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Chapter 5.1 – Establishment of National Historic Landmark District

- 5.1.010 Purpose
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- 5.1.040 Definitions

Jacksonville’s National Historic District is the State’s most extensive and complete example of a late 19th century inland commercial and mining community. The District is comprised of buildings which encompass a complete scope of architecture relevant to Oregon’s history between 1853 and 1884. Buildings within the District included a hotel, drug store, bank, town hall, courthouse, saloons, lodge halls, residences and churches. These structures include, but are not limited to, buildings built in the Greek Revival, Gothic Revival and Italian Villa styles that were common on the Pacific Coast in the last half of the 19th century.

The goal of the Historic Element of the Jacksonville Comprehensive Plan is, *To preserve the integrity of the past, while guiding the evolution of the future.* This Article provides guidelines to implement and support the goal and policies that are included in the Historic Element of the Comprehensive Plan.

5.1.010 Purpose. The City of Jacksonville hereby establishes a Historic District (insert reference) and standards for properties that are (1) identified as Local or National Landmarks, (2) properties that are abutting a Local or National Landmark, or (3) properties that are within the Downtown Historic District (DHD). The objective of these standards is to recognize, and preserve significant properties related to the community’s history; encourage the rehabilitation and ongoing viability of historic buildings and structures; ensure the City’s continued status as a National Historic Landmark District; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism. The DHD and the Landmark List established in this Article are not the same as the National Historic Landmark District, nor is it the same as the “Historic Core” (HC) zoned properties. This District includes individual properties made up of National and Local Register properties as well as properties on and surrounding historic California street, which as a whole has a unique historic importance and shall have certain design and operational regulations.

5.1.20 Applicability.

- A. This article is applied:
 - 1. To all structures and sites that appear on the City’s adopted Local Landmark Register, including individually designated National Register Historic Landmarks;
 - 2. To all properties that are abutting any structure or property listed on the Local Landmark Registry; and
 - 3. To those properties within the Downtown Historic District (DHD).
- B. Regulations established in this Article shall be in addition to regulations of the underlying zoning district with which it is combined.
- C. No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Landmark when such action does not involve a change in design, materials, or appearance. No provision in this Ordinance shall be construed to prevent the alteration, demolition, or relocation of a Landmark when the Building Official certifies that such action is required for public safety. At his or her discretion, the Building Official may find that under state law and Section 11.D.3 (of the Building Code?) that a Landmark does not meet current building code but is not dangerous.

5.1.030 Definitions. As used in this Article, the following words and phrases shall have the following meanings. Terms not defined have their commonly construed meaning:

Abutting: adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures 8 feet or more in a single direction.

Adjacent: Abutting or located directly across a street right-of-way.

Alteration: Addition, removal, or reconfiguration that changes the appearance of a Landmark. Ordinary Maintenance and proposals for solely the Replacement of Building Features are excluded from this definition. A request for Substitute Materials will be an Alteration.

Exterior Alteration: A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following: – Changes to the facade of a building; – Increases or decreases in floor area that result in changes to the exterior of a building; – Changes to other structures on the site or the development of new structures; – Changes to exterior improvements; – Changes to landscaping; and – Changes in the topography of the site.

Awning: A roof-like cover that is connected to the primary structure extending over or in front of a building as a shelter.

Building: A house, barn, church, ~~place of worship~~, place of worship, hotel, or similar construction created principally to shelter any form of human activity.

Downtown Historic District (DHD): That area within the boundary of the District, as set forth herein as (insert reference such as Map 5-1).

Certificate of Appropriateness (COA): A document issued by the Historic Preservation Commission or Officer indicating that the applicant has satisfactorily met the provisions of this Ordinance for the alteration, relocation, or demolition of a Landmark.

Compatibility: ~~The A standard of “compatibility” throughout this Article is~~ intended to ensure that development is not identical to a historic Rresource nor is it so detracting from a historic Rresource that it diminishes the RResource.

Demolition: The complete destruction or dismantling of sixty-five (65) percent of [square footage or value]?, or greater, of the entirety of a Landmark.

