



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

01/03/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 014-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, January 18, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kimberli Fitzgerald, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

DEC 27 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Salem**

Local file number: **CA 10-07**

Date of Adoption: **12/13/2010**

Date Mailed: **12/23/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/22/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to Salem Revised Code relating to Historic Preservation; Creating SRC Chapter 230; amending SRC 145.040, 146.040, 148.190, 148.340, 149.040, 150.040, 300.100, 300.420, 300.620, 300.720, 300.860, and 300.1040; and Repealing SRC 120A.010 through SRC 120A.140, SRC 118.300 through 118.330, Table 120A-1, and Section 5 "Historic Resources Design Guidelines and Standards" of the *Development Design Handbook*.

Does the Adoption differ from proposal? Please select one

Yes.

The adopted SRC Chapter 230 combines the existing regulations that encourage adaptive reuse through the allowance of additional specific uses in the given zone. A new subsection (h) under SRC 230.085 identifies those additional uses allowed in a historic structure subject to adaptive reuse. Additionally, the adopted SRC Chapter 230 establishes an application type for adaptive reuse in the format that will be used in the Uniform Development Code.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 014-10 (18579) [16474]

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Kimberli Fitzgerald, Planner III**

Phone: (503) 588-6173 Extension: 7597

Address: 555 Liberty St SE, Rm 305

Fax Number: 503-588-6005

City: Salem

Zip: 97301-

E-mail Address: kfitzgerald@cityofsalem.net ^{KF}

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(4) Primary façade means that part of a historic resource where the main entry is located. On a corner lot each wall fronting the street shall be considered a primary façade.

(5) 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 fifty-one 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 City Council have the opportunity to comment and make recommendations on the nomination prior to review by SACHP.

(6) Historic contributing building means a building or structure in 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.

(7) Historic non-contributing building means a building or structure 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.

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

(9) Historic resource means a historic contributing building, individually listed resource, a site or an object that is an individually listed resource or designated as

1 a historic-contributing site or an object in a historic district.

2 (10) Individually listed resource means a building, structure, site, or object listed
3 individually on the National Register of Historic Places or designated as a local
4 historic resource by the City Council.

5 (11) Local historic resource means a building, structure, site, or object designated
6 as a local historic resource pursuant to this Chapter.

7 (12) Non-contributing building means a historic non-contributing building or a
8 non-historic non-contributing building.

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

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

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

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

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

27 (18) Preservation means the act or process of applying measures necessary to
28 sustain the existing form, integrity, and materials of a historic resource. Work,
29 including preliminary measures to protect and stabilize the resource, generally
30 focuses on the ongoing maintenance and repair of historic materials and features

1 rather than extensive replacement and new construction. New exterior additions
2 are not considered preservation; however, the limited and sensitive upgrading of
3 mechanical, electrical, and plumbing systems and other code-required work to
4 make properties functional is appropriate within a preservation project.

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

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

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

20 (22) Site means the location of a significant event, a prehistoric or historic
21 occupation or activity, or a building or structure, whether standing, ruined, or
22 vanished, where the location itself maintains historical or archaeological value
23 regardless of the value of any existing structure.

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

27 (24) Visible means the resource, or a portion of the resource can be seen from the
28 public right of way. For example, typically the primary façade of a historic
29 resource can be seen from the public right of way.

30 (b) **Supplemental Standards and Guidelines for Historic Design Review.** In the

1 event the standards and guidelines contained in this Chapter fail to provide
2 regulations for a specific type of historic resource, the rules of the decision will be the
3 Secretary of the Interior's Standards for Rehabilitation and Guidelines for
4 Rehabilitating Historic Buildings, published by the U.S. Department of the Interior,
5 National Park Service.

6 **(c) Authority to Promulgate Guidelines.** The Director may, upon consultation with
7 the Historic Landmarks Commission, promulgate illustrative guidelines to provide
8 general guidance to interested persons on the application of the standards in this
9 Chapter.

10 **230.010. Designation of Local Historic Resources.**

11 **(a) Applicability.** Buildings, structures, sites, or objects may be designated as local
12 historic resources as provided in this section.

13 **(b) Procedure Type.** Designation of a local historic resource is processed as a Type
14 IV procedure under SRC Chapter 300.

15 **(c) Standing to Request Designation.**

16 (1) Local historic resource designation may be initiated by the following:

17 (A) The City Council;

18 (B) The Historic Landmarks Commission; or

19 (C) The owner of the proposed resource.

20 (2) Any person may file a request with the City Council or the Historic
21 Landmarks Commission for initiation of the designation of a local historic
22 resource, provided the proposed resource is not the subject of a pending
23 application for alteration or demolition.

24 **(d) Additional Submittal Requirements.** In addition to the submittal requirements
25 for a Type IV application under SRC Chapter 300, an application for local historic
26 resource designation shall include:

27 (1) Narrative description of the proposed resource including:

28 (A) Significant features of the site to be covered by the designation; and

29 (B) Significant people and events connected with the proposed resource.

30 (2) Site plan;

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- (3) Current photographs of all elevations of the building or structure and any significant feature;
- (4) Copies of any historical photographs, plans, or maps; and
- (5) Any other documentation demonstrating the significance of the proposed resource.

(e) **Criteria.** An application for the designation of a local historic resource shall be granted if the following criteria are met:

(1) **Age.** The proposed historic resource is at least fifty years old, or demonstrates exceptional significance if less than fifty years of age.

(2) **Significance.** The proposed historic resource demonstrates significance in at least one of the following areas:

(A) **Cultural Significance.** The proposed historic resource:

- (i) Contributes to the character and historic identity of the neighborhood or city; or
- (ii) Makes a contribution to the historic character of a historic resource, neighborhood, district, or the city as a whole.

(B) **Human Significance.** The proposed historic resource:

- (i) Is associated historically with the life or activities of a person, group, organization or institution that has made a significant contribution to the local community; or
- (ii) Is associated with events that have made a significant contribution to the broad patterns of local history; or
- (iii) Has yielded, or may be likely to yield, important information concerning prehistory or history.

(C) **Architectural Significance.** The proposed historic resource:

- (i) Is significant as an example of a particular architectural style, building type, structural type, or method of construction; or
- (ii) Is the work of an acknowledged master or architect, or possesses high artistic values.

(3) **Integrity.** The proposed historic resource retains sufficient original design

1 characteristics, craft work, or material to serve as an example of an architectural
2 period, significant building type or structural type, or recognized architectural
3 style.

4 (f) **Owner Consent.** A property owner may refuse to consent to local historic
5 resource designation at any point during the designation process. A refusal to consent
6 shall remove the property from consideration for local historic resource designation.
7 No permit for the demolition or modification of property removed from consideration
8 for local historic resource designation shall be issued for one hundred and twenty
9 days following the date of the property owner's refusal to consent to local historic
10 resource designation.

11 **230.015. Removal of Local Historic Resource Designation.**

12 (a) **Applicability.** Buildings, structures, sites, or objects may have local historic
13 resource designation removed, as provided in this section.

14 (b) **Classes.**

15 (1) "Class 1" historic resource designation removal is the removal of a local
16 historic resource designation applied prior to September 9, 1995.

17 (2) "Class 2" historic resource designation removal is the removal of a local
18 historic resource designation applied subsequent to September 9, 1995.

19 (c) **Procedure Type.**

20 (1) Class 1 historic resource designation removal is processed as a Type I
21 procedure under SRC Chapter 300.

22 (2) Class 2 historic resource designation removal is processed as a Type IV
23 procedure under SRC Chapter 300.

24 (d) **Standing to Initiate Removal.**

25 (1) Removal of local historic resource designation may be initiated by the
26 following:

27 (A) The City Council;

28 (B) The Historic Landmarks Commission; or

29 (C) The owner of the local historic resource.

30 (e) **Submittal Requirements.** In addition to the submittal requirements for a Type I

1 application under SRC Chapter 300, an application for removal of local historic
2 resource designation shall include:

3 (1) Narrative description of the resource proposed for delisting including:

4 (A) Significant features of the site covered by the designation; and

5 (B) An evaluation of the current integrity of the resource including an
6 assessment of the amount of remaining original design characteristics, craft
7 work and material.

8 (2) Site plan;

9 (3) Current photographs of all elevations of the building or structure and any
10 significant feature;

11 (4) Documentation demonstrating that the owner objected to the original
12 designation if applicable;

13 (5) Any other documentation demonstrating that the resource proposed for
14 delisting no longer meets the requirements of SRC 230.010 (d).

15 (f) **Criteria.** An application for removal of local historic resource designation shall
16 be granted if the following criteria are met:

17 (1) For a Class 2 historic resource designation removal, the property no longer
18 meets the criteria for local historic resource designation under SRC 230.010 (d).

19 (2) For a Class 1 historic resource designation removal:

20 (A) The local historic resource designation that was imposed on the property
21 by the City over the owner's objections; or

22 (B) The property no longer meets the criteria for local historic resource
23 designation under SRC 230.010 (d).

24 **230.020. Historic Design Review.**

25 (a) **Applicability.** No exterior portion of a historic resource, non-contributing
26 building, or new construction in a historic district shall be erected, altered, restored,
27 moved or demolished until historic review approval has been granted, as provided in
28 this section.

29 (1) Historic design review is required for the following:

30 (A) Remodeling or repair that would change, in any manner, the exterior of a

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historic resource or a building or structure in a historic district, but excluding painting.

(B) Moving a historic resource, or moving a building or structure into or out of a historic district.

(C) Construction of a new building in a historic district.

(D) Alteration of, or addition to, a historic resource, or to a non-contributing building in a historic district.

(E) Construction of new walks, fences, parking facilities, and other features on the site of a historic resource, when adjacent to or within view of public right-of-way.

(F) Demolition of a historic resource.

(G) Streetscape improvements in historic districts.

(2) Historic design review is not required for the following:

(A) Ordinary maintenance or repair of any exterior architectural feature of a historic resource or non-contributing building in a historic district to correct deterioration, decay, or damage, or to sustain 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 historic resource or a non-contributing building in a historic district.

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

(3) Buildings Partially Within and Partially Without Historic Districts.

Where addition or alteration to the exterior of a historic contributing resource or non-contributing building in a historic district, or construction of a new building in a historic district, will occur partially inside and partially outside of the district

1 boundaries, historic design review is required for that portion of the building that
2 is within the district and, if the majority of the area of the building is inside the
3 historic district, for that portion of the building that is not within the historic
4 district.

5 **(4) Relationship to Other Land Use Reviews.** Projects that require historic
6 design review may also require other land use reviews. If other land use reviews
7 are requirements for development, such reviews shall be held prior to or
8 concurrently with historic design review.

9 **(b) Objectives.** The standards in this chapter shall be construed to do the following:

10 **(1) Historic Contributing Buildings and Individually Listed Resources.**

11 Historic contributing buildings and individually listed resources are valuable
12 community resources that contribute immeasurably to the City's identity, history,
13 unique sense of place, and quality of life. Preserving these buildings and
14 resources involves careful planning, conscientious maintenance and repair,
15 knowledgeable and informed restoration, and sensitive rehabilitation that
16 accommodates modern business and residential lifestyles. The standards set forth
17 in this Chapter for historic contributing buildings and individually listed resources
18 are intended to preserve and enhance the buildings, resources and districts
19 generally, while allowing for adaptive reuse through sensitive rehabilitation of
20 these buildings and resources.

21 **(2) Non-Contributing Buildings.** Some buildings and structures in a historic
22 district are non-contributing. These buildings and structures typically do not
23 contribute to the district's historic significance because they either date from
24 outside the district's period of significance or their historic significance has been
25 materially impaired by additions and alterations. The standards set forth in this
26 Chapter for non-contributing buildings and structures do not require restoration to
27 their original appearance or require imitation of the appearance of a historic
28 contributing building or structure; rather, the objectives are two-fold. First, the
29 objective for historic non-contributing is to return, when feasible, these buildings
30 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. Historic design review is either “Minor” or “Major.” Table 230-1 sets forth the activities that are Minor and Major Historic Design Review.

Notwithstanding Table 230-1, 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 and SRC 230.040; or for non-contributing buildings and structures the standards set forth in SRC 230.030 and SRC 230.045 of this section requires Major Historic Design Review.

