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(c) *HP-O historic preservation overlay.*

- (1) *Purpose.* The purpose of this section is to promote the economic, cultural, educational, and general welfare of the city by:
  - (i) Conserving and improving the value of property within the HP-O district;
  - (ii) Protecting and enhancing the attractiveness of the city to home buyers, home owners, residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the city;
  - (iii) Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of the city;
  - (iv) Fostering civic pride in the aesthetics and cultural accomplishments of the past as represented in the city's landmarks and historic areas;
  - (v) Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods; and
  - (vi) Promoting the use of landmarks and historic areas for the education, pleasure, and welfare of the people of the city.
- (2) *Historic preservation commission.*
  - (i) The historic preservation commission is hereby established, and shall consist of seven (7) members appointed by the council each of whom shall serve without compensation. Every attempt should be made to establish a balance of representation among members, and all members should have a demonstrated interest in historic preservation. Of the seven (7) members, there should be one with background and expertise in historic preservation and one with background and expertise as a real estate investor. The other five (5) members should include representatives from such disciplines as: architecture, design, law, real estate appraisal, and construction/general contracting, as well as a lay person active in historic preservation.
  - (ii) Two (2) of the initial members shall serve terms of one year, two (2) shall serve terms of two (2) years and three (3) shall serve terms of three (3) years. Thereafter, the terms of office for members of the historic preservation commission shall be three (3) years. Vacancies shall be filled for the unexpired terms only.
  - (iii) The historic preservation commission shall elect from its members a chair, a vice-chair and a secretary. Officers shall serve for one year and shall be eligible for reelection. The chair shall preside over all meetings. In the absence of the chair, the vice-chair shall preside. The secretary shall prepare minutes and other necessary records of historic preservation commission meetings.
  - (iv) The historic preservation commission shall meet regularly and at the call of the chair. A quorum shall consist of four (4) members. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the council of the vacancy. The commission shall act upon all completed applications for certificates of appropriateness and economic hardship at the meeting.

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- (3) *Powers and duties.* The historic preservation commission shall have the following powers and duties:
- (i) Adopt rules for the conduct of its business that are consistent with the purposes of the commission and the requirements of the City Code, which shall be approved by council ordinance;
  - (ii) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);
  - (iii) To investigate and recommend to the planning and zoning commission and council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "notable property;"
  - (iv) To investigate and recommend to the planning and zoning commission and the council the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological, community or architectural value as "landmarks;"
  - (v) To investigate and recommend to the commission and the council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "historic districts;"
  - (vi) To keep a register of all properties and structures which have been designated as "notable properties," "landmarks" or "historic districts," including all information required for each designation;
  - (vii) To confer recognition upon the owners of "notable properties," "landmarks" and property or structures within "historic districts" by means of certificates, plaques or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one "notable property," "landmark" or "historic district" to another;
  - (viii) To advise and assist owners of historically significant property or structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse;
  - (ix) To nominate "notable properties," "landmarks" and "historic districts" to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
  - (x) To inform and educate the citizens of the city concerning the historic, archaeological and architectural heritage of the city through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the city, the commission or other appropriate parties;
  - (xi) To review applications for construction, alteration, removal or demolition affecting historically significant property. To hold public hearings on proposed or designated "landmarks" or structures within "historic districts" and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions;
  - (xii) To hold public hearings on each proposed nomination of a National Register Landmark and of a "historic district" and on the guidelines developed for each nomination;

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- (xiii) To recommend that the director issue a stop work order for any construction, alteration, removal or demolition which would require a certificate of appropriateness for which a certificate has not been issued or to stop work that violates the conditions of a certificate;
  - (xiv) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
  - (xv) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction or removal of designated "landmarks" or property and structures within historic preservation overlay districts;
  - (xvi) To review and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect historically significant property, including but not limited to proposed or designated "notable properties," proposed or designated "landmarks" or "historic districts;"
  - (xvii) To call upon available city staff members as well as other experts for technical advice;
  - (xviii) To advise the council on the need to retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;
  - (xix) To testify before all boards and commissions, including the planning and zoning commission and the board of adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;
  - (xx) To review any proposed change of zoning, zoning variance or any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas, upon referral from the planning and zoning commission or council;
  - (xxi) To make recommendations to the council concerning budgetary appropriations to further the general purposes of this ordinance;
  - (xxii) To develop a preservation component in the comprehensive plan and to recommend it to the planning and zoning commission and to the council;
  - (xxiii) To periodically review the Unified Development Code and to recommend to the planning and zoning commission and the council any amendments appropriate for the protection and continued use of historically significant property, "notable property," "landmarks" or property, sites and structures within "historic districts;" and
  - (xxiv) To review and comment on applications for demolition permits referred to the commission by the building official pursuant to the city's adopted building code(s). The commission may advise the property owner of any historical significance of the building to be demolished and recommend alternatives. The commission may document historic resources to be demolished. The commission shall have no authority to deny an application for a demolition permit.
- (4) *Applicability.* The provisions of this section 29-2.30 shall apply to all property designated as a historic landmark or historic district as set forth in the sections that follow, subject to the clarifications and exceptions listed in the subsections below:
- (i) *City property.* Proposed improvements, alterations, demolition or clearance to a building, site, structure, or object owned by the city which has been designated a landmark or is within a historic district shall be approved according to the procedures and regulations of this section 29-2.3(c).

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- (ii) *Property owned by public agencies.* To accomplish the purposes of this section 29-2.3(c), the city may enter into agreements with other units of government. The historic preservation commission may recommend and the council may authorize such agreements. Such agreements may address, designation of landmarks and historic districts; administration of historic preservation fund resources; improvements to landmarks, properties in historic districts, and properties adjacent to landmarks and historic districts; and other mutually acceptable provisions.
  - (iii) *Religious institutions.* Religious institutions in current use as houses of worship are exempt from the provisions of this section.
  - (iv) *Prior permits.* Nothing contained in this section shall affect any building permit, demolition permit or land disturbance permit issued for property which becomes part of the HP-O district if the permit was issued prior to such designation.