Eligible/Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient historic integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties strengthen the historic integrity of Jacksonville’s existing historic district and are given full protection under this Article.

Eligible/Significant: A building, structure, object, or site originally constructed within the primary period of significance that retains and exhibits exceptional integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties led to the nomination and acceptance of Jacksonville’s National Historic Landmark District and are given full protection under this Article.

Exceptional Significance: ~~–~~ the quality of historic significance achieved outside the usual norms of age, association or rarity.

Historic Integrity: A measure of authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period in comparison with its unaltered state; for example, a historic building of high integrity has few alterations or ones that can be easily reversed.

Historic Preservation Commission (HPC): See section 5.2.010 below for a full description.

Historic Preservation Officer: The city official responsible for the administration of this Article. Unless otherwise identified, the City Planning Director is the Historic Preservation Officer under this Article.

Historic Resource: A building, structure, object, or site that is at least fifty (50) years old and meets criteria for listing in the Local Landmark Register, but may not necessarily be recorded in the Historic Resource Survey.

Historic Resource Survey: The record of buildings, structures, objects, and sites recorded by the City of Jacksonville used to identify historic resources potentially eligible for listing in the Local Landmark Register.

This includes all properties within the City's National Register Historic Landmark District boundary. Properties are listed as eligible significant, eligible contributing, non-contributing, or not eligible/out of period.

Historic Significance: The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.

Landmark: All designated historic buildings or structures on the Local Landmark Register are considered landmarks. A landmark is either a historic contributing building, site, or structure within Jacksonville's historic district, or is listed individually on the National Register of Historic Places.

Local Landmark Register: The list of historic resources officially recognized by the City of Jacksonville as important to its history and given full protection under this Article. This list includes Eligible Significant Resources and Eligible Contributing Resources.

National Register of Historic Places: The nation's official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. Jacksonville's Historic District is listed on the National Register of Historic Places as a National Historic Landmark.

National Historic Landmark District - Jacksonville: As established by the National Park Service in 1966, the district includes 78 eligible significant properties.

New Construction: Any new outbuilding, Accessory Dwelling Unit, Guest House, etc. to be added to a historic property.

Non-Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition. These properties can be re-rated (see below) to contributing.

Not in Period: A building, structure, object, or site that was originally constructed outside the applicable period of significance. These properties are not protected under this Article.

Ordinary Maintenance: Activities that do not alter qualities that make a Historic Resource eligible for listing in the Local Landmark Register. This does not include cleaning, painting (when color is not specifically noted in a Landmark's Record of Designation). Replacement of building features ~~are~~is not ordinary maintenance.

Period of Significance: The time period, as set forth below, during which a property or district was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction. Jacksonville has two Periods of Significance. The primary period of significance identifies the National Register and the secondary period of significance identifies the Local Register.

Jacksonville's Primary Period of Significance is 1852-1884

Jacksonville's Secondary Period of Significance is 1885-1927

Rehabilitation: The process of returning a Landmark to a state of utility through repair or alteration, while preserving those portions and features of the Landmark which convey its historic significance.

Relocation: The removal from or moving of a Landmark from its original location noted in the Record of Designation.

Replacement of Building Features. Activities of replacement of siding, trim, door components and window components, or other non-structural building features.

Re-rating. An upgrade or ~~or~~ downgrade of the status of a historic structure because: (A) the structure has been altered in such a way to compromise the historic integrity, or (B) a structure has been restored to the standards established by Title 5 of this code and the Secretary of the Interior's Guidelines for Rehabilitation.

Secretary of the Interior's Guidelines for Rehabilitation: The regulatory standards established by the United States Department of the Interior for preservation of historic properties. The Standards encompass related landscape features and the building's site and environment as well as attached, abutting, or related new construction.

Site: The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of any existing building, structure, or object.

State Historic Preservation Office: Each State has a designated State Historic Preservation Office (SHPO) to help the Federal government administer provisions of the National Historic Preservation Act.

Substitute Materials: Materials made from different sources than the original materials. For example: If wood were the original material for siding, window or trim, material other than wood would be substitute material. Substitute Materials are prohibited unless approved as part of an Alteration.