TABLE 230-1

HISTORIC DESIGN REVIEW BY REVIEW CLASS

Table 230-1: Historic Design Review by Review Class

Activity Proposed	Review Class					
	Historic Contributing			Non-Contributing		
	Visible	Not Visible	Applicable Code Section	Visible	Not Visible	Applicable Code Section
Residential Historic Districts						
Alterations and Additions	Major	Minor	230.025(g)	Major	Minor	230.030(g)
Deck Replacement and Additions	Major	Minor	230.025 (h)	Minor	N/A	230.030 (h)
Door Replacement	Major	Minor	230.065 230.025 (c)	Minor	N/A	230.070 230.030 (c)
Door Replacement (<i>In-Kind</i>)	Minor	Minor	230.025 (c)	Minor	N/A	230.030 (c)

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Table 230-1: Historic Design Review by Review Class

Activity Proposed	Review Class					
	Historic Contributing			Non-Contributing		
	<i>Visible</i>	<i>Not Visible</i>	<i>Applicable Code Section</i>	<i>Visible</i>	<i>Not Visible</i>	<i>Applicable Code Section</i>
Fences	Major	Minor	230.025 (j)	Minor	N/A	230.030 (j)
New Accessory Structures	Major	Minor	230.025 (i)	Major	Minor	230.030 (i)
Porch Replacement	Major	Minor	230.065 230.025 (d)	Minor	N/A	230.070 230.030 (d)
Porch Replacement (<i>In-Kind</i>)	Minor	Minor	230.025 (d)	Minor	N/A	230.030 (d)
Restoration of Missing Features	Major	Minor	230.025 (f)	Minor	N/A	230.030 (f)
Retaining Walls	Major	Minor	230.025 (k)	Minor	N/A	230.030 (k)
Roof Replacement	Minor	Minor	230.065 230.025 (e)	Minor	N/A	230.070 230.030 (e)
Roof Replacement (<i>In-Kind</i>)	N/A	N/A	230.025 (e)	N/A	N/A	230.030 (e)
Siding, Exterior Trim and Minor Architectural Features Replacement	Major	Minor	230.065 230.025 (a)	Minor	N/A	230.070 230.030 (a)
Siding, Exterior Trim and Minor Architectural Features Replacement (<i>In-Kind</i>)	Minor	Minor	230.025 (a)	Minor	N/A	230.030 (a)
Site Features Replacement	Major	Minor	230.065 230.025 (l)	Minor	N/A	230.070 230.030 (l)
Site Features Replacement (<i>In-Kind</i>)	Minor	Minor	230.025 (l)	Minor	N/A	230.030 (l)
Streetscape	Minor	-----	230.075	Minor	-----	230.075
Window Replacement	Major	Minor	230.065 230.025 (b)	Minor	N/A	230.070 230.030 (b)
Window Replacement (<i>In-Kind</i>)	Minor	Minor	230.025 (b)	Minor	N/A	230.030 (b)
Commercial Historic Districts						
Accessibility Alterations and Additions	Major	Minor	230.040 (h)	Minor	N/A	230.045 (h)
Alterations and Additions	Major	Minor	230.040 (f)	Major	Minor	230.045 (g)

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Table 230-1: Historic Design Review by Review Class

Activity Proposed	Review Class					
	Historic Contributing			Non-Contributing		
	Visible	Not Visible	Applicable Code Section	Visible	Not Visible	Applicable Code Section
Awnings and Canopies Replacement or Installation	Major	Minor	230.040 (k)	Minor	Minor	230.045 (k)
Awnings and Canopies Replacement or Installation (<i>In-Kind</i>)	Minor	Minor	230.040 (k)	Minor	N/A	230.045 (k)
Door Replacement	Major	Minor	230.065 230.040 (c)	Minor	N/A	230.070 230.045 (c)
Door Replacement (<i>In-Kind</i>)	Minor	Minor	230.040 (c)	Minor	N/A	230.045 (c)
Energy	Major	Minor		Minor	N/A	
Lintels, Architraves, Sills, and other Architectural Details Replacement	Major	Minor	230.065 230.040 (g)	Minor	N/A	230.070 230.045 (f)
Lintels, Architraves, Sills, and other Architectural Details Replacement (<i>In-Kind</i>)	Minor	Minor	230.040 (f)	Minor	N/A	230.045 (g)
Masonry, Siding, and Exterior Trim Replacement	Major	Minor	230.065 230.040 (a)	Minor	N/A	230.070 230.045 (a)
Masonry, Siding, and Exterior Trim Replacement (<i>In-Kind</i>)	Minor	Minor	230.040 (a)	Minor	N/A	230.045 (a)
Mechanical Equipment and Service Areas Addition and Replacement	Major	Minor	230.065 230.040 (i)	Minor	N/A	230.070 230.045 (i)
Murals	Major	Minor	230.055	Major	N/A	230.055
Roof and Cornice Replacement	Major	Minor	230.065 230.040 (e)	Minor	N/A	230.070 230.045 (e)
Roof and Cornice Replacement (<i>In-Kind</i>)	N/A	N/A	230.040 (e)	N/A	N/A	230.045 (e)
Storefront, or Component of Storefront, Replacement	Major	Minor	230.065 230.040 (d)	Minor	N/A	230.070 230.045 (d)

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Table 230-1: Historic Design Review by Review Class

Activity Proposed	Review Class					
	Historic Contributing			Non-Contributing		
	Visible	Not Visible	Applicable Code Section	Visible	Not Visible	Applicable Code Section
Storefront, or Component of Storefront, Replacement (<i>In-Kind</i>)	Major	Minor	230.040 (d)	Minor	N/A	230.045 (d)
Streetscape	Minor	-----	230.075	Minor	-----	230.075
Window Replacement	Major	Minor	230.065 230.040 (b)	Minor	N/A	230.070 230.045 (b)
Window Replacement (<i>In-Kind</i>)	Minor	Minor	230.040 (b)	Minor	N/A	230.045 (b)
Public Historic Districts						
Streetscape	Minor	-----	230.075	Minor	-----	230.075
Individually Listed Historic Resources						
Any activity proposed	Follows review class for historic contributing buildings for the type of resource					
Activity Proposed (<i>New Construction</i>)	Review Class					
	Visible		Not Visible	Applicable Code Section		
Residential Historic Districts	Major		Major	230.035		
Commercial Historic Districts	Major		Major	230.050		
Public Historic Districts	Major		Major	230.065		

(d) Procedure Type.

- (1) Minor Historic Design Review is processed as a Type I procedure under SRC Chapter 300.
- (2) Major Historic Design Review is processed as a Type III procedure under SRC Chapter 300.

(e) Additional Submittal Requirements.

1 (1) In addition to the submittal requirements specified in SRC Chapter 300, an
2 application for Minor Historic Design Review shall include the following:

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

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

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

9 (2) In addition to the submittal requirements for a Type III application under SRC
10 Chapter 300, an application for Major Historic Design Review shall include the
11 following:

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

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

15 (C) Historic photos, if available; and

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

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

21 **230.025. Standards for Historic Contributing Buildings in Residential Historic**
22 **Districts.** Modifications to historic contributing buildings in residential historic districts
23 shall comply with this section.

24 (a) **Siding, Exterior Trim and Minor Architectural Features.** Replacement of
25 siding, exterior trim, and minor architectural features of historic contributing
26 buildings shall be allowed only where the owner has attempted to repair the original
27 siding, exterior trim or minor architectural feature, but repair was determined to be
28 unfeasible due to poor condition of the original materials. If the trim or siding is not
29 original then every effort shall be made to replicate the original trim or siding; the
30 effort shall be substantiated by historic, physical, or pictorial evidence. If the trim and

1 siding cannot be replicated then it should be of a compatible design and material.

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

6 (2) **Design.** The replacement reproduces the appearance of the original siding,
7 exterior trim or minor architectural feature.

8 (3) **Energy Efficiency.** Improvements to improve energy efficiency are allowed,
9 provided the exterior appearance of the historic resource is preserved to the
10 greatest extent possible. Example: Adding additional insulation to attics, crawl
11 spaces or basements.

12 (b) **Windows.** Replacement of windows in historic contributing buildings shall be
13 allowed only where the owner has attempted to repair the original window, but repair
14 was not feasible due to the poor condition of the original materials. If the window is
15 not original then every effort shall be made to replicate the original window; the
16 effort shall be substantiated by historic, physical, or pictorial evidence. If the window
17 cannot be replicated then it should be of a compatible design and material.

18 (1) **Materials.** All features of the window, including the window frame, sash,
19 stiles, rails, muntins, lamb's tongues and glass, are replaced with materials that
20 duplicate, to the greatest degree possible, the appearance and structural qualities
21 of the original.

22 (2) **Design.** Overall design of the window profile of all parts of the window shall
23 reproduce the appearance of the original window.

24 (3) **Improvements to Create Energy Efficiency.**

25 (A) The use of weather stripping, insulation, or materials to either repair or
26 improve the energy efficiency of shall be evaluated as means to achieve the
27 desired energy efficiency objectives prior to seeking authorization to replace a
28 window.

29 (B) If an owner wishes to improve the energy efficiency of windows located
30 on the primary façade, only energy efficiency measures that are removable

1 and do not permanently alter the resource, including, but not limited to,
2 exterior storm windows and weather-stripping, shall be used on the primary
3 façade.

4 (C) If an owner wishes to improve the energy efficiency of windows located
5 on a façade other than the primary façade, measures that are removable and do
6 not permanently alter the resource, including, but not limited to, exterior storm
7 windows and weather-stripping, shall be used. Reuse of the original window
8 frame and sash with replacement by glass that maintains the overall design
9 and appearance of the window is allowed. Example: Replacement of single
10 pane glass with new energy efficient double-paned glass is permissible, so
11 long as the window is in satisfactory condition, muntins are wide enough to
12 hold the double-paned glass, the double paned glass can be inserted into the
13 original window sash, there are only minor alterations to the overall design of
14 the window, and the double-paned glass is not visibly tinted or reflective.

15 (c) **Doors.** Replacement of doors in historic contributing buildings shall be allowed
16 only where the owner has attempted to repair the original door, but repair was not
17 feasible due to the poor condition of the original materials. If the doors are not
18 original then every effort shall be made to replicate the original doors; the effort shall
19 be substantiated by historic, physical, or pictorial evidence. If the door cannot be
20 replicated then it should be of a compatible design and material.

21 (1) **Materials.** All features of the door shall be replaced with material that
22 duplicate, to the greatest degree possible, the appearance and structural qualities
23 of the original door.

24 (2) **Design.** The overall design of the door shall reproduce, to the greatest degree
25 possible, the appearance of the original door.

26 (d) **Porches.** Replacement of porches on historic contributing buildings shall be
27 allowed only where the owner has attempted to repair the original porch, but repair
28 was not feasible due to the poor condition of the original materials. If the porch is not
29 original then every effort shall be made to replicate the original porch; the effort shall
30 be substantiated by historic, physical, or pictorial evidence. If the porch cannot be

1 replicated then it should be of a compatible design and material.

2 (1) **Materials.** All features of the porch shall be replaced with material that
3 duplicate, to the greatest degree possible, the appearance and structural qualities
4 of the original porch.

5 (2) **Design.** The overall design of the porch shall reproduce, to the greatest
6 degree possible, the appearance of the original porch.

7 (e) **Roofs.** Replacement of roofs on historic contributing buildings shall be allowed
8 only where the owner has attempted to repair the original roof, but repair was not
9 feasible due to the poor condition of the original materials.

10 (1) **Materials.**

11 (A) Historic specialty roofing materials, such as original tile, slate, or rolled
12 composition roofing should be maintained in place whenever possible.

13 (B) New roof materials should match the original materials in scale and
14 texture as closely as possible. Use of plastic or concrete simulated materials is
15 not allowed.

16 (C) Composition roofing is allowed as a substitute for wood shingles in a
17 complete replacement.

18 (D) Imitation slate and wood are allowed as a substitute for original materials
19 in a complete replacement.

20 (2) **Design.**

21 (A) The original roof form and detailing shall be preserved.

22 (B) Original eave overhangs shall be maintained.

23 (C) Cutting back roof rafters and soffits, boxing in exposed rafter tails,
24 adding fascia boards where none existed, or otherwise altering the historical
25 roof overhang is not allowed.

26 (D) To the extent feasible, inappropriate repairs or additions should be
27 removed or corrected.

28 (3) **Solar Panels, Rooftop Mechanical Devices, and Skylights.** Solar panels and
29 other rooftop mechanical structures may be added to historic contributing
30 buildings.

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(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 historic contributing building is 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

1 material shall be retained to the maximum extent possible.

2 **(2) Design.** Alterations or additions shall:

3 **(A)** Be located at the rear, or on an inconspicuous side, of the building.

4 **(B)** Be designed and constructed to minimize changes to the building.

5 **(C)** Be limited in size and scale such that a harmonious relationship is created
6 in relationship to the original building.

7 **(D)** Be designed and constructed in a manner that significant historical,
8 architectural or cultural features of the building are not obscured, damaged, or
9 destroyed.

10 **(E)** Be designed to be compatible with the size, scale, material, and character
11 of the building, and the district generally.

12 **(F)** Not destroy or adversely impact existing distinctive materials, features,
13 finishes and construction techniques or examples of craftsmanship that are
14 part of the building.

15 **(G)** Be constructed with the least possible loss of historic materials.

16 **(H)** Not create a false sense of historical development by including features
17 that would appear to have been part of the building during the period of
18 significance but whose existence is not supported by historical evidence shall
19 not be added to the building.

20 **(I)** Be designed in a manner that makes it clear what is original to the
21 building, and what is new.

22 **(J)** Be designed to reflect, but not replicate, the architectural styles of the
23 period of significance.

24 **(K)** Preserve features of the building that has occurred over time and has
25 attained significance in its own right.

