment	I	N	N	N	PA	-	N	SRC 205

Property boundary verification	I	N	N	N	PA	-	N	SRC 205
Replat								
Tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Signs								
Sign permit	I	N	N	N	CDD	-	N	SRC 900
Sign adjustment	II	N	N	N	CDD	-	N	SRC 900
Sign conditional use permit	III	N	Y	N	HO	PC	Y	SRC 900
Sign variance	III	N	Y	N	HO	PC	Y	SRC 900
Site Plan Review								
Class 1 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 1 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 3 site plan review	II	N	Y	N	PA	HO	Y ⁽¹⁾	SRC 220
Class 3 site plan review (modification)	II	N	N	N	PA	HO	Y ⁽¹⁾	SRC 220
South Waterfront Mixed-Use Zone								
Development phasing plan	II	N	N	N	PA	HO	Y	SRC 531
Development phasing plan (modification)	II	N	N	N	PA	HO	Y	SRC 531

Subdivision								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Temporary Use Permit								
Class 1 temporary use permit	I	N	N	N	PA	-	N	SRC 701
Class 2 temporary use permit	II	N	N	N	PA	HO	N	SRC 701
Tree & vegetation removal								
Tree Conservation Plan	I	N	N	N	PA	HO	N	SRC 808
Tree conservation plan adjustment	I	N	N	N	PA	HO	N	SRC 808
Tree & vegetation removal permit	I	N	N	N	PA	-	N	SRC 808
Tree variance	II	N	N	N	PA	HO	Y	SRC 808

Urban growth management								
Urban service area amendment	IV	N	N	N	CC	-	N	SRC 200
Urban Growth Preliminary Declaration	II	N	N	N	PA	CC	Y	SRC 200
Urban Growth Preliminary Declaration (Amendment)	II	N	N	N	PA	CC	Y	SRC 200
Validation of unit of land	II	Y	N	N	PA	HO	Y	SRC 205
Variance	III	Y	Y	N	HO	PC	Y	SRC 245
Variance (modification)	III	N	N	N	HO	PC	Y	SRC 245
Willamette Greenway								
Class 1 greenway development permit	II	N	Y	N	PA	HO	Y	SRC 600
Class 2 greenway development permit	III	Y	Y	N	HO	PC	Y	SRC 600
Wireless communication facilities								
Temporary siting permit	I	N	N	N	PA	-	N	SRC 703
Class 1 siting permit	I	N	N	N	PA	-	N	SRC 703
Class 2 siting permit	II	N	N	N	PA	HO	Y	SRC 703
Class 3 siting permit	III	Y	N	N	HO	PC	Y	SRC 703
Wireless communication facilities adjustment	II	Y	N	N	PA	HO	Y	SRC 703
Zone change (quasi-judicial)	III	Y	Y	N	HO	CC	Y	SRC 265

Limitations and Qualifications

(1) Decision eligible for City Council Review only upon receipt of an appeal. See SRC 300.520(f)(3)(A).

LEGEND

PA - Planning Administrator; **BO** - Building Official; **CDD** - Community Development Director; **PWD** - Public Works Director; **HO** - Hearings Officer; **HLC** - Historic Landmarks Commission; **PC** - Planning Commission; **CC** - City Council

Sec. 300.420. - Type I procedure.

(a) *Application requirements.*

- (1) *Application form.* Type I applications shall be made on forms provided by the Planning Administrator.
- (2) *Submittal requirements.* Type I applications shall include the information required under SRC 300.210.

(b) *Public notice and comment period.* Public notice and opportunity for comment is not provided for Type I applications.

(c) *Decision.* The Review Authority shall approve or deny the application according to the applicable standards and criteria. The decision shall be a written order.

(d) *Notice of decision.*

~~(1) Except as provided under subsection (d)(2) of this section, n~~Notice of the decision for Type I applications shall be mailed to the applicant.