Work Plan: The applicant's detailed proposal which is reasonably in accord with the Department of Interior standards for the methodology and materials as set forth in 5.4.060 or that an applicant proposal of a different approach or methodology, which is as good or better than Department of Interior standards

Chapter 5.2 – Historic Preservation Commission

- 5.2.010 Historic Preservation Commission
- 5.2.020 Commission Duties
- 5.2.030 Severability
- 5.2.040 Conflicts with Other Laws
- 5.2.050 Identification and Evaluation of Historic Resources

5.2.010 Historic Preservation Commission.

The City of Jacksonville hereby establishes a Historic Preservation Commission with the following provisions:

- A. The Mayor, subject to City Council approval, shall appoint a Historic Preservation Officer to serve as staff to the Historic Landmarks Commission and to carry out the administrative provisions of this Ordinance. The Historic Preservation Officer may appoint a designee(s) to carry out responsibilities delegated to him or her under this Ordinance. Unless otherwise appointed, the City Planning Director shall function as the Historic Preservation Officer.
- B. The Mayor, subject to Council approval, shall appoint a Historic Preservation Commission, hereinafter referred to as the “HPC,” consisting of five members with a demonstrated competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades or related specialties. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
- C. Initial appointments to the HPC shall be for terms of one, two, and three years in order to ensure a staggering of terms. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.
- D. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.
- E. The HPC shall meet at least four times a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Meeting minutes, applications for Certificates of Appropriateness, Landmark nominations, records of designation, staff reports, and decisions of the Commission shall be created and maintained as public records in accordance with applicable local state laws.
- F. A simple majority of the members of the Commission shall constitute a quorum. The concurring vote of the members present shall be required for approval or disapproval of any motion or other action of the Commission.
- G. The Historic Preservation Officer can request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year.

5.2.020 Commission Duties.

The Commission shall have the following duties:

- A. Employing the procedures and criteria in Chapter 5.3, the Commission shall review and act upon applications for the development, construction, alteration, relocation, or demolition of any structure or property to which this Article 5 applies.
- B. Employing the procedures and criteria in Chapter 5.6, the commission shall review and act upon applications for the development, construction, alteration, relocation, or demolition of any structure or property within the Downtown Historic District (DHD).
- C. Employing the procedures and criteria in Section 3.2.050, the Commission may grant variances and adjustments on Landmark properties, properties abutting a landmark, or any property within the

Downtown Historic District (DHD).

- D. Employing the procedures and criteria in Section 5.3, the Commission shall identify and evaluate properties in the City of Jacksonville for designation as Local Landmarks.
- E. Employing the procedures and criteria in Section 5.2.050, the Commission shall maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."
- F. The Commission shall support the enforcement of all state laws relating to historic preservation.
- G. The Commission shall perform any other functions that may be designated by resolution or motion of the City Council.
- H. The Commission may publish and adopt written and graphic guidelines and example materials to clarify the criteria in this Ordinance and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish Landmarks. Documents intended to be used for the regulation of alterations as defined in this Ordinance must be voted on and adopted by the Commission and approved as part of the City of Jacksonville Development Code using the established procedures for amendments.
- I. The Commission may undertake to inform the citizens of, and visitors to the City of Jacksonville, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of Landmarks; provide information on state and federal preservation programs; and document Landmarks prior to their alteration, demolition, or relocation and archive that documentation.
- J. For purposes consistent with this Ordinance and subject to the approval the City Council, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; assist the owners of Landmarks in securing funding for the preservation of their properties; and report on such activities to the City Council.
- K. The Commission may recommend incentives and code amendments to the City Council and Planning Commission to promote historic preservation in the community.
- L. The Commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

~~5.2.030 — **Severability.** If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance shall remain in force and effect.~~

5.2.040 Conflicts with Other Laws.

If the provisions of this Ordinance are found to be in conflict with federal or state laws the federal or state law shall prevail. In cases of conflict with other city ordinances the provisions of this Development Code (Articles I - VI) shall take precedence.