26 **(L)** Preserve distinguishing original qualities of the building and its site.

27 **(h) Decks.** Replacement and addition of decks in historic contributing buildings is
28 allowed.

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

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- (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 in side 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

1 feet on the side and rear yard.

2 (l) **Site Features.** Replacement or alteration of site features of a historic contributing
3 building that are identified as significant features on the historic resource inventory
4 for the district, including, but not limited to, driveways, sidewalks, gardens,
5 significant trees, or geological features is allowed, unless the replacement or
6 alteration would materially alter or destroy the features.

7 (1) **Materials.** Materials shall duplicate, to the greatest degree possible, the
8 appearance and physical qualities of the original materials. Example:
9 Rhododendron hedge planted during the period of significance is replanted with
10 heritage varieties available during the period of significance.

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

15 **230.030. Standards for Non-Contributing Buildings and Structures in Residential**
16 **Historic Districts.** Modifications to non-contributing buildings in residential historic
17 districts shall comply with this section.

18 (a) **Siding, Exterior Trim and Minor Architectural Features.** Replacement of
19 siding, exterior trim and minor architectural features of non-contributing buildings in
20 residential historic districts is allowed.

21 (1) **Materials.**

22 (A) Building materials shall be of traditional dimensions.

23 (B) Replacement materials shall duplicate, to the greatest degree possible,
24 appearance and structural qualities that are consistent with building materials
25 on buildings in the district.

26 (C) Wood lap, shingles, brick, and stone are appropriate materials.

27 (D) Alternative materials shall appear similar in scale, proportion, texture and
28 finish with buildings in the district.

29 (2) **Design.**

30 (A) Elements should be similar in dimension, design, and pattern to those

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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 façade, only energy efficiency measures shall that are removable and do not permanently alter the resource, including, but not

1 limited to, exterior storm windows and weather-stripping shall be used on the
2 primary façade.

3 (C) If an owner wishes to improve the energy efficiency of windows located
4 on other than the primary façade, measures that are removable and do not
5 permanently alter the resource, including, but not limited to, exterior storm
6 windows and weather-stripping, and to reuse the original window frame and
7 sash with replacement by energy efficient glass that maintains the overall
8 design and appearance of the window are allowed. Example: Replacement of
9 single pane glass with new energy efficient double-paned glass is permissible,
10 so long as the window is in satisfactory condition, muntins are wide enough to
11 hold the double-paned glass, the double paned glass can be inserted into the
12 original window sash, there are only minor alterations to the overall design of
13 the window, and the double-paned glass is not visibly tinted or reflective.

14 (c) **Doors.** Replacement of doors in non-contributing buildings is allowed.

15 (1) **Materials.** The replacement door shall be constructed with materials that
16 duplicate, to the greatest degree possible, the appearance and structural qualities
17 consistent with doors in buildings in the district.

18 (2) **Design.**

19 (A) Door openings shall maintain a similar size to the existing doors in the
20 building.

21 (B) Door styles and types shall be similar to the styles and types of buildings
22 in the district.

23 (C) Doors should be simple in shape, arrangement, and detail.

24 (D) Door shall be finished with trim elements in a manner consistent with
25 buildings in the district.

26 (E) The number of different door styles in the building shall be limited.

27 (d) **Porches.** Replacement of porches in non-contributing buildings is allowed.

28 (1) **Materials.**

29 (A) Building materials shall be of traditional dimensions.

30 (B) Replacement materials shall duplicate, to the greatest degree possible,

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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.

1 **(f) Restoration of Missing Features.** Features present on a historic non-
2 contributing building that were removed after the period of significance may be
3 reconstructed, subject to the following standards:

4 **(1) Materials.** Materials used in the replacement shall match as closely as
5 practicable the composition, design, texture, and other visual qualities of the
6 materials of the missing feature.

7 **(2) Design.** The design shall accurately duplicate the missing feature. The design
8 of the missing feature shall be substantiated by historic, physical, or pictorial
9 evidence. Evidence does not include conjectural designs, or the appearance of
10 features or different elements from other buildings or structures built during the
11 period of significance.

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

17 **(1) Materials.**

18 **(A)** Materials shall be consistent with those present on buildings in the
19 district generally.

20 **(B)** Roofing materials shall have a non-reflective, matte finish.

21 **(2) Design.**

22 **(A)** The location for an addition shall be at the rear, or on an inconspicuous
23 side, of the building.

24 **(B)** Changes to features of the building that date from the period of
25 significance shall be minimized.

26 **(C)** The design shall be compatible with general character of historic
27 contributing buildings in the historic district and create a harmonious
28 relationship with historic contributing buildings in the district generally.
29 Factors in evaluating the design under this paragraph include, but are not
30 limited to:

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(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.

(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:

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(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.

230.035. Standards for New Construction in Residential Historic Districts. New buildings may be constructed in residential historic districts, subject to the following standards:

- (a) Materials.** Materials shall be similar in scale, proportion, texture, and finish to those found on nearby historic structures.

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(b) Design.

(1) 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 new building is similar in size and scale to other buildings in the district such that a harmonious relationship is created in relationship.

(C) The design reflects, but does not replicate, the architectural style of historic contributing buildings in the district.

(D) Architectural elements are used that are similar to those found on historic contributing buildings in the district.

(E) Architectural elements such as porches, dormers, doors and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.

(F) The front façade is designed with human-scaled proportions that are compatible with adjacent buildings and the district as a whole.

(G) The building uses similar setbacks, orientation on the site, spacing and distance from adjacent buildings that is found on buildings in the immediate vicinity and the district as a whole.

(H) Manufactured dwelling units are prohibited.

(2) New buildings shall be designed so that the overall character of the site, including, but not limited to, its topography, special geologic features and trees are retained.

(c) 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.

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(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.

(d) 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.

(e) 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.

(f) 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

1 obscure significant architectural feature of the resource.

2 (C) Skylights shall be flat and shall not alter the existing profile of the roof.

3 Bubble-type skylights are prohibited.

4 **230.040. Standards for Historic Contributing Buildings in Commercial Historic**
5 **Districts.** Modifications to historic contributing buildings in commercial historic districts
6 shall comply with this section.

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

14 **(1) Materials.**

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

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

19 **(2) Design.**

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

22 **(B)** When repointing brick or masonry, the joint size, profile, color, strength,
23 porosity and permeability of the original mortar should be matched.

24 **(C)** Unpainted masonry should not be painted or sealed.

25 **(D)** Paint should not be removed from brick unless testing demonstrates that
26 no damage to the brick will result.

27 **(E)** The original appearance of the original materials shall be retained,
28 including early signage, whenever possible.

29 **(b) Windows.** Replacement of windows in historic contributing buildings shall be
30 allowed only where the owner has attempted repair, but repair unfeasible due to poor

1 condition of the materials. If the window is not original then every effort shall be
2 made to replicate the original feature; the effort shall be substantiated by historic,
3 physical, or pictorial evidence. If the feature cannot be replicated then it should be of
4 a compatible design and material.

5 **(1) Materials.**

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

7 (B) Replacement materials shall be, to the greatest extent practicable, of the
8 same type, quality, design, size, finish, proportions, and configuration of the
9 original materials in the windows.

10 (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted,
11 unless it is the historic glazing type.

12 **(2) Design.**

13 (A) A replacement window shall, to the greatest extent feasible, match
14 design, size, proportions, configuration, reflective qualities, and profile of the
15 original window.

16 (B) The size and shape of original window openings should be preserved so
17 that the configuration of the façade is not changed.

18 (C) New window openings into the principal elevations, enlargement or
19 reduction of original window openings and infill of original window openings
20 are not permitted.

21 (D) Original openings that have been covered or blocked should be re-opened
22 when feasible.

23 (E) Windows historically used on upper levels shall not be installed at
24 storefront level, and storefront windows shall not be installed on upper levels.

25 (F) Commercial window types shall not be substituted with residential
26 window types.

27 (G) Interior grilles, grilles between layers of insulating glass, or stenciled
28 mullions in lieu of true divided lights or exterior mullions are not permitted.

29 **(c) Doors.** Replacement of doors in historic contributing buildings shall be allowed
30 only where the owner has attempted repair, but repair was determined to be

1 unfeasible due to poor condition of the materials. If the doors are not original then
2 every effort shall be made to replicate the original feature; the effort shall be
3 substantiated by historic, physical, or pictorial evidence. If the feature cannot be
4 replicated then it should be of a compatible design and material.

5 **(1) Materials.**

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

7 **(B)** Replacement materials shall be, to the greatest extent practicable, of the
8 same type, quality, design, size, finish, proportions, and configuration of the
9 original materials in the door.

10 **(2) Design.**

11 **(A)** The replacement door shall, to the greatest extent feasible, match design,
12 size, proportions, and profile of the original door.

13 **(B)** The size and shape of original door openings should be preserved so that
14 the configuration of the façade is not changed.

15 **(C)** Original door openings that have been covered or blocked should be re-
16 opened when feasible.

17 **(D)** Commercial door types shall not be substituted with residential door
18 types.

19 **(d) Storefronts.** Replacement of storefronts or components of storefronts in historic
20 contributing buildings shall be allowed only where the owner has attempted repair,
21 but repair was determined to be unfeasible due to poor condition of the materials. If
22 the storefront is not original then every effort shall be made to replicate the original
23 feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If
24 the feature cannot be replicated then it should be of a compatible design and material.

25 **(1) Materials.**

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

27 **(B)** Replacement materials shall be, to the greatest extent practicable, of the
28 same type, quality, design, size, finish, proportions, and configuration of the
29 original materials in the storefront.

30 **(2) Design.**

1 (A) To the extent practicable, original storefront components such as
2 windows, door configuration, transoms, signage, and decorative features shall
3 be preserved.

4 (B) Where the original storefront is too deteriorated to save, the commercial
5 character of the building shall be retained through:

6 (i) A restoration of the storefront based on historical research and
7 physical evidence.

8 (ii) Contemporary design that is compatible with the scale, design,
9 materials, color and texture of historic compatible buildings in the
10 district.

11 (C) For buildings that provide a separate upper-story entrance on the
12 exterior façade, the street-level entrance should be the primary focus of the
13 building façade.

14 (e) **Roofs and Cornices.** Replacement of roofs and cornices on historic contributing
15 buildings is allowed.

16 (1) **Materials.**

17 (A) Historic specialty materials, such as original tile, slate, or rolled
18 composition roofing visible from the street should be maintained in place
19 whenever possible.

20 (B) New roof materials that are visible from the street should match the
21 original materials in type, quality, size, finish, proportions, scale, texture and
22 configuration as closely as possible. Plastic or concrete simulated materials
23 are not allowed. Imitation slate and imitation wood are allowed as a substitute
24 for original materials in a complete replacement.

25 (2) **Design.**

26 (A) The original roof and cornice form and detailing shall be preserved.

27 (B) Original eave overhangs shall be maintained.

28 (C) Cutting back roof rafters and soffits, boxing in exposed rafter tails,
29 adding fascia boards where none existed, or otherwise altering the historical
30 roof overhang is not allowed.

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(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

1 significance but whose existence is not supported by historical evidence.

2 (I) Be designed in a manner that makes it clear what is original to the
3 building and what is new.

4 (J) Be designed to reflect, but not replicate, the architectural styles of the
5 period of significance.

6 (K) Preserve features of the building that has occurred over time and has
7 attained significance in its own right.

8 (L) Preserve distinguishing original qualities of the building and its site.

9 (M) Not increase the height of a building to more than four stories.

10 (g) **Lintels, Architraves, Sills, and other Architectural Details.** Replacement of
11 lintels, architraves, sills and other architectural details in historic contributing
12 buildings shall be allowed only where the owner has attempted repair, but repair was
13 unfeasible due to poor condition of the original materials. If the feature is not original
14 then every effort shall be made to replicate the original feature; the effort shall be
15 substantiated by historic, physical, or pictorial evidence. If the feature cannot be
16 replicated then it should be of a compatible design and material.

17 (1) **Materials.**

18 (A) Existing architectural details shall be retained.

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

20 (C) If replacement material is required, similar material shall be used.

21 (2) **Design.**

22 (A) The replacement shall, to the greatest extent feasible, match design, size,
23 proportions, and profile of the original architectural details.

24 (B) Architectural details should not be added unless there is archival evidence
25 suggesting their presence and design.

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

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

30 (2) **Design.**

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(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

1 proportions with the building and the district generally.

2 **(2) Design.**

3 (A) Mechanical equipment and service areas should be located out of public
4 view and designed as an integral part of the overall building design.

5 (B) Mechanical equipment and service areas should be placed at the rear of
6 the building, recessed on the roof of the building, or screened by appropriate
7 fencing.

8 (C) Low-profile mechanical units and elevator shafts may be placed on
9 rooftops if they are not visible from the street, or set back and screened from
10 view.

11 (D) Solar panels should have low profiles and not be visible from right-of-
12 way, other than alleys, and shall be installed in a manner that minimizes
13 damage to historic materials.