~~(2) Notice of the decision on a minor historic design review application shall be mailed to:~~

- ~~(A) The applicant;~~
- ~~(B) The owner of the subject property;~~
- ~~(C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property; and~~
- ~~(D) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property.~~

(e) *Appeal and review.*

(1) Except as otherwise provided in this subsection, the decision of the Review Authority on a Type I application shall be the final decision of the City, may not be appealed, and is not subject to Council review under SRC 300.1050.

~~(A) The decision on a minor historic design review application may be appealed, pursuant to SRC 300.1010. Only the applicant, the owner of the subject property, or any person entitled to notice of the decision have standing to appeal the decision on a minor historic design review application. The decision of the Review Authority on appeal of a minor historic design review application shall be the final decision of the City.~~

~~(B)~~(A) The decision on a tree conservation plan may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a tree conservation plan. The decision of the Review Authority on appeal shall be the final decision of the City.

~~(C)~~(B) The decision on a tree conservation plan adjustment may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to

appeal the decision on a tree conservation plan adjustment. The decision of the Review Authority on appeal shall be the final decision of the City.

~~(D)~~(C) The decision on a landslide hazard construction permit may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a landslide hazard construction permit. The decision of the Review Authority on appeal shall be the final decision of the City.

(2) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

(f) *Expiration.* Approval of a Type I application does not expire, unless otherwise provided under SRC 300.850(a) or another provision of the UDC.

Sec. 300.520. - Type II procedure.

(a) *Application requirements.*

(1) *Application form.* Type II applications shall be made on forms provided by the Planning Administrator.

(2) *Submittal requirements.* Type II applications shall include the information required under SRC 300.210.

(b) *Public notice and comment.* Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for subdivisions, Class 2 wireless communications facilities siting, manufactured dwelling park permits, and Class 1 greenway development permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) *Mailed notice.* Mailed notice shall be provided as follows:

(A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.

(B) Notice of the application shall be mailed to:

(i) The applicant(s) and/or the applicant's authorized representative(s);

(ii) The owner(s) or contract purchaser(s) of record of the subject property;

(iii) The address of the subject property, based on the City's current addressing records;

(iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;

(v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

(vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;

(vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property.

(viii) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and

(ix) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

(C) Mailed notice shall include:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - (ii) The type of application and a concise description of the nature of the land use action;
 - (iii) The proposed site plan;
 - (iv) The street address, or other easily understood geographical reference, for the subject property;
 - (v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
 - (vi) A list of the approval criteria by name and code section;
 - (vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;
 - (viii) A brief summary of the decision making process for the application;
 - (ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;
 - (x) A statement that comments received after the close of the public comment period will not be considered;
 - (xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;
 - (xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and
 - (xiii) The name and contact information for the staff case manager.
- (2) *Posted notice.* Posted notice shall be provided, when required, as follows:
- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file.
 - (B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
 - (C) Posted notice shall be provided on signs as prescribed by the Planning Administrator.
 - (D) The applicant shall remove the signs from the subject property within seven days after the date the decision is issued.
- (c) *Application review.* The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.
- (d) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria.

The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.

(e) *Notice of decision.* Notice of the decision shall be mailed within five days after the decision is signed. An affidavit of mailing shall be prepared and made part of the file.

(1) Notice of the decision shall be mailed to:

- (A) The applicant(s) and/or authorized representative(s);
- (B) The owner(s) or contract purchaser(s) of record of the subject property;
- (C) The address of the subject property, based on the City's current addressing records;
- (D) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
- (E) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (F) Any group or individual who submitted written comments during the comment period;
- (G) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
- (H) Addresses, based on the City's current addressing records, within 250 feet of the subject property.
- (I) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and
- (J) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.