5.2.050 Identification and Evaluation of Historic Resources.

The Historic Resource Survey lists, describes, and determines the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the Historic Resource Survey are eligible for listing in the Local Landmarks Register.

- A. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.
- B. Prior to any public meeting relating to inventory updates which will change or create a historic resource status for a parcel or portion of a parcel, the Commission shall provide prior notice of such

meeting consistent with the Commission's hearing notice procedures.

- C. Surveyed properties/structures shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and should be supplied to the SHPO within six (6) months of the completion of the study.
- D. The Historic Resource Survey shall be maintained as a public record with the exception of archaeological sites (the disclosure of which is prohibited by State law).
- E. The Commission may collect further information including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already listed in the Local Landmark Register or National Register for the purposes of administering this Ordinance pursuant to the provisions of this Section.

Chapter 5.3 – Local Landmark Register

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5.3.070	Re-Rating or Removal Review Criteria
5.3.080	Decision
5.3.090	Results of Listing

DESIGNATION, RE-RATING OR REMOVAL OF HISTORIC LANDMARKS AND DISTRICTS

5.3.010 **Purpose.**

The designation of historic landmarks allows the City to formally recognize, rate and protect its historic and architectural resources. Properties listed on the National Register of Historic Places are eligible for automatic listing on the Local Historic Inventory. The Local Historic Inventory identifies buildings, sites, structures, objects and districts of historical importance or architectural significance that are considered exemplary of their time and style. The regulation of designated and rated historic landmarks provides a means to review proposed changes and encourage the preservation of historical or architectural values. Periodically, it may be necessary to re-rate or remove the designation of a historic landmark to reflect changing conditions, community values, or needs.

5.3.020 **Initiation.**

The process for designating or removing a landmark or historic district may be initiated by the City Council, the Historic Preservation Commission, or by any other interested person. Initiations by the Historic Preservation Commission are made without prejudice towards the outcome. At the time of initiation, the Planning Director shall provide the property owner and applicant with information regarding the benefits and obligations of designation. No historic resource shall be designated as a Landmark without the written consent of the owner, or in the case of multiple ownership, a majority of the owners. Removal of properties from the National Register of Historic Places requires review and approval by the State Historic Preservation Office and State Advisory Committee.

5.3.030 **Procedure.**

- A. **Designation.** Requests for designations of historic landmarks and districts are reviewed through the Type IV procedure. The process is legislative when it affects a large number of persons or properties. The Historic Preservation Commission replaces the Planning Commission as the initial review body. The City Council makes the final determination of historic landmark designation.
- B. **Amendment to Existing Historic Districts.** Changes or additions to the period of significance statement, property rating structure, or boundaries of an existing historic district shall be reviewed under the Type IV legislative process. The Historic Preservation Commission replaces the Planning Commission as the initial review body. The City Council reviews and adopts any amendments to the historic districts.
- C. **Local Historic Inventory Removal.** Only Landmarks located outside the National Register Historic District and that are not listed on the National Register of Historic Places individually are eligible for removal from the Local Historic Inventory. The Director may delete any demolished or removed historic structure outside the historic districts from the Local Historic Inventory through the Type I

procedure. In the event a National Register building or structure is demolished or moved, an application shall be made to the State Historic Preservation Office to remove and/or re-designate the property from the National Register.

- D. **Individual Property Re-Rating.** The Historic Preservation Commission shall review requests for re-rating of individual properties.

5.3.040 Application Contents.

An application for designation of a Landmark must include the following information:

- A. A written description of the boundaries of the proposed district or the location of the proposed landmark or property to be evaluated.
- B. A map and photographs illustrating the boundaries of the proposed district or the location and condition of the proposed landmark or the property to be evaluated.
- C. A statement explaining the following:
 - a. The reason(s) why the proposed district, landmark or property should be designated.
 - b. The reason(s) why the proposed boundaries of the proposed district are appropriate for designation.
 - c. The potential impact, if any, that designation of the proposed district or landmark would have on the owners, surrounding residents or other property owners in the area.