14 (E) Skylights shall be flat and shall not alter the existing profile of the roof.
15 Bubble-type skylights are prohibited.

16 (F) Mechanical equipment placed at street level should be screened in a
17 manner that is compatible with the streetscape and adjacent buildings.

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

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

22 **(1) Materials.**

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

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

26 **(2) Design.**

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

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

30 (C) Awnings shall be attached in such a manner that historic materials or

1 features are not damaged.

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

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

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

8 **230.045. Standards for Non-Contributing Buildings and Structures in Commercial**
9 **Historic Districts.** Modifications to non-contributing buildings in commercial historic
10 districts shall comply with this section.

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

13 (1) **Materials.**

14 (A) For historic non-contributing buildings, material dating from the period
15 of significance shall, if possible, be retained or repaired.

16 (B) Replacement materials shall be, to the greatest degree possible, of the
17 same type, quality, design, size, finish, proportions, and configuration of the
18 materials commonly used on other buildings in the district.

19 (2) **Design.**

20 (A) The design shall, to the greatest degree possible, match the color,
21 texture and bonding pattern of the original materials.

22 (B) For historic non-contributing buildings the appearance of original
23 materials that were used on the building during the period of significance
24 shall be restored or reconstructed whenever possible.

25 (b) **Windows.** Replacement of windows in non-contributing buildings is allowed.

26 (1) **Materials.**

27 (A) Windows dating from the period of significance shall, if possible, be
28 retained and repaired or restored.

29 (B) Replacement materials shall be, to the greatest extent practicable, of the
30 same type, quality, design, size, finish, proportions and configuration of

1 windows commonly used on other buildings in the district.

2 (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted,
3 unless it is the historic glazing type.

4 **(2) Design.**

5 (A) Replacement windows should, to the greatest degree possible, match
6 design, size, proportions, configuration, reflective qualities and profile of
7 original windows dating from the period of significance, if documentary
8 evidence of the appearance is available.

9 (B) The size and shape of window openings dating from the period of
10 significance should be preserved so that the configuration of the façade is
11 not changed.

12 (C) Original openings that have been covered or blocked should be re-
13 opened when feasible.

14 (D) New window openings into the principal elevations, enlargement or
15 reduction of original window openings and infill of original window
16 openings are not permitted.

17 (E) Window styles historically used on upper levels shall not be installed at
18 storefront level, and storefront windows shall not be installed on upper
19 levels.

20 (F) Commercial window types shall not be substituted with residential
21 window types.

22 (G) Interior grilles, grilles between layers of insulating glass, or stenciled
23 mullions in lieu of true divided lights or exterior mullions are not permitted.

24 **(c) Doors.** Replacement of doors in non-contributing buildings is allowed.

25 **(1) Materials.**

26 (A) Doors dating from the period of significance shall, if possible, be retained
27 and repaired or restored.

28 (B) Replacement materials shall be, to the greatest degree possible, of the
29 same type, quality, design, size, finish, proportions and configuration of the
30 doors commonly found in the district.

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(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 façade 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.

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(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 is 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

1 retained and repaired or restored.

2 (B) Replacement materials shall be, to the greatest extent practicable, of the
3 same type, quality, design, size, finish, proportions and configuration
4 commonly found in the district.

5 **(2) Design.**

6 (A) To the extent practicable, original material dating from the period of
7 significance shall be preserved.

8 (B) Restoration of the appearance of architectural details that are visible from
9 the street, based on historical research and physical evidence from the period
10 of significance, is preferred.

11 (C) Replacement architectural details that are contemporary in design shall be
12 compatible with the scale, proportions, massing, height, rhythm, materials,
13 color and texture of historic buildings in the district.

14 **(g) Alterations and Additions.** Additions and alterations that comply with the
15 standards in this section may be made to historic non-contributing buildings.

16 Whenever practical, additions and alterations to historic non-contributing buildings
17 should result in the restoration of missing features from the period of significance, or
18 the removal of alterations that were made outside of the period of significance.

19 **(1) Materials.**

20 (A) Materials shall be consistent with those present in buildings in the district
21 generally.

22 (B) Roofing materials shall have a non-reflective, matte finish.

23 **(2) Design.**

24 (A) The location for an addition shall be at the rear, or on an inconspicuous
25 side, of the building.

26 (B) Changes to features of a historic non-contributing building that date from
27 the period of significance shall be minimized.

28 (C) The design shall be compatible with the character of historic contributing
29 buildings in the historic district and create a harmonious relationship with
30 historic contributing buildings in the district generally. Factors in evaluating

1 the design under this paragraph include, but are not limited to:

2 (i) Similarities in the size and scale to those used in historic contributing
3 buildings in the district generally.

4 (ii) Use of architectural features that reflect, or are similar to, the
5 architectural style of historic contributing buildings in the district.

6 (iii) Simple gable or hipped roofs with a pitch similar to surrounding
7 buildings are generally appropriate. Flat roofs may be appropriate when
8 the prevailing styles of architecture provide an appropriate context. Exotic
9 or complex roof forms that detract from the visual continuity of the district
10 are generally inappropriate.

11 (iv) Additions should have a similar mass to surrounding buildings.

12 (v) Front elevations should appear similar in scale to those seen
13 traditionally in the surrounding neighborhood.

14 (vi) The width and height of the addition should not exceed the typical
15 dimensions seen in the district.

16 (vii) Simple rectangular building forms are generally preferred.

17 (D) The design shall make clear what is original and what is new.

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

21 (F) An addition that adds stories shall increase the height of a building to no
22 more than four stories.

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

24 (1) **Materials.** Materials shall be, to the greatest degree possible, of the same
25 type, quality, design, size, finish, proportions and configuration of materials
26 commonly used in the district.

27 (2) **Design.**

28 (A) Design additions or alterations to improve accessibility in a manner that
29 identifies the building's character-defining spaces and features and prevents
30 their damage or loss.

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(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

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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.

(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) 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 is compatible with the building and neighboring buildings.

230.050. Standards for New Construction in Commercial Historic Districts. New buildings may be constructed in commercial historic districts, subject to the following standards:

1 **(a) Materials.**

2 (1) The primary facade shall be constructed of traditional building materials such
3 as brick or stone. Stucco or pre-cast concrete block shall not be used in the
4 primary façade.

5 (2) Materials used in the construction shall be identical or similar those available
6 for similar buildings or structures built during the period of significance.

7 (3) Materials shall be similar in scale, proportion, texture, and finish to those
8 found on nearby historic structures.

9 **(b) Design.**

10 (1) The design shall be compatible with general character of historic contributing
11 buildings in the historic district. Factors in evaluating compatibility include, but
12 are not limited to:

13 (A) The height, width, proportions, size and scale is consistent with those
14 used in similar historic contributing buildings in the district generally.

15 (B) The design reflects, but does not replicate, the architectural style of
16 historic contributing buildings in the district.

17 (C) Architectural elements that are similar to those found on historic
18 contributing buildings in the historic district are used.

19 (D) Architectural elements such as lintels, cornices, doors, storefronts and
20 windows reflect the spacing, placement, scale, orientation and proportion of
21 buildings in the district.

22 (E) The front façade is designed with human-scaled proportions that are
23 compatible with adjacent buildings and the district as a whole.

24 (2) Buildings shall be placed contiguous with the right-of-way line.

25 (3) Buildings shall be designed without above-ground pedestrian walkways
26 which are prohibited across any public street.

27 (4) Walls shall include storefronts along each ground floor that is adjacent to a
28 public street. Windows shall not be tinted, mirrored or treated in such a way as to
29 block views into the interior.

30 (5) Parking within a building on the ground floor shall only be allowed behind

1 secondary facades. Commercial storefronts or office uses shall be provided
2 between any ground floor parking area and the primary facades fronting the
3 public street. Parking is prohibited between the building and the street.

4 (6) No new building shall be designed to allow drive-through uses.

5 (7) Manufactured dwelling units are prohibited

6 **(c) Mechanical Equipment and Service Areas.** Mechanical equipment, including,
7 but not limited to heating and cooling systems, solar panels and telecommunications
8 equipment, and service areas including, but not limited to dumpster enclosures, shall
9 meet the following standards:

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

12 (2) **Design.**

13 (A) Mechanical equipment and service areas should be located out of public
14 view and designed as an integral part of the overall building design.

15 (B) Mechanical equipment and service areas should be placed at the rear of
16 the building, recessed on the roof of the building, or screened by appropriate
17 fencing.

18 (C) Low-profile mechanical units and elevator shafts may be placed on
19 rooftops if they are not visible from the street, or are set back and screened
20 from view.

21 (D) Solar panels should have low profiles and not be visible from the street.

22 (E) Skylights shall be flat and shall not alter the existing profile of the roof.
23 Bubble-type skylights are prohibited.

24 (F) Mechanical equipment placed at street level should be screened in a
25 manner that is compatible with the streetscape and adjacent buildings.

26 (G) Skylights and vents shall be placed behind and below the parapet level.

27 **(d) Awnings and Canopies.** Awnings and canopies on new construction shall meet
28 the following standards:

29 (1) **Materials.**

30 (A) Materials that are compatible with the character of the district shall be

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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.

230.055. Murals in Commercial Historic Districts. Murals that comply with this section are allowed in commercial historic districts:

(a) Retain historic murals.

(b) Murals shall be located only on the side or rear of buildings.

(c) Murals shall not be located on primary facades, or secondary facades that face right-of-way.

(d) Murals shall be located only on non-historic non-contributing buildings.

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:

(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,

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- 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 free-standing 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

1 by this Chapter shall be limited to the minimum necessary for such identification.

2 **230.060. Public Historic Districts.** Historic preservation activity in districts that
3 contain primarily public buildings shall comply with the Secretary of the Interior's
4 Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,
5 published by the U.S. Department of the Interior, National Park Service.

6 **230.065. General Guidelines for Historic Contributing Resources.** In lieu of the
7 standards for historic contributing buildings set forth in SRC 230.025 and SRC 230.040,
8 an applicant may make a proposal for preservation, restoration, or rehabilitation activity,
9 regardless of type of work, which shall conform to the following guidelines:

10 (a) Except as otherwise provided in this Chapter, the property shall be used for its
11 historic purpose, or for a similar purpose that will not alter street access, landscape
12 design, entrance(s), height, footprint, fenestration, or massing.

13 (b) Historic materials, finishes and distinctive features shall, when possible, be
14 preserved and repaired according to historic preservation methods, rather than
15 restored.

16 (c) Distinctive stylistic features or examples of skilled craftsmanship significance
17 shall be treated with sensitivity.

18 (d) Historic features shall be restored or reconstructed only when supported by
19 physical or photographic evidence.

20 (e) Changes that have taken place to a historic resource over the course of time are
21 evidence of the history and development of a historic resource and its environment,
22 and should be recognized and respected. These changes may have acquired
23 significance in their own right, and this significance should be recognized and
24 respected.

25 (f) Additions and alterations to a historic resource shall be designed and constructed
26 to minimize changes to the historic resource.

27 (g) Additions and alterations shall be constructed with the least possible loss of
28 historic materials and so that significant features are not obscured, damaged, or
29 destroyed.

30 (h) Structural deficiencies in a historic resource shall be corrected without visually

1 changing the composition, design, texture or other visual qualities.

2 (i) Excavation or re-grading shall not be allowed adjacent to or within the site of a
3 historic resource which could cause the foundation to settle, shift, or fail, or have a
4 similar effect on adjacent historic resources.

5 **230.070. General Guidelines for Non-Contributing Buildings and Structures.** In
6 lieu of the standards for non-contributing buildings and structures set forth in SRC
7 230.030 and SRC 230.045 of this section, an applicant may make changes to a non-
8 contributing building or structure, regardless of type of work, which shall conform to the
9 following guidelines:

10 (a) Materials shall be consistent with those present in buildings and structures in the
11 district generally.

12 (b) Alterations and additions shall be compatible in design and construction with the
13 general character of buildings or structures in the historic district. Factors in
14 evaluating compatibility include, but are not limited to:

15 (1) Architectural elements such as porches, dormers, doors and windows reflect
16 the spacing, placement, scale, orientation and proportion of buildings in the
17 district, generally.

18 (2) The location is at the rear, or on an inconspicuous side, of the building or
19 structure.

20 (3) The size and scale is consistent and harmonious with the buildings and
21 structures in the district generally.

22 (4) The design reflects, but does not replicate, the architectural style of historic
23 contributing buildings and structures in the district.

24 (5) The building uses similar setbacks, orientation on the site, spacing and
25 distance from adjacent buildings that is found on buildings in the immediate
26 vicinity and the district as a whole.

27 **230.075. Streetscape Standards.** Streetscape improvements in historic districts shall
28 comply with this section.

29 (a) **Materials.**

30 (1) Replacement materials should match as closely as possible to the original

1 color, texture, size and finish of the original materials.

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

3 **(b) Design.**

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

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

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

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

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

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

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

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

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

21 **230.080 Individually Listed Resources.** Historic preservation activity on an
22 individually listed resource shall comply with the standards for historic contributing
23 buildings for the type of resource.