(2) Notice of the decision shall include:

- (A) A brief description of the application;
- (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
- (C) A brief summary of the decision, and conditions of approval, if any;
- (D) A statement of the facts relied upon;
- (E) The date the Review Authority's decision becomes effective, unless appealed;
- (F) The date and time by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
- (G) A statement that all persons entitled to notice of the decision may appeal the decision; and
- (H) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

- (f) *Appeal and review.*
- (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the Council pursuant to SRC 300.1050, the decision of the Review Authority on a Type II application shall be the final decision of the City.
 - (2) Only the applicant, persons who provided comments during the public comment period, and persons entitled to notice of the decision have standing to appeal the decision.
 - (3) The Review Authorities for appeals are identified under Table 300-2. Except as otherwise provided in subsections (f)(3)(A) and (B) of this section, the decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.
 - (A) Upon receipt of an appeal of a decision on a Class 3 site plan review, modification of a Class 3 Site Plan Review, Class 2 adjustment, or modification of a Class 2 Adjustment, notice of the appeal shall be provided to the Council at its next regular meeting. The Council may, pursuant to SRC 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the Council does not assume jurisdiction, then the decision of the Review Authority on the appeal is the final decision of the City.
 - (B) The decision on a Class 1 adjustment, modification of a Class 1 adjustment, Class 2 design review, modification of a Class 2 design review, Class 2 driveway approach permit, Class 2 minor historic design review, Class 2 temporary use permit, PUD final plan, modification of a PUD final plan, or sign adjustment is not subject to Council review. The decision of the Review Authority is the final decision of the City.
 - (4) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (g) *Expiration of approval.* Approval of a Type II application expires automatically as provided by SRC 300.850(a).

Sec. 300.620. - Type III procedure.

- (a) *Application requirements.*
- (1) *Application form.* Type III applications shall be made on forms provided by the Planning Administrator.
 - (2) *Submittal requirements.* Type III applications shall include the information required under SRC 300.210.
- (b) *Public notice.* Public notice is required for Type III applications. Public notice shall be by first class mail and by posting on the subject property.
- (1) *Oregon Department of Land Conservation and Development notice.* Notice to the Oregon Department of Land Conservation and Development is required for certain Type III applications, pursuant to ORS 197.610. Notice to the Oregon Department of Land Conservation and Development shall be provided as follows:
 - (A) The City shall provide notice of the application to the Oregon Department of Land Conservation and Development no later than the minimum number of days required by ORS ch. 197. An affidavit of mailing shall be prepared and made part of the file.
 - (B) Notice to the Oregon Department of Land Conservation and Development shall be made on forms provided by the Oregon Department of Land Conservation and Development. Notice shall be accompanied by information of sufficient detail to convey the nature and effect of the application, and a certificate of mailing.
 - (2) *Mailed notice.* Mailed notice shall be provided as follows:
 - (A) The City shall mail notice of the public hearing not less than 20 days prior to the public hearing. An affidavit of mailing shall be prepared and made part of the file.

- (B) Notice of public hearing shall be mailed to:
- (i) The applicant(s) and/or authorized representative(s);
 - (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) The address of the subject property, based on the City's current addressing records;
 - (iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
 - (v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property;
 - (viii) Any governmental agency entitled to notice by law or under an intergovernmental agreement with the City;
 - (ix) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
 - (x) The tenants of a manufactured home or mobile home park, for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park; and
 - (xi) All property owners within the historic district, for Class 3 major historic design review, ~~applications within a historic district and~~ historic resource demolition, Class 2 historic accessory structure demolition, and historic resource relocation applications within a historic district.
- (C) Mailed notice shall include:
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - (ii) The type of application and a concise description of the nature of the request;
 - (iii) The proposed site plan, if any;
 - (iv) The street address or other easily understood geographical reference to the subject property;
 - (v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
 - (vi) A list of the applicable criteria by name and code section;
 - (vii) The date, time, and place of the public hearing;
 - (viii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;
 - (ix) A brief summary of the decision making process for the application;
 - (x) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