5.3.050 Submission of Application.

All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and processed as a Type IV action.

5.3.060 Designation Review Criteria.

In addition to being within the Period of Significance (1853-1884), the review bodies must find that one of the following criteria has been met in order to approve a proposed Landmark:

- A. The proposed Landmark or has historic significance because:
 - a. There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
 - b. There is an association with an event that has made a significant contribution to the city, county, state, or nation;
 - c. There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation
- B. The proposed landmark has architectural significance because:
 - a. It is an example of a particular architectural style, building type and/or convention;
 - b. It has a high quality of composition, detailing and/or craftsmanship;
 - c. It is an example of a particular material and/or method of construction;
 - d. The resource retains its original design features, materials and/or character;
 - e. It is the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction; or
 - f. It is a visual landmark.
- C. The proposed landmark is listed on the National Register of Historic Places and is within the Period of Significance or before.

5.3.070 Re-Rating or Removal Review Criteria.

The review body must find that one of the following criteria is met in order to approve a re-rating or remove a landmark from the Local Historic Inventory:

- A. Landmarks accidentally destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of Chapter 5.6 and meeting the definition of “demolished” as defined in this Ordinance.
- B. The inventory was in error.
- C. Additional research has uncovered an association with a person, group, organization, institution or events that have made a significant contribution to the city, county, state or nation or additional research has been compiled regarding the architectural significance of a structure or style.
- D. Alterations to the structure have caused it to more closely approximate the historical character, appearance, or material composition of the original structure.
- E. Alterations to the structure have removed distinguishing features or otherwise altered the exterior such that the existing rating is no longer justified.
- F. The reasons for designating the historic landmark no longer apply.

5.3.080 Decision.

An application under this section shall be processed in the same manner as 5.7.030 and 5.7.040. This decision shall be provided to the SHPO. If a Landmark is also listed in the National Register, the Commission shall request that the SHPO remove the property from the National Register.

5.3.090 Results of Listing in Local Landmark Register.

- A. All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.
- B. Landmarks are protected under the provisions of this Article.

Chapter 5.4 – Alterations to Landmarks and New Construction on Landmark Properties

5.4.010	Purpose
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5.4.050	Exterior Alterations <u>Criteria for Approval</u>
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5.4.070	<u>Exterior Alterations</u>
<u>5.4.080</u>	<u>Substitute Materials</u>
<u>5.4.090</u>	<u>New Construction</u>
<u>5.4.100</u>	<u>Land Partitions and Divisions</u>

5.4.010 Purpose.

The purpose of reviewing alterations to landmark properties is to encourage preservation of the characteristics that led to their designation as historic landmarks. Preservation of Landmark Buildings and Properties involves careful planning, conscientious maintenance and repair, and knowledgeable and informed restoration, and sensitive rehabilitation that accommodates modern business and residential lifestyles. Review under this Chapter is required for exterior alterations to historic properties, buildings or structures. Any alteration is required to be compliant with the Secretary of the Interior’s Guidelines for Rehabilitation and the standards set forth in this chapter. The historic resources identified in those inventories must be preserved if Jacksonville is to retain its National Historic Landmark designation.

5.4.020 Exemptions from Review.

Review under this Chapter is not required for properties, buildings or structures that are not designated as a National or Local Landmark Structure.

5.4.030 Relationship to Other Land Use Reviews.

Projects that require historic review may also require other land use reviews. If other reviews are required, the review procedures may be processed concurrently.

5.4.040 The Secretary of the Interior’s Guidelines for Rehabilitation.

~~A.~~ The following are guidelines which shall be addressed by an applicant for work proposed and to be reviewed under this Chapter:

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of a property is to be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time and place. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of

- missing features shall be substantiated by documentary, physical, or pictorial evidence.
- G. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property, and its environment.
 - J. Additions shall be located at the side or rear of the building.
 - K. New additions and abutting or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

5.4.050 Criteria for Approval.

The HPC must find that one of the following criteria has been met in order to approve an alteration request on a Landmark structure or property:

- A. The proposed alteration will cause the structure to more closely approximate the historic character, appearance, or material composition of the original structure. Applicants shall demonstrate they meet these criteria through a proposed work plan (5.4.060).
- B. The proposed alteration is compatible with the historic characteristics of abutting landmark properties and the existing structure by meeting the guidelines set forth in 5.4.070. Applicants shall demonstrate they meet these criteria through a proposed work plan (5.4.060), or [Is this really new construction review for parcels with an existing Landmark on it?]
- C. A proposal is solely for the use of substitute materials shall comply with the standards of Chapter 5.4.080. Applicants shall demonstrate they meet these criteria through a proposed work plan (5.4.060).
- D. The proposed new construction is compatible with the historic characteristics of abutting landmark properties and with the existing structure by meeting the guidelines set forth in 5.4.090. Applicants shall demonstrate they meet these criteria through a proposed work plan (5.4.060).

5.4.060 Work Plan, Application of Department of Interior Guidelines and Briefs.

The applicant shall provide operations and maintenance Work Plans for work to be approved under this Section. For approval, the HPC shall find that the applicant's Work Plan is reasonably in accord with the U.S. Department of the Interior's standards and methods as set forth in 5.4.040 or that an applicant shall meet those standards proposing a different approach or methodology, which is as good as or better than Dept. of Interior standards. ***

5.4.070 Exterior Alterations

- A. Purpose.** The purpose for reviewing Exterior Alterations is to encourage the preservation of characteristics of Landmark properties and structures. Exterior Alterations include any change or modification to the exterior physical features of properties affected by this Chapter. Such physical features may include additions, architectural details, visual characteristics, and any significant object that affects the historical qualities of the building.
- B. Standards for Exterior Alterations.** In addition to the Secretary of the Interior's Guidelines for Rehabilitation, The HPC must find that the request meets the following criteria in order to approve an

Exterior Alteration request:

1. The original topography and grade of building sites should be maintained.
2. If alteration is required for a new use, it must not damage or destroy the historic quality and character of the structure or site.
3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure or site must not be damaged or destroyed.
4. Changes that have taken place over the years are evidence of the history and development of a structure, or site and its environment. Changes constructed during the historic period and that have acquired significance in their own right must not be damaged or destroyed.
5. Retrofitting Landmark structures to achieve energy efficiency is permitted if the retrofitting preserves the building's historic character.
6. Additions or alterations to improve accessibility are allowed, and are required to be designed in a manner that is compatible with the building and its setting.

C. Procedure. A request for an exterior alteration is reviewed and processed by either the Historic Preservation Officer/Planning Director or the Historic Preservation Commission.

1. The Historic Preservation Officer/Planning Director may approve residential replacement of building features applications through a Type I process if all of the following criteria is met:
 - a. There is no change in historic character, appearance or material composition from the existing structure, or
 - b. The proposed replacement materially duplicates the affected exterior building features as determined from an early photograph, original building plans, or other evidence of original building features.
2. For all other applications under this Chapter, the Historic Preservation Commission will review and process the alteration proposal as a Type III process.

D. Application Contents. The application shall be in the form currently required by the City Planning Department including but not limited to information (e.g. drawings, photographs) which clearly shows the intended alteration, substitute materials (if any) and resulting appearance change of the structure which the applicant sets forth in a proposed Work Plan.

E. Decisions/Appeals. All decisions must specify the basis for the decision. Historic Preservation Commission decisions may be appealed to the Jacksonville City Council. Decisions of the Community Development Director may be appealed to the Historic Landmark Commission. Final decisions shall note that any alteration to buildings participating in Oregon's Special Assessment of Historic Property Program may also require review and approval by the State Historic Preservation Office.

5.4.080 Substitute Materials

A. Purpose. The purpose of reviewing the use of substitute materials is to encourage the preservation of characteristics and materials of the historic architectural style. Substitute Materials include the replacement of siding, windows, trim, and other exterior features that contribute to the structure's status as a Landmark.

B. Procedure. Review of a request for the use of substitute materials is reviewed and processed by Historic Preservation Commission as required by _____.