24 **230.085. Historic Resource Adaptive Reuse.**

25 **(a) Applicability.** This section allows adaptive reuse of historic-contributing
26 buildings and individually listed resources in all residential zones and in the
27 Commercial Office zone, in order to preserve these buildings or structures, where
28 other uses would not be economically practical, and where a zone change would be
29 inappropriate.

30 **(b) Procedure Type.** Historical resource adaptive reuse is a Type III procedure

1 under SRC Chapter 300.

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

5 (1) Cost/benefit analysis.

6 (2) Documentation of good faith efforts by the property owner to put the property
7 to economically beneficial use including but not limited to leasing the building or
8 resource;

9 (3) Any capital expenditures associated with the building or structure during the
10 two years immediately preceding the application for adaptive reuse.

11 (4) Site plan identifying the following:

12 (A) All streets that abut the site and their designation (i.e., arterial, collector
13 etc); and

14 (B) Proposed parking, if applicable.

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

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

19 (2) Adaptive reuse is allowed in the zone.

20 (3) Use of the building or structure for any other use allowed in the zone is not
21 economically practical, and the property does not meet the criteria for a zone
22 change.

23 (4) Allowing the proposed use will encourage preservation of the resource.

24 (5) The building or structure will not be structurally expanded, or if historic non-
25 contributing, will be restored.

26 (6) The building or structure is located on an arterial or collector street.

27 (7) Parking that meets the requirements of SRC Chapter 133 will be provided.

28 (8) The proposed limited commercial use will not have a substantial adverse
29 impact on public health, safety, and welfare and any other reasonably likely
30 adverse impacts of the limited commercial use on the immediate neighborhood

1 can be minimized through the imposition of conditions. The following shall
2 apply in making the determination of substantial adverse impact:

3 (A) To preserve the integrity of residential historic districts, limited
4 commercial uses in residential buildings or structures located within a
5 residential historic district is discouraged.

6 (B) In the RS or RD zones, adaptive reuse shall only be allowed on arterial or
7 collector streets that form the perimeter of the zone.

8 (9) The proposed limited commercial use, as conditioned, will be compatible
9 with and have minimal impact on the livability or appropriate development of
10 surrounding property.

11 (e) **Conditions.** The review authority shall impose such conditions on the historic
12 resource adaptive reuse permit as are necessary to establish compliance with the
13 approval criteria.

14 (f) **Approval to Run with the Land.** Unless otherwise provided in the decision
15 granting, historic adaptive reuse permits shall run with the land.

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

19 (h) **Uses Permitted.** The uses permitted for adaptive reuse pursuant to this section,
20 either singularly or in combination, are:

21 (1) **Additional dwelling units:**

22 (A) RS - maximum of four units;

23 (B) RD - maximum of four units;

24 (2) **Telephone answering service;**

25 (3) **Professional offices:**

26 (A) Accounting services (SIC 8721);

27 (B) Artists;

28 (C) Engineering, architectural, and surveying services (SIC 871);

29 (D) Legal services (SIC 81);

30 (E) Offices of physicians (SIC 801), dentists (SIC 802), osteopathic

1 physicians (SIC 803), and other health practitioners (SIC 804).

2 **(4) Retail:**

3 (A) Used merchandise store (SIC 5931);

4 (B) Men's and Boys' Clothing and Accessory Stores (SIC 561);

5 (C) Women's ready-to-wear stores (SIC 562);

6 (D) Women's accessory and specialty stores (SIC 563);

7 (E) Children's and Infants' Wear Stores (SIC 564);

8 (F) Art gallery and framing shop;

9 **(5) Services:**

10 (A) Interior decorating studio;

11 (B) Child day care services (SIC 835);

12 (C) Residential care (SIC 836).

13 **(6) Other:** Other office, service, and retail uses not otherwise enumerated in this
14 subsection that are substantially similar in traffic generation, noise generation,
15 parking demand, hours of operation, and other similar characteristics relating to
16 compatibility with surrounding uses.

17 **230.090. Demolition.**

18 **(a) Applicability.** Prior to the issuance of a permit for the demolition of one-half or
19 more of the ground floor square footage of a historic contributing building or
20 individually listed resource, the owner must first obtain a historic resource demolition
21 permit pursuant to this section. Historic resource demolition permit approval is a two
22 stage process. "Stage 1" requires review by the Building Official to determine
23 whether the building or resource can be reasonably moved. If the building or structure
24 can be moved, "Stage 1" requires review to certify the relocation of the building or
25 resource. If the building or resource cannot be moved, or no suitable location can be
26 found, "Stage 2" requires review by the Historic Landmarks Commission to
27 determine whether the building or resource should be demolished.

28 **(b) Procedure Type.**

29 (1) Historic Resource Demolition approval is a Type III procedure under SRC
30 Chapter 300

1 **(c) Historic Resource Demolition Permit Stage 1.**

2 **(1) Submittal Requirements.** An application for Historic Resource Demolition
3 Permit Stage 1 shall include a report from a structural engineer as to the
4 soundness of the structure and the feasibility of transporting the building or
5 resource on public right-of-way.

6 **(2) Criteria.** Historic Resource Demolition Permit Stage 1 shall be granted if the
7 applicant demonstrates that the structural integrity of the building or resource
8 retains sufficient integrity that transporting the building or resource upon public
9 right-of-way would not present a reasonable likelihood of collapse, or would not
10 otherwise endanger public health, safety and welfare. Should the permit be
11 granted, the applicant shall proceed with a Relocation Permit Application. Should
12 the permit not be granted, the applicant shall proceed with Stage 2 demolition
13 review before the Historic Landmarks Commission.

14 **(3) Relocation Permit Application.** If the building or resource can be moved,
15 the applicant shall make a reasonable attempt to relocate the building or resource.
16 The applicant shall notify the Director of the new location of the building. If the
17 original requirements relating to integrity under SRC 230.030 are met, the
18 building or resource shall retain its designation on the new site. If the original
19 requirements relating to integrity are not met, the building or resource shall have
20 its designation removed pursuant to SRC 230.010. Should the applicant be unable
21 to find a suitable site for relocation, the applicant may proceed to Stage 2 Historic
22 Resource Demolition Review.

23 **(4) Appeals of Building Official's Decision.** Appeals of the Building Official's
24 decision shall be made according to the procedures for contested case proceedings
25 under SRC Chapter 20J.

26 **(d) Historic Resource Demolition Stage 2.**

27 **(1) Submittal Requirements.** In addition to the submittal requirements for a
28 Type III application under SRC Chapter 300, an application for Historic Resource
29 Demolition Stage 2 shall include:

30 **(A)** Statement of the historic value and significance of the building or

1 resource to the community, taking into consideration its designation as a local
2 landmark, individually listed historic contributing building on the National
3 Register or its location within a National Register Historic District;

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

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

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

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

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

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

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

19 (i) Real estate taxes for the two years immediately preceding the
20 application;

21 (ii) Assessed value for the two years immediately preceding the
22 application;

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

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

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

28 **(D)** Analysis of the proposed adaptive reuse of the building or resource,
29 including, but not limited to:

30 (i) Report from structural engineer on the condition of building or

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resource;

(ii) Estimate of cost for rehabilitation of building or resource with an existing use;

(iii) 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) Estimate of cost for rehabilitation of building or resource for at least two other identified uses; and

(v) 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.

(E) A proposed plan for redevelopment of the site on which the building or resource is located.

(2) Criteria. An application for a Historic Resource Demolition permit shall be granted if the following criteria are met:

(A) 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) The designated historic resource is not capable of generating a reasonable economic return and the demolition is economically necessary.

(C) The owner has made a good faith effort to sell or relocate the designated resource.

(D) No prudent and feasible alternative exists to rehabilitate and reuse the designated resource in its present location.

(3) Issuance of Demolition Permit. Unless an appeal is filed, or the City Council initiates review, the demolition permit shall be issued upon the expiration of the thirty-day notice period. If an appeal is filed, or review is initiated, the demolition permit shall be issued no sooner than twenty-one days from the date

1 such appeal or review is final.

2 **230.095. Demolition by Neglect.**

3 **(a)** No owner of a historic contributing building or an individually listed resource
4 shall maintain and keep such building or resource in a manner that promotes or allows
5 deterioration, dilapidation and decay of any portion of the building or resource, or
6 that would, if the building or resource is vacant, allow open entry by unauthorized
7 persons. Violation of this subsection is hereby declared to be a public nuisance which
8 may be abated as provided in this section.

9 **(b) Criteria.** An owner violates subsection (a) of this section, if the owner promotes
10 or allows any of the following to occur to, or exist in, the historic contributing
11 building or individually listed resource:

12 **(1)** Faults, defects, or other conditions which render the building or resource
13 structurally unsafe or not properly watertight.

14 **(2)** Deterioration of walls or support members due to failure to paint or otherwise
15 maintain the building or resource.

16 **(3)** Failure to keep windows and doors secured in a manner that prevents the
17 entry by unauthorized persons.

18 **(4)** Failure to maintain parts of the resource so they are securely attached and will
19 not fall or injure persons or property.

20 **(5)** Deterioration to the foundation.

21 **(6)** Deterioration to floor supports such that they cannot carry imposed loads with
22 safety.

23 **(7)** Deterioration to members of walls, or other vertical supports in such a manner
24 to prevent splitting, leaning, listing, buckling, or becoming insufficient to carry
25 imposed loads with safety.

26 **(8)** Deterioration of members of ceiling, roofs, ceiling and roof supports, or other
27 horizontal members to the extent that they sag, split, or buckle.

28 **(9)** Deterioration of ceilings, roofs, or their supports, or other horizontal members
29 such that they become insufficient to carry imposed loads with safety.

30 **(10)** Fireplaces or chimneys which list, bulge, or settle due to defective material

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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.090-20J.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.

230.100. 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.

230.101. Enforcement. In addition to any remedies set forth in this Chapter, SRC 230.001-230.095 may be enforced through SRC 110.900.

Section 2. SRC 300.100 is amended to read as follows:

300.100. Procedure Types.

(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300.100-1. The procedure type governs the decision-making process for the specific land use application.

Table 300.100-1: Land Use Procedure Types			
Procedure Type	Decision Process	Decision Type	Process Description

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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 the 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 decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	The 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	The Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning

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			Commission or Historic Landmarks Commission to the City 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.
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(b) The specific procedure type assigned to a land use application is specified in Table 300.100-2.

(c) When the procedure type for a land use application is not identified in Table 300.100-2, specified elsewhere in the Salem Revised Code, 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 City 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.

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Table 300.100-2: Land Use Applications by Procedure Type

			Review Authority		Applicable Code Chapter(s)
Application	Procedure Type	Pre-App. Required	Decision	Appeal	
ADJUSTMENT	II	N	PA	HO	SRC 116
ADMINISTRATIVE CONDITIONAL USE	II	N	PA	HO	SRC 116
CODE INTERPRETATION	III	N	PC	CC	SRC 110
COMPREHENSIVE PLAN CHANGE					
-Minor Plan Change (Applicant Initiated)	III	Y	PC	CC	SRC 64
-Minor Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 64
CONDITIONAL USE	III	Y	HO	PC	SRC 117
DESIGN REVIEW					
-Administrative - Standards	I	Y	PA	-	SRC 120
-Discretionary - Guidelines	III	Y	PC	CC	SRC 120
FAIRVIEW MIXED- USE ZONE					
-Fairview Plan	III	Y	PC	CC	SRC 143C
-Fairview Plan Amendment – Minor	II	Y	PA	PC	SRC 143C
-Fairview Plan	III	Y	PC	CC	SRC 143C

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Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
Amendment – Major					
-Refinement Plan	III	Y	PC	CC	SRC 143C
-Refinement Plan	II	Y	PA	PC	SRC 143C
Amendment – Minor					
-Refinement Plan	III	Y	PC	CC	SRC 143C
Amendment – Major					
FLOOD PLAIN OVERLAY ZONE					
-Floodplain Development Permit	I	N	BO & PWD	-	SRC 140
-Floodplain Overlay Zone Variance	III	N	HO	CC	SRC 140
HISTORIC DESIGN REVIEW					
Administrative Standards (Type I) <u>Historic Design Review (Minor)</u>	I	N	PA	HLC	SRC 120A230
Administrative Standards (Type II)	III	N	HLC	HO	SRC 120A
Discretionary Guidelines (Type II) <u>Historic Design Review (Major)</u>	III	N	HLC	HO	SRC 120A230

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Table 300.100-2: Land Use Applications by Procedure Type