- (xi) A statement that all interested persons may appear either in person or with representation by an attorney and provide testimony; and that only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision;
 - (xii) A statement that failure to raise an issue prior to the close of the public hearing, in person or in writing, or failure to provide statements or evidence with sufficient specificity to afford the applicant and Review Authority to respond to the issue precludes an appeal to the Oregon Land Use Board of Appeals on that issue;
 - (xiii) A statement that a copy of the staff report with recommendation to the Review Authority will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at a reasonable cost;
 - (xiv) A statement that after the close of the public hearing a decision shall be made that will be mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision; and
 - (xv) The name and contact information for the staff case manager.
- (3) *Posted notice.* Posted notice shall be provided as follows:
- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. The notice shall remain in place through the day of the public hearing. The applicant shall file an affidavit of posting with the City no later than five days after the date of the original posting. The affidavit shall be made a part of the file.
 - (B) Notice shall be posted on each street frontage of the subject property in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
 - (C) Posted notice shall be provided on signs as prescribed by the Planning Administrator.
 - (D) The applicant shall remove the signs from the subject property within seven days after the close of the public hearing.
- (c) *Application review and staff report.* Staff shall review the application, written comments, and evidence submitted prior to the public hearing and prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and making a recommendation to the Review Authority. The staff report shall be made available to the public for review a minimum of seven days prior to the hearing.
- (d) *Public hearing.* A public hearing shall be held before the Review Authority for the purpose of receiving evidence and testimony regarding the application. The hearing shall be conducted in accordance with the public hearing procedures established under SRC 300.900. The Review Authority shall consider in its review the application, all evidence and testimony submitted for the record, and the recommendation of staff.
- (e) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision shall be a written order and include:
- (1) A list of the approval criteria by section number;
 - (2) A statement of facts upon which the Review Authority relied to find the application does or does not comply with each approval criterion and to justify any conditions of approval. The Review Authority may direct the party whose position is adopted to prepare the statement of facts, and may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the order;
 - (3) A statement of conclusions based on the statement of facts; and

- (4) An order approving, approving with conditions, or denying the application.
- (f) *Notice of decision.* Notice of the decision shall be mailed within seven days from the date the Review Authority adopts the written order. An affidavit of mailing shall be prepared and made part of the file.
 - (1) Notice of decision shall be mailed to:
 - (A) The applicant(s) and/or authorized representative(s);
 - (B) The owner(s) or contract purchaser(s) of record of the subject property;
 - (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (D) Any group or individual who submitted testimony for the record prior to the close of the public hearing;
 - (E) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency that submitted testimony prior to the close of the public hearing;
 - (F) Any community organizations, agencies, or individuals who submitted written requests for notice of the decision to the City; and
 - (G) The Oregon Department of Land Conservation and Development, for decisions which required notice to the Oregon Department of Land Conservation and Development.
 - (2) Notice of decision shall include:
 - (A) A brief description of the application;
 - (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
 - (C) A brief summary of the decision, and conditions of approval, if any;
 - (D) A statement of the facts relied upon;
 - (E) The date the Review Authority's decision becomes effective, unless appealed;
 - (F) The date, time, and place by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
 - (G) A statement that all persons who presented evidence or testimony as part of the hearing may appeal the decision; and
 - (H) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.
- (g) *Appeal and review.*
 - (1) Unless appealed pursuant to SRC 300.1010 or review is initiated by the Council pursuant to SRC 300.1050, the decision of the Review Authority on a Type III application shall be the final decision of the City.
 - (2) Only the applicant and persons who provided evidence or testimony prior to the close of the public hearing have standing to appeal a Type III application.
 - (3) The Review Authorities for appeals are identified under Table 300-2. Except as otherwise provided in subsection (g)(4) of this section, the decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.

- (4) Except for new construction, as defined under SRC chapter 230, the decision on a Class 3 Major-major Historic-historic Design-design Review-review application is not subject to Council review. The decision on a Class 3 Major-major Historic-historic Design-design review application for new construction, as defined under SRC chapter 230, shall be subject to Council review.
- (5) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (h) *Expiration of approval.* Approval of a Type III application expires automatically as provided under SRC 300.850(a).