C. Eligibility for the Use of Substitute Materials. The City of Jacksonville interprets the Secretary of Interior's Standards for Rehabilitation on compatibility to allow substitute siding and windows only under the following conditions:

1. In the case of historic contributing buildings or structures, the existing siding, windows or trim is so deteriorated or damaged that it cannot be repaired and the proposal meets the standards of 5.4.040 and is set forth in a Work Plan, as set forth in ~~5.3.070(B)~~5.4.060.
2. Any application for the use of substitute siding, windows and/or trim will be decided on a

case-by-case basis. The prior existence of substitute siding and/or trim on the historic buildings on the Local Landmark Register will not be considered a factor in determining any application for further use of said materials.

D. Design and Application Criteria for Substitute Materials. The application for the use of substitute materials on siding, windows or trim must follow these guidelines:

1. The proposed substitute materials must approximate in placement, profile, size, proportion, and general appearance the existing siding, windows or trim.
2. Substitute siding, windows and trim must be installed in a manner that maximizes the ability of a future property owner to remove the substitute materials and restore the structure to its original condition using traditional materials.
3. The proposed material must be finished in a color appropriate to the age and style of the structure, and the character of both the streetscape and the overall district. The proposed siding or trim must not be grained to resemble wood.
4. The proposed siding, windows or trim must not damage, destroy, or otherwise affect decorative or character-defining features of the building. Unusual examples of historic siding, windows and/or trim may not be covered or replaced with substitute materials.
5. The covering of existing historic wood window or door trim with substitute trim will not be allowed if the historic trim can be reasonably repaired. Repairs may be made with fiberglass or epoxy materials to bring the surface to the original profile, which can then be finished like the original material.
6. Substitute siding or trim may not be applied over historic brick, stone, stucco, or other masonry surfaces;

E. For the application of substitute siding and trim only:

1. The support framing that may be rotted or otherwise found unfit for continued support shall be replaced in kind with new material.
2. The interior surface of the exterior wall shall ~~receive~~include a vapor barrier to prevent vapor transmission from the interior spaces, as required by the Building Official.
3. Walls to receive the proposed siding shall be insulated and ventilated from the exterior to eliminate any interior condensation that may occur.
4. Sheathing of an adequate nature shall be applied to support the proposed siding material with the determination of adequacy to be at the discretion of the Building Official.
5. The proposed siding shall be placed in the same direction as the historic siding.
6. The new trim shall be applied so as to discourage moisture infiltration and deterioration.
7. The distance between the new trim and the new siding shall match the distance between the historic trim and the historic siding.

F. Conditions of Approval. In approving an alteration request, the Historic Landmark Commission may attach conditions that are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building or site. All conditions must relate to a review criterion.

E. Decisions/Appeals. All decisions shall specify the basis for the decision. Historic ~~Landmark~~Preservation Commission decisions may be appealed to the Jacksonville City Council. Decisions of the Planning Director may be appealed to the Historic ~~Landmark~~Preservation Commission.

5.4.0790 New Construction

A. Purpose. The purpose of this section is to review the design for new structures on Landmark properties. New construction includes any new structure (outbuildings, Accessory Dwelling Units, Guest Houses, etc.) to be added to a historic property.

B. Procedure. The Planning Director will review and decide on applications for new construction. At the Director's discretion, an application may be referred to the Historic Preservation Commission for a decision.

New construction on historic properties participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office. For all requests, the applicant and adjoining property owners within 100 feet will receive notification during the 14-day comment period before the City decision.

C. Application Contents. Any application for new construction design approval must include the following information:

1. A site plan showing the location of the existing and proposed structure on the site, setbacks, building dimensions, the location of driveways and landscape areas, and the general location of structures on adjacent lots
2. Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the new structure
3. Photos of property, including the existing structure(s), and abutting properties.
4. Findings of Fact that address the following criteria:

D. New Construction Review Criteria. In addition to the Secretary of the Interior's Guidelines for Rehabilitation, The Planning Director or the HPC must find that the request for a new structure meets the following additional criteria in order to approve a new construction request:

1. The original topography and grade of building sites should be maintained.
2. If alteration is required for a new use, it must not damage or destroy the historic quality and character of the structure or site.
3. All buildings, structures, and sites shall be recognized as products of their own time
4. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure or site must not be damaged or destroyed.
5. A contemporary structure may be added to a historic property if it does not conceal, or overshadow the historic structure.
6. The design must be compatible with the size, scale, color, material, massing and character of the property, neighborhood and environment.
7. All new structures on a historic property shall not be situated in front of the historic structure.