			Review Authority		
Application	Procedure Type	Pre-App. Required	Decision	Appeal	Applicable Code Chapter(s)
<u>Historic Resource Adaptive Reuse</u>	<u>III</u>	<u>N</u>	<u>HO</u>	<u>PC</u>	<u>SRC 230</u>
<u>-Historic Resource Demolition</u>	<u>III</u>	<u>N</u>	<u>HLC</u>	<u>CC</u>	<u>SRC 230</u>
HISTORIC REVIEW					
-Historic Resource Demolition	III	Y	HLC	CC	SRC 120A
-Local Historic Resource Designation / Historic Resource Designation Removal	IV	YN	HLC – Recommendation; CC – Decision	-	SRC 120A 230
-Local Historic Resource Designation Removal (Class 1)	I	N	PA	=	SRC 230
-Local Historic Resource Designation Removal (Class 2)	IV	N	HLC – Recommendation; CC – Decision	=	SRC 230
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	SRC 123
MASTER PLAN	III	Y	PC	CC	
NEIGHBORHOOD PLANS					
-Neighborhood Plan Change (Applicant	III	Y	PC	CC	SRC 64

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Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
Initiated)					
-Neighborhood Plan Change (City Initiated)	IV	N	PC -- Recommendation; CC – Decision	-	SRC 64
PARTITION					
-Tentative Plan	II	N	PA	PC	SRC 63
-Final Plat	Exempt	N	PA	-	SRC 63
PLANNED UNIT DEVELOPMENT					
-Tentative Plan	III	Y	PC	CC	SRC 121
-Tentative Plan w/ Subdivision	III	Y	PC	CC	SRC 121
-Final Plan	I	N	PA	-	SRC 121
PROPERTY LINE ADJUSTMENT	I	N	PA	-	SRC 63
PROPERTY LINE VERIFICATION	I	N	PA	-	SRC 63
REPLAT	II	N	PA	PC	SRC 63
SIGNS					
-Sign Permit	I	N	CDD	-	SRC 62
-Sign Conditional Use Permit	III	N	HO	PC	SRC 62
-Sign Variance	III	N	HO	PC	SRC 62
SITE PLAN REVIEW					

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Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
-Type I Limited	I	N	PA	-	SRC 163
-Type I	I	N	PA	-	SRC 163
-Type II	II	N	PA	HO	SRC 163
SPECIFIC CONDITIONAL USE	III	Y	HO	PC	SRC 118
SUBDIVISION					
-Tentative Plan	II	N	PA	PC	SRC 63
-Final Plat	Exempt	N	PA	-	SRC 63
-Subdivision of Manufactured Dwelling Park	II	N	PA	PC	SRC 63
TREE & VEGETATION REMOVAL					
-Tree Conservation Plan	I	N	PA	-	SRC 68
-Tree Conservation Plan Adjustment	I	N	PA	-	SRC 68
-Tree & Vegetation Removal Permit	I	N	PA	-	SRC 68
-Hardship Variance	II	N	PA	HO	SRC 68
-Economical Use Variance	II	N	PA	HO	SRC 68
URBAN GROWTH MANAGEMENT					
-Urban Service Area Amendment	IV	N	CC	-	SRC 66

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Table 300.100-2: Land Use Applications by Procedure Type

			Review Authority		
Application	Procedure Type	Pre-App. Required	Decision	Appeal	Applicable Code Chapter(s)
-UGA Development Permit Preliminary Declaration	II	N	PA	CC	SRC 66
-UGA Development Permit	I	N	PWD	-	SRC 66
VALIDATION OF UNITS OF LAND	III	Y	HO	PC	SRC 63
VARIANCE	III	Y	HO	PC	SRC 115
WILLAMETTE GREENWAY					
-Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	SRC 141
-Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	SRC 141
ZONE CHANGE					
-Zone Change (Applicant Initiated)	III	Y	HO	PC	SRC 113
-Zone Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 113
ZONE CHANGE W/	III	Y	PC	CC	SRC 113;

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Table 300.100-2: Land Use Applications by Procedure Type					
			Review Authority		
Application	Procedure Type	Pre-App. Required	Decision	Appeal	Applicable Code Chapter(s)
COMPREHENSIVE PLAN CHANGE					SRC 64
<u>LEGEND</u>					
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					

Section 3. SRC 300.420 is amended to read as follows:

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 (2) of this section, notice of the decision for Type I applications shall be mailed to the applicant.

(2) Notice of the decision on a ~~Type I Administrative~~ Minor Historic Design Review application shall be mailed to the applicant, the owner of the subject property, any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property, and property owners of record, as

1 shown on the most recent property tax assessment roll, within two hundred and
2 fifty feet of the subject property.

3 **(e) Appeal and Review.**

4 **(1)** Except as provided under subparagraphs (A) and (B) of this paragraph, the
5 decision on a Type I application shall be the final decision of the City, may not be
6 appealed and is not subject to City Council review under SRC 300.1050, and shall
7 become effective on the date when written notice of the decision is mailed to the
8 applicant.

9 **(A)** The decision on a ~~Type I~~ Administrative Minor Historic Design Review
10 application may be appealed, pursuant to SRC 300.1010. Only the applicant,
11 the owner of the subject property, or any person entitled to notice of the
12 decision have standing to appeal the decision on a ~~Type I~~
13 Administrative Minor Historic Design Review application.

14 **(B)** The decision of the Review Authority on appeal of a ~~Type I~~
15 Administrative Minor Historic Design Review application shall be the final
16 decision of the City. The decision shall become effective on the date when
17 written notice of the decision is mailed to the persons entitled to notice of the
18 decision.

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

21 **(f) Expiration.** Approval of a Type I application does not expire, unless otherwise
22 provided under SRC 300.860(a) or another provision of the Salem Revised Code.

23 **Section 4.** SRC 300.620 is amended to read as follows:

24 **300.620 Type III Procedure.**

25 **(a) Application Requirements.**

26 **(1) Application Form.** Type III applications shall be made on forms provided
27 by the Planning Administrator.

28 **(2) Submittal Requirements.** Type III applications shall include the
29 information required under SRC 300.210.

30 **(b) Public Notice.** Public notice is required for Type III applications. The purpose

1 of the notice is to provide property owners in the area and other interested parties
2 with the opportunity to submit written comments concerning the application and to
3 present evidence and testimony as part of the hearing process. Public notice shall be
4 by first class mail and by posting on the subject property.

5 **(1) Oregon Department of Land Conservation and Development Notice.**

6 Notice to the Oregon Department of Land Conservation and Development is
7 required for certain Type III applications, pursuant to ORS 197.610. Notice to the
8 Oregon Department of Land Conservation and Development is provided as
9 follows:

10 (A) The City shall mail notice of the application to the Oregon Department of
11 Land Conservation and Development a minimum of forty-five days prior to
12 the first public hearing on the application. An affidavit of mailing shall be
13 prepared and made part of the file.

14 (B) Notice to the Oregon Department of Land Conservation and
15 Development shall be made on forms provided by the Oregon Department of
16 Land Conservation and Development. Notice shall be accompanied by
17 information of sufficient detail to convey the nature and effect of the
18 application, and a certificate of mailing.

19 **(2) Mailed Notice.** Mailed notice shall be provided as follows:

20 (A) The City shall mail notice of the public hearing not less than twenty days
21 prior to the public hearing. An affidavit of mailing shall be prepared and made
22 part of the file.

23 (B) Notice of public hearing shall be mailed to:

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

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

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

29 (iv) Property owners of record, as shown on the most recent property tax
30 assessment roll, within two hundred and fifty feet of the subject property;

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(v) Any governmental agency entitled to notice by law or under an intergovernmental agreement with the City;

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

(vii) 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

~~(viii) All property owners within the historic district for Type II Administrative Historic Design Review applications within a historic district when the proposed project consists of either an addition that increases the gross square footage of the structure by more than fifty percent or new construction in the historic district; and~~

(viii) All property owners within the historic district, for Type I Administrative Major Historic Design Review applications within a historic district and historic resource demolition applications.

(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

1 submitted by the applicant are available for review and that copies can be
2 obtained at reasonable cost;

3 (ix) A brief summary of the decision making process for the application;

4 (x) A general explanation of the requirements for submission of testimony
5 and the procedure for conduct of hearings;

6 (xi) A statement that all interested persons may appear either in person or
7 with representation by an attorney and provide testimony; and that only
8 those participating at the hearing, in person or by submission of written
9 testimony, have the right to appeal the decision;

10 (xii) A statement that failure to raise an issue prior to the close of the
11 public hearing, in person or in writing, or failure to provide statements or
12 evidence with sufficient specificity to afford the applicant and Review
13 Authority to respond to the issue precludes an appeal to the Oregon Land
14 Use Board of Appeals on that issue;

15 (xiii) A statement that a copy of the staff report with recommendation to
16 the Review Authority will be available for inspection at no cost at least
17 seven days prior to the hearing, and that copies will be provided at
18 reasonable cost;

19 (xiv) A statement that after the close of the public hearing a decision shall
20 be made that will be mailed to the applicant, property owner, affected
21 neighborhood association, anyone who participated in the hearing, either
22 in person or in writing, and anyone who requested to receive notice of the
23 decision; and

24 (xv) The name and contact information for the staff case manager.

25 (3) **Posted Notice.** Posted notice shall be provided as follows:

26 (A) The applicant shall post notice on the subject property no earlier than
27 fourteen and no later than ten days prior to the public hearing. The notice
28 shall remain in place through the day of the public hearing. The applicant
29 shall file an affidavit of posting with the City no later than five days after the
30 date of the original posting. The affidavit shall be made a part of the file.

1 (B) Notice shall be posted on each street frontage of the subject property in a
2 conspicuous place that is visible from the public right-of-way. If no street
3 abuts the subject property, the notice shall be placed as near as possible to the
4 subject property in a conspicuous place that can be readily seen by the public.

5 (C) Posted notice shall be on signs prepared by the Planning Administrator.

6 (D) To replace signs that are lost or damaged to the extent they can no longer
7 be reused, the Planning Administrator shall establish a sign deposit fee
8 required for each sign, to be paid by the applicant at the time signs are issued
9 to the applicant.

10 (E) The applicant shall remove the signs from the subject property and return
11 them to the Planning Administrator within seven days after the close of the
12 public hearing. The Planning Administrator shall refund the sign deposit fee
13 if the sign is returned within the required seven days in an undamaged and
14 reusable condition.

15 (c) **Application Review and Staff Report.** Staff shall review the application and
16 written comments and evidence submitted prior to the public hearing and prepare a
17 staff report summarizing the application, comments received to-date, and relevant
18 issues associated with the application; and making a recommendation to the Review
19 Authority. The staff report shall be made available to the public for review a
20 minimum of seven days prior to the hearing.

21 (d) **Public Hearing.** A public hearing shall be held before the Review Authority for
22 the purpose of receiving evidence and testimony regarding the application. The
23 hearing shall be conducted in accordance with the public hearing procedures
24 established under SRC 300.900. The Review Authority shall consider in its review
25 the application, all evidence and testimony submitted for the record, and the
26 recommendation of staff.

27 (e) **Decision.** The Review Authority shall approve, conditionally approve, or deny
28 the application based upon the facts contained within the record and according to the
29 applicable standards and criteria. The decision shall be a written order and include:

30 (1) A list of the approval criteria by section number;

1 (2) A statement of facts upon which the Review Authority relied to find the
2 application does or does not comply with each approval criterion and to justify
3 any conditions of approval. The Review Authority may direct the party whose
4 position is adopted to prepare the statement of facts, and may adopt or incorporate
5 a staff report or written findings prepared by any party to the proceeding into the
6 order;

7 (3) A statement of conclusions based on the statement of facts; and

8 (4) An order approving, approving with conditions, or denying the application.

9 (f) **Notice of Decision.** Notice of the decision shall be mailed within seven days
10 from the date the Review Authority adopts the written order. An affidavit of mailing
11 shall be prepared and made part of the file.

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

13 (A) The applicant(s) and/or authorized representative(s);

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

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

17 (D) Any group or individual who submitted testimony for the record prior to
18 the close of the public hearing;

19 (E) Any governmental agency which is entitled to notice by law or under an
20 intergovernmental agreement with the City, and any governmental agency that
21 submitted testimony prior to the close of the public hearing;

22 (F) Any community organizations, agencies, or individuals who submitted
23 written requests for notice of the decision to the City; and

24 (G) The Oregon Department of Land Conservation and Development, for
25 decisions which required notice to the Oregon Department of Land
26 Conservation and Development.

27 (2) Notice of decision shall include:

28 (A) A brief description of the application;

29 (B) A description of the site sufficient to inform the reader of its location,
30 including site address, if available, map and tax lot number, and its

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- 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 City Council pursuant to SRC 300.1050, the decision on a Type III application shall become effective on the date when written notice of the decision is mailed to persons entitled to notice.
- (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 300.100-2. Except as otherwise provided in paragraph (4) of this subsection, the decision of the Review Authority on appeal, or, if review is initiated by the City Council, the City Council on review, shall be the final decision of the City.
- (4) The decision on a ~~Type II Administrative Historic Design Review or Type III Discretionary~~ Major Historic Design Review application is not subject to Council review. ~~The decision of the Review Authority is the final decision of the City.~~
- (5) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

1 (h) **Expiration of Approval.** Approval of a Type III application expires
2 automatically as provided under SRC 300.860(a).

3 **Section 5.** SRC 300.720 is amended to read as follows:

4 **300.720. Type IV Procedure.**

5 (a) **Application Requirements.** If the Type IV application is applicant initiated by
6 ~~an applicant~~, the following shall apply.

