

Draft Regulation Amendments - Potential Historic District 5/31/2016

The following amendments to the Land Development Code are proposed to address projects within a Potential Historic District.

§143.0210 When Historical Resources Regulations Apply

- (a) This division applies to proposed *development* when the following *historical resources* are present on the site, whether or not a Neighborhood Development Permit or Site Development Permit is required;
- (1) *designated historical resources*;
 - (2) *historical buildings*;
 - (3) *historical districts*;
 - (4) *historical landscapes*;
 - (5) *historical objects*;
 - (6) *historical structures*;
 - (7) *important archaeological sites*; ~~and~~
 - (8) properties identified as potential contributing resources to a potential *historical district* as specified in a *land use plan* as set forth in Section 143.0255; and
 - ~~(8)~~(9) *traditional cultural properties*.
- (b) Where any portion of a *premises* contains *historical resources*, this division shall apply to the entire *premises*.
- (c) through (d) [No change]
- (e) A Neighborhood Development Permit or Site Development Permit is required for the following types of *development* proposals that do not qualify for an exemption in accordance with Section 143.0220:
- (1) Neighborhood Development Permit in accordance with Process Two.
 - (A) *Single dwelling unit residential development on a single dwelling unit lot of any size when a traditional cultural property or important archaeological site is present.*
 - (B) Development in accordance with Section 143.0255(c).
 - (2) through (4) and Table 143-02A [No change]

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§143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

(a) through (j) [No change]

(k) Development on a premises identified as a potential contributing resource to a potential historical district that complies with Section 143.0255(b). Such development will not be required to obtain a construction permit if the work proposed is limited to those activities identified in Section 129.0203(a).

§143.0255 Development Regulations for Potential Contributing Resources to a Potential Historical District Identified in a Land Use Plan

The following regulations apply to development on a premises within a potential historical district as specified in a land use plan when the premises has been identified as a potential contributing resource to the potential historical district. These regulations shall not apply to designated historic resources or to historical resources identified in accordance with Section 143.0212.

(a) Section 143.0255 applies only to single dwelling unit or multiple dwelling unit development.

(b) Once determined by historical resources staff to be a potential contributing resource, proposed development may be approved in accordance with a Process One construction permit where it complies with the following:

(1) Proposed development is limited to the rear third of the original building footprint; and/or

(2) The proposed development does not modify the front two-thirds of the original building footprint, with the exception of the following activities:

(A) Maintenance or repair of existing historic materials consistent with the U.S. Secretary of the Interior's Standards; or

(B) Restoration of the structure to its historic appearance consistent with the U.S. Secretary of the Interior's Standards based on photo documentation or the written opinion of a Historic Preservation Architect. The project plans shall include information demonstrating how the modification will

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result in the restoration of the *structure*, and a copy of the supporting photo documentation or written opinion shall be included with the application.

- (c) Proposed *development* on the *premises* of a potential contributing resource that does not meet the criteria for Process One approval in accordance with Section 143.0255(b) is subject to approval of a Neighborhood Development Permit decided in accordance with Process Two. The Neighborhood Development Permit may only be approved if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *finding* in Section 126.0404(f).

§126.0402 When a Neighborhood Development Permit Is Required

(a) through (o) [No change in text.]

- (p) A Neighborhood Development Permit is required in accordance with Section 143.0255(c) for *development* on a *premises* within a potential *historical district* as specified in a *land use plan*.

§126.0404 Findings for Neighborhood Development Permit Approval

(a) through (e) [No change]

- (f) Supplemental Finding – Potential Historical District

A Neighborhood Development Permit requested for *development* on a *premises* within a potential *historical district* as specified in a *land use plan* in accordance with Section 126.0402(p) may be approved or conditionally approved only if the decision maker makes the following supplemental *finding* in addition to the *findings* in Section 126.0404(a):

Reasonably feasible measures to protect and preserve the integrity of the potential *historical district* have been provided by the *applicant* and the proposed project will not result in a substantial loss of integrity within the potential *historic district*, which would render it ineligible for historic designation.