7 (1) **Application Form.** Type IV applications shall be made on forms provided
8 by the Planning Administrator.

9 (2) **Submittal Requirements.** Type IV applications shall include the
10 information required under SRC 300.210.

11 **(b) Initiation.** If the Type IV application is City initiated, the following shall apply.

12 (1) The City Council may initiate a Type IV application by the adoption of a
13 resolution, which shall refer the application to the Planning Commission or
14 Historic Landmarks commission for public hearing and recommendation.

15 (2) The Planning Commission or Historic Landmarks Commission may initiate a
16 Type IV application by the adoption of a resolution referring the matter to public
17 hearing for review and recommendation to the City Council.

18 **(bc) Public Notice.** Public notice is required for Type IV applications. The purpose
19 of this notice is to provide property owners in the area and other interested parties
20 with the opportunity to participate in the public hearing process through the
21 submission of written and oral testimony. Because Type IV applications require
22 evidentiary public hearings before the initial Review Authority and before the City
23 Council, public notice is required for each hearing. Public notice shall be mailed and
24 posted on the subject property.

25 (1) **Oregon Department of Land Conservation and Development Notice.**

26 Notice to the Oregon Department of Land Conservation and Development is
27 required for certain Type IV applications, pursuant to ORS 197.610. Notice to the
28 Oregon Department of Land Conservation and Development shall be provided as
29 follows:

30 (A) The City shall mail notice to the Oregon Department of Land

1 Conservation and Development not less than forty-five days prior to the first
2 evidentiary public hearing. An affidavit of mailing shall be prepared and
3 made part of the file.

4 **(B)** Notice to the Oregon Department of Land Conservation and
5 Development shall be provided on forms provided by the Oregon Department
6 of Land Conservation and Development. The notice shall be accompanied by
7 information of sufficient detail to convey the nature and effect of the
8 application and approval being sought, and the certificate of mailing of the
9 notice.

10 **(2) Mailed Notice.** Mailed notice shall be provided as follows:

11 **(A) City Initiated Applications.** When a Type IV application is City
12 initiated, the City shall mail notice of the initial evidentiary hearing not more
13 than forty but not less than twenty days prior to the hearing. The City shall
14 mail notice of the final hearing a minimum of ten days prior to the hearing.
15 Affidavits of mailing shall be prepared and made part of the file. Notice of
16 both public hearings shall be mailed to:

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

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

20 (iii) Property owners of record, as shown on the most recent property tax
21 assessment roll, within two hundred and fifty feet of the subject property;

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

24 (v) Any community organizations, public utilities, agencies, or
25 individuals who have submitted written requests for notification to the
26 City;

27 (vi) The tenants of a manufactured home or mobile home park for
28 applications involving a comprehensive plan map change and/or zone
29 change affecting all or part of the manufactured home or mobile home
30 park;

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(vii) Any group or individual who submitted testimony for the record prior to the close of initial public hearing; and

(viii) Any group or individual who requested notice of the initial decision of the Review Authority making recommendation to the City Council.

(B) Applicant Initiated Applications. When a Type IV application is applicant initiated, the City shall mail notice of the initial evidentiary hearing a minimum of twenty days prior to the hearing. The City shall mail notice of the final public hearing a minimum of ten days prior to the hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of both public hearings 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) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (iv) Property owners of record, as shown on the most recent property tax assessment roll, within two hundred and fifty feet of the subject property;
- (v) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
- (vi) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
- (vii) 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;
- (viii) Any group or individual who submitted testimony for the record prior to the close of the initial public hearing; and
- (ix) Any group or individual who requested notice of the initial decision of the Review Authority making recommendation to the City Council.

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(C) Mailed notice of each public hearing shall include:

- (i) The information required under ORS 227.186 for City initiated applications affecting the permissible uses of land. This information shall be provided with the initial notice of the public hearing on the application sent to owners or contract purchasers of record of property which may be affected by the decision;
- (ii) The names of the applicant(s) and any representative(s) thereof, if applicable, and the owner(s) of the subject property;
- (iii) The type of application and a concise description of the nature of the request;
- (iv) Site plan, if applicable;
- (v) The street address or other easily understood geographical reference to the subject property;
- (vi) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
- (vii) A list of the approval criteria by name and code section;
- (viii) The date, time, and place of public hearing;
- (ix) A statement that the application and/or all documents and evidence submitted are available for review, and that copies can be obtained at a reasonable cost;
- (x) A brief summary of the decision making process for the application;
- (xi) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
- (xii) 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, or in writing, shall be entitled to appeal;
- (xiii) 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

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Use Board of Appeals on that issue;

(xiv) 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 reasonable cost;

(xv) For the initial public hearing, a statement that subsequent to the close of the hearing a recommendation will be forwarded to the City Council; and for the final public hearing a statement that subsequent to the close of the hearing notice of the decision will be mailed to the applicant, if applicable, the property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested notice of the decision; and

(xvi) The name and contact information for the staff case manager.

(3) Posted Notice. Posted notice is required for Type IV applications. Posted notice shall be provided for each public hearing as follows:

(A) The applicant, or City, if application is City-initiated, shall post notice on the subject property no earlier than fourteen and no later than ten days prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be filed no later than five days after the date of the original posting.

(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 on signs prepared by the Planning Administrator.

(D) To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.

(E) The applicant shall remove the signs from the subject property and return

1 them to the Planning Administrator within seven days after the close of the
2 public hearing. The Planning Administrator shall refund the sign deposit fee
3 if the sign is returned within the required seven days in an undamaged and
4 reusable condition.

5 **(ed) Application Review and Staff Report.** Staff shall review the application and
6 written comments and evidence submitted prior to each public hearing and prepare
7 staff reports summarizing the application, comments received to-date, and the
8 relevant issues associated with the application. Each staff report shall make a
9 recommendation to the Review Authority. The staff reports shall be made available
10 to the public for review a minimum of seven days prior to each public hearing.

11 **(de) Public Hearings.** An initial evidentiary public hearing shall be held before the
12 applicable Review Authority. The purpose of the initial evidentiary public hearing is
13 for the Review Authority to receive evidence and testimony on the application and to
14 forward a recommendation to the City Council. A final public hearing shall be held
15 before the City Council. The purpose of the final public hearing before the City
16 Council is to receive additional evidence and testimony and the recommendations of
17 the Review Authority and staff and to make a final decision on the application. Each
18 hearing shall be conducted as provided in SRC 300.900.

19 **(ef) Recommendation.** Subsequent to the close of the initial public hearing, the
20 Review Authority shall make a recommendation to approve, approve with conditions,
21 or deny the application, based upon the facts contained in the record and according to
22 the applicable standards and criteria. The recommendation of the Review Authority
23 shall be a written order that shall include:

- 24 (1) A list of the approval criteria by section number;
- 25 (2) A statement of the facts relied upon by the Review Authority in making its
26 recommendation. The Review Authority may direct the party whose position is
27 adopted to prepare the statement of facts, or adopt or incorporate a staff report or
28 written findings prepared by any party to the proceeding into the order;
- 29 (3) A statement of conclusions based on the statement of facts; and
- 30 (4) The recommendation of the Review Authority.

1 **(fg) Notice of Recommendation.** Notice of the recommendation shall be mailed
2 within seven days from the date the Review Authority adopts its order. An affidavit
3 of mailing shall be prepared and made part of the file.

4 (1) Notice of recommendation shall be mailed to:

5 (A) The applicant(s) and/or authorized representative(s), if applicable;

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

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

9 (D) Any group or individual who submitted testimony prior to the close of
10 public hearing;

11 (E) Any governmental agency which is entitled to notice by law or under an
12 intergovernmental agreement with the City, and any governmental agency
13 which submitted testimony prior to the close of the public hearing; and

14 (F) Any community organizations, agencies, or individuals who submitted
15 written requests for notice of the recommendation.

16 (2) Notice of recommendation shall include:

17 (A) A brief description of the application;

18 (B) A description of the site sufficient to inform the reader of its location,
19 including site address, if available, map and tax lot number, and the
20 comprehensive plan designation, and zoning;

21 (C) A brief summary of the recommendation;

22 (D) A statement of the facts relied upon by the Review Authority in making
23 its recommendation;

24 (E) A brief statement explaining the next steps in the Type IV application
25 process; and

26 (F) A statement that the complete case file is available for review. The notice
27 shall state where the case file is available and the name and telephone number
28 of the staff case manager to contact about reviewing the case file.

29 **(gh) Decision.** Subsequent to the close of the final public hearing, the City Council
30 shall approve, approve with conditions, or deny the application, taking into

1 consideration the recommendations of the Review Authority and staff; and based
2 upon the facts contained within the record and according to the applicable standards
3 and criteria; or refer the matter back to the Review Authority for further
4 consideration. The decision of the City Council shall be a written order that shall
5 include:

- 6 (1) A list of the applicable approval criteria by section number;
- 7 (2) A statement of the facts relied upon by the City Council in making its
8 decision. The City Council may direct the party whose position is adopted to
9 prepare the statement of facts, or adopt or incorporate a staff report or written
10 findings prepared by any party to the proceeding into the order;
- 11 (3) A statement of conclusions based on the statement of facts; and
- 12 (4) An order approving, approving with conditions, or denying the application.

13 **(hj) Notice of Decision.** Notice of the decision shall be mailed within seven days
14 from the date the City Council adopts its written order. An affidavit of mailing shall
15 be prepared and made part of the file.

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

- 17 (A) The applicant(s) and/or authorized representative(s), if applicable;
- 18 (B) The owner(s) or contract purchaser(s) of record of the subject property;
- 19 (C) Any City-recognized neighborhood association whose boundaries
20 include, or are adjacent to the subject property;
- 21 (D) Any group or individual who submitted testimony for the record prior to
22 the close of public hearing;
- 23 (E) Any governmental agency which is entitled to notice by law or under an
24 intergovernmental agreement with the City, and any governmental agency
25 which submitted testimony prior to the close of the public hearing;
- 26 (F) Any community organizations, agencies, or individuals who submitted
27 written requests for notice of the decision to the City; and
- 28 (G) The Oregon Department of Land Conservation and Development for
29 decisions which required initial notice to the Oregon Department of Land
30 Conservation and Development.

1 (2) Notice of decision shall include:

2 (A) A brief description of the application;

3 (B) A description of the site sufficient to inform the reader of its location,
4 including site address, if available, map and tax lot number, and the
5 comprehensive plan designation and zoning;

6 (C) A brief summary of the decision, and conditions of approval, if any;

7 (D) A statement of the facts relied upon by the City Council in making its
8 decision;

9 (E) The date the City Council's decision becomes the City's final decision;

10 (F) The date, time, and place by which an appeal must be filed and where
11 further information may be obtained concerning the appeal process; and

12 (G) A statement that the complete case file, including findings, conclusions,
13 and conditions of approval, if any, is available for review. The notice shall
14 state where the case file is available and the name and telephone number of
15 the staff case manager to contact about reviewing the case file.

16 (ij) **Appeals.** The decision of the City Council on a Type IV application shall
17 become the City's final decision on the date when written notice of the decision is
18 mailed to persons entitled to notice of the decision. Appeals of Type IV applications
19 are to the Oregon Land Use Board of Appeals.

20 (jk) **Expiration of Approval.** Approval of a Type IV application does not expire.

21 **Section 6.** SRC 300.860 is amended to read as follows:

22 **300.860. Expiration and Extensions.**

23 (a) **Approval Expiration and Termination.**

24 (1) Unless a different period of time is established in the Salem Revised Code or
25 in the decision, all approvals of land use actions shall expire automatically upon
26 the dates set forth in Table 300.860-1 unless one of the following has occurred:

27 (A) Development has commenced in compliance with the land use approval;

28 (B) An extension has been granted pursuant to SRC 300.860(b); or

29 (C) The land use approval has been revoked as provided under SRC 300.870
30 or is otherwise invalidated by an administrative board or court of competent

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jurisdiction.

(2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300.860-1, and all required building permits issued for the land use action have expired.

(b) Extensions.

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300.860-1, through filing an application for extension prior to the expiration date.

(2) Requests for extensions shall be processed as Type I applications and shall be granted if there have been no modifications to the standards and criteria used to approve the original application.

(3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

(4) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

Table 300.860-1: Expiration and Extension of Approvals			
Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²
Type I³	No Expiration Period	N/A	N/A
Type II⁴	2 Years	2	2 Years
Type III⁵	2 Years	2	2 Years
Type IV	No Expiration Period	N/A	N/A

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1. The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until ~~the~~ a final decision is issued on the appeal.
2. The extension period is calculated from the date of the expiration of the approval.
3. Sign Permits requiring a building permit shall be valid for 180 days. All other Sign Permits shall be valid for ninety days. Sign Permits may receive one extension for up to ninety days.
4. Type I and Type I Limited Site Plan approvals shall be valid for four years. No extensions of Site Plan approvals are allowed. If a valid building permit application is submitted, the Site Plan approval shall remain valid until the building permit expires.
5. Administrative Design Review approvals shall be valid for two years and may receive two extensions for up to two years.
6. ~~Type I Administrative~~ Minor Historic Design Review approvals shall be valid for two years and may receive two extensions for up to two years.
7. Type II Site Plan approvals shall be valid for four years. No extensions of Site Plan approvals are allowed. If a valid building permit application is submitted, the Site Plan approval shall remain valid until the building permit expires.
8. Comprehensive Plan Change and Zone Change approvals have no expiration period.

Section 7. SRC 300.1040 is amended to read as follows:

300.1040. Appeal Procedures; Scope. Appeals shall be conducted in accordance with the procedures set forth in this section. ~~The scope of review for an appeal shall be limited to the issues raised in the notice of appeal.~~

(a) Appeal Hearing. Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower level Review Authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record. For purposes of this subsection, the record consists of:

- (1) All staff reports, exhibits, materials, pleading, memoranda, stipulations, and

1 motions submitted by any party and reviewed or considered in reaching the
2 original decision that is being appealed.

3 (2) An electronic recording or transcript of the original hearing.

4 **(b) Public Notice.**

5 **(1) Mailed Notice.** The City shall mail notice of a public hearing to all persons
6 who had standing to appeal the decision not less than twenty days prior to the
7 hearing. An affidavit of mailing shall be prepared and made part of the file.

8 Mailed notice shall include:

9 **(A)** The names of the applicant(s), any representative(s) thereof, and the
10 owner(s) of the subject property;

11 **(B)** The type of land use action, and concise description of the nature of the
12 land use action;

13 **(C)** The proposed site plan, if any;

14 **(D)** The street address or other easily understood geographical reference to
15 the subject property;

16 **(E)** A vicinity map identifying the subject property with relation to nearby
17 major streets or other landmarks;

18 **(F)** A list of the approval criteria by name and code section;

19 **(G)** The specific issues raised by the appellant;

20 **(H)** The date, time, and place of the hearing;

21 **(I)** A statement that the application and all documents and evidence submitted
22 as part of the original proceeding, and any new documents and evidence, are
23 available for review, and that copies can be obtained at a reasonable cost;

24 **(J)** A brief summary of the decision making process for the appeal;

25 **(K)** A general explanation of the requirements for submission of testimony
26 and the procedure for conduct of hearings;

27 **(L)** A statement that all interested persons may appear either in person or
28 with representation by an attorney and provide testimony and that only those
29 participating at the appeal hearing, or in writing, shall be entitled to appeal the
30 decision to the Oregon Land Use Board of Appeals;

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(M) 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;

(N) 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;

(O) A statement that subsequent to the close of the public hearing a copy of the decision will be mailed to the appellant, the applicant, if other than the appellant, the property owner, affected neighborhood associations, anyone who participated in the appeal hearing, either in person or in writing, and anyone who requested to receive notice of the decision; and

(P) The name and contact information for the staff case manager.

(2) Posted Notice. The City shall post notice of the appeal hearing on the subject property no earlier than fourteen days, but not later than ten days, prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be made part of the file. Posted notice shall:

(A) Be posted on each street frontage of the subject property in a conspicuous place so as to be 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 such a manner to be readily seen by the public.

(B) Be provided on signs prepared by the Planning Administrator.

(c) **Staff Report.** The Planning Administrator shall prepare a staff report and make it available a minimum of seven days prior to the appeal hearing.

(d) **Continuances.** The appeal body may continue the hearing to a date, time, and location certain. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.

1 Actions by the appeal body holding the record open or continuing the hearing shall be
2 consistent with ORS 197.763.

3 **(e) Decision.**

4 (1) The appeal body may affirm the decision, affirm the decision with additional
5 conditions or modifications, remand the decision to the lower level Review
6 Authority for further action, or reverse the decision.

7 (2) The appeal body shall adopt a written order, which shall be signed, dated, and
8 mailed to the appellant, the applicant, if other than the appellant, the property
9 owner, affected neighborhood associations, anyone who appeared either orally or
10 in writing before the close of the public record on the appeal, and anyone who
11 requested to receive notice of the decision. The order shall contain:

12 (A) A statement of facts relied upon by the appeal body in reaching its
13 decision.

14 (B) Conclusions of how the standards or criteria are satisfied, based on the
15 statement of facts.

16 (C) An order affirming, modifying, remanding or reversing the decision of the
17 lower body.

18 (3) The appeal body may direct the party whose position prevails in the appeal to
19 prepare the order, or any part thereof, for its consideration and adoption.

20 (4) The decision upon appeal shall become final on the date when written notice
21 of the decision is mailed to persons entitled to notice of the decision. Any further
22 appeal shall be to the Oregon Land Use Board of Appeals.

23 **Section 8.** SRC 145.040 is amended to read as follows:

24 **145.040. Conditional Uses.** The following uses, with conditional use approval as
25 provided in SRC chapter 117 or 118, as applicable, are permitted in the RA district:

26 (a) Those uses listed in SRC 145.030, at the developer's option, as provided in
27 subsection (b) of that section.

28 (b) Agricultural production, livestock (02).

29 (c) Veterinary services for livestock, except animal specialties (0741).

30 (d) Animal services, except veterinary (075).

- 1 (e) Landscape and horticultural services (078).
- 2 (f) Crude petroleum and natural gas extraction (131).
- 3 (g) Electrical services (491)
- 4 (h) Gas production and distribution (492).
- 5 (i) Water supply (494).
- 6 (j) Livestock, wholesale and auction (5154).
- 7 (k) Camps and trailering parks (703).
- 8 (l) Beauty shops (723).
- 9 (m) Barber shops (724).
- 10 (n) Arboreta, botanical, and zoological gardens (842).
- 11 (o) Civic, social, and fraternal organizations (864).
- 12 (p) Commercial radio and television transmitters and antennae.
- 13 (q) Community or neighborhood club buildings, including swimming pools and
- 14 similar recreation facilities, when operated by a non-profit community club.
- 15 (r) Riding clubs and riding stables.
- 16 ~~(s) Historically or architecturally significant buildings, as specific conditional~~
- 17 ~~uses under SRC chapter 118.~~
- 18 ~~(st)~~ Child day care centers as specific conditional uses under SRC Chapter 118.
- 19 ~~(tu)~~ Nursing and personal care facilities (805) as specific conditional uses under
- 20 SRC Chapter 118.
- 21 ~~(uv)~~ Residential care facilities, including homeless shelters serving five or fewer
- 22 persons (836), except residential homes and other structures housing families of
- 23 handicapped persons.
- 24 ~~(vw)~~ Off-site response actions in accordance with applicable law to discharges of
- 25 oil and releases of hazardous substances, pollutants, and contaminants.

26 **Section 9.** SRC 146.040 is amended to read as follows:

27 **146.040. Conditional Uses.** The following uses, with conditional use approval as
 28 provided in SRC chapter 117 or 118, as applicable, are permitted in the RS district:

- 29 (a) Those uses listed in SRC 146.030, at the developer's option, as provided in
- 30 subsection (b) of that section.

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- (b) Crude petroleum and natural gas extraction (131).
- (c) Electric services (491).
- (d) Gas production and distribution (492).
- (e) Water supply (494).
- (f) Beauty Shops (723).
- (g) Barber shops (724).
- (h) Civic, social, and fraternal organizations (864).
- (i) Community or neighborhood club buildings, including swimming pools and similar recreation facilities, when operated by a nonprofit community club.
- ~~(j) Historically or architecturally significant buildings as specific conditional uses under SRC chapter 118.~~
- ~~(jk) Child day care centers as specific conditional uses under SRC Chapter 118.~~
- ~~(kd) Nursing and personal care facilities (805) as specific conditional uses under SRC Chapter 118.~~
- ~~(lm) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential homes and other structures housing families of handicapped persons and inpatient or outpatient drug or alcohol treatment facilities.~~

Section 10. SRC 148.190 is amended to read as follows:

148.190. RM1 Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the RM1 district:

- (a) Those uses listed in SRC 148.170, at the developer's option, as provided in subsection (b) of that section.
- (b) Electric services (491)
- (c) Water supply (494)
- (d) Membership sports and recreation clubs (7997)
- (e) Swimming pools opened to the public, with or without charge
- ~~(f) Historically or architecturally significant buildings as specific conditional uses under SRC chapter 118.~~
- ~~(fg) Child day care centers as specific conditional uses under SRC chapter 118.~~

1 (gh) Homeless shelters and room and board facilities serving six to ten persons.

2 **Section 11.** SRC 148.340 is amended to read as follows:

3 **148.340. RM2 Conditional Uses.** The following uses, with conditional use approval as
4 provided in SRC chapter 117 or 118, as applicable, are permitted in the RM2 district:

5 (a) Those uses listed in SRC 148.320, at the developer's option, as provided in
6 subsection (b) of that section.

7 (b) Electric services (491).

8 (c) Water supply (494).

9 (d) Beauty shop (723).

10 (e) Barber shop (724).

11 (f) Membership sports and recreation clubs (7997).

12 (g) Civic, social, and fraternal organizations (864).

13 (h) Swimming pools opened to the public, with or without charge.

14 ~~(i) Historically or architecturally significant buildings as specific conditional uses~~
15 ~~under SRC chapter 118.~~

16 (j) Child day care centers as specific conditional uses under SRC chapter 118.

17 (kk) Homeless shelters and room and board facilities serving six to ten persons.

18 **Section 12.** SRC 149.040 is amended to read as follows:

19 **149.040. Conditional Uses.** The following uses, with conditional use approval as
20 provided in SRC chapter 117 or 118, as applicable, are permitted in the RH district:

21 (a) Those uses listed in SRC 149.030, at the developer's option, as provided in
22 subsection (b) of that section.

23 (b) Crude petroleum and natural gas extraction (131).

24 (c) Electric services (491).

25 (d) Gas production and distribution (492).

26 (e) Water supply (494).

27 (f) Beauty shop (723).

28 (g) Barber shop (724).

29 (h) Membership sports and recreation clubs (7997).

30 (i) Single family dwellings.

1 ~~(j) Historically or architecturally significant buildings as specific conditional uses~~
2 ~~under SRC chapter 118.~~

3 ~~(jk) Child day care centers as specific conditional uses under SRC Chapter 118.~~

4 ~~(kl) Homeless shelters and room and board facilities serving six to ten persons.~~

5 **Section 13.** SRC 150.040 is amended to read as follows:

6 **150.040. Conditional Uses.** The following uses, with conditional use approval as
7 provided in SRC chapter 117 or 118, as applicable, are permitted in the CO district:

8 (a) Those uses listed in SRC 150.030, at the developer's option, as provided in
9 subsection (b) of that section.

10 (b) Farm labor and management services (076).

11 (c) Crude petroleum and natural gas extraction (131).

12 (d) Telephone communication (481).

13 (e) Telegraph and other message communication (wire or radio) (482).

14 (f) Radio and Television Broadcasting (483).

15 (g) Electric services (491).

16 (h) Gas production and distribution (492).

17 (i) Water supply (494).

18 ~~(j) Historically or architecturally significant buildings as specific conditional uses~~
19 ~~under SRC chapter 118.~~

20 ~~(jk) Homeless shelters and room and board facilities serving 6 to 75 persons; and~~
21 ~~relocation of larger than 75-person facilities in existence as of September 1, 1993,~~
22 ~~from one location in a CB zone site to another location within the Broadway/High~~
23 ~~Street Overlay Zone portion of the CO zone, providing there is no increase in bed~~
24 ~~capacity..~~

25 ~~(kl) Off-site response actions in accordance with applicable law to discharges of~~
26 ~~oil and releases of hazardous substances, pollutants, and contaminants.~~

27 **Section 14. Repeal.** The following are hereby repealed: SRC 120A.010, SRC 120A.015, SRC
28 120A.020, SRC 120A.030, SRC 120A.040, SRC 120A.055, SRC 120A.060, SRC 120A.070,
29 SRC 120A.080, SRC 120A.090, SRC 120A.100, SRC 120A.130, SRC 120A.140; Table 120A-
30 1; Section 5, "Historic Resources Design Guildlines and Standards" of the Development Design

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Handbook; SRC 118.300, SRC 118.310, SRC 118.320, and SRC 118.330.

Section 15. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 16. Codification. In codifying this ordinance the City Recorder may change the word "ordinance," "code," "article," "section," or "chapter" to reflect the proper terminology; may renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct any cross-references; and may correct any typographical errors which do not affect the meaning of the text.

PASSED by the City Council this 13th day of December, 2010.

ATTEST:

Kathy Hall

City Recorder

Approved by City Attorney: *h*

Checked by: K. Fitzgerald

G:\Group\legal\Council\110810 Historic Preservation ord-2.DOC

State

CITY OF SALEM
PLANNING DIVISION
555 LIBERTY ST. SE ROOM 305
SALEM, OR 97301-3503

Dept. of Land Conservation & Dev.
ATTN: Plan Amendment Specialist
635 Capitol St NE, Suite 150
Salem OR 97301-2540