E. Decisions/Appeals. All decisions shall specify the basis for the decision. Historic Preservation Commission decisions may be appealed to the Jacksonville City Council. Decisions of the Planning Director may be appealed to the Historic Preservation Commission

5.4.08100 Land Partitions and Divisions

Applications for a Land Partition or Division shall comply with the criteria in Article...

For Landmark properties, the following additional standards apply:

- A. Building Envelopes: Any application for a land Partition or Division shall include a site plan with building envelopes that demonstrates compliance with the historic design and use standards set forth in this Article.
- B. Landmark Protection: Any application for a Land Partition or Division for Landmark Properties shall demonstrate that the Landmark structure will be preserved and protected.
- C. Procedure: Land Partitions and Divisions for Landmark properties require a Level III review.

Chapter 5.5 – Standards for Development Abutting a Landmark Property

5.5.010	Purpose
5.5.020	Exemptions from Review
5.5.030	Relationship to other Land Uses
5.5.040	Exterior Alterations
5.5.050	New Construction
5.5.060	Partitions and Land Divisions

5.5.010 Purpose

Review under this Chapter is required for properties, buildings or structures abutting a property classified as a National or Local Landmark. New construction should enhance, rather than detract, from the overall character of the abutting historic structure. The objective of the standards set forth in this Chapter for alterations and new construction is to ensure that the design, construction and location is consistent and does not detract from the National and Local Landmark properties and structures.

5.5.020 Exemptions from Review.

Review under this Chapter is not required for properties, buildings or structures that are not abutting a National, or Local Landmark, or Landmark Property.

5.5.030 Relationship to Other Land Use Reviews.

Projects that require historic review may also require other land use reviews. If other reviews are required, the review procedures may be processed concurrently.

5.5.040 Exterior Alterations

A. Purpose. The purpose of reviewing Exterior Alterations for properties abutting historic structures/properties is to ensure that the alterations are compatible with the character of the historic Landmarks. The main focus of HPC is to preserve the historic value and nature of Jacksonville’s Landmarks. The method for accomplishing this purpose is by determining that proposed alterations to structures which are abutting to Landmarks or Landmark Property will be compatible with those identified Landmark Resources. The standard of “compatibility” is intended to ensure that development is not identical to a historic Resource nor is it so detracting from a historic Resource that it diminishes the Resource. The development elements of height, setbacks, materials, massing, etc., are all often site and project specific. How the proposal will impact and how these development elements should be incorporated so as to not detract from the historic Resource is the proper purview of the HPC.

B. Procedure. A request for an exterior alteration of a structure on a property abutting a Landmark or Landmark Property is reviewed and processed by Historic Preservation Commission.

C. Application Contents. The application shall be in the form currently required by the City Planning Department including but not limited to information (e.g. drawings, photographs) which clearly shows the intended alteration, and resulting appearance change of the structure which the applicant sets forth in a proposed Work Plan.

1. A site plan showing the location of the structure on the site, the intended addition and remodel, setbacks, building dimensions, the location of driveways and landscape areas, and the location of the Landmark structure(s) on the adjacent lot(s).
2. Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure.
3. Material board adequately demonstrating materials and colors proposed for the exterior

elements of the project.

D. Exterior Alteration Review Criteria. All alterations of structures on property abutting a Landmark or Landmark Property must comply with the following standards:

- a. 1. The development complies with all site review standards required by that specific zoning including but not limited to the development patterns of sidewalks and street tree location, lot coverage, and other site design standards;
- b. 2. The alteration is compatible ~~to~~with, and does not detract from the Landmark and Properties. A Finding of compatibility shall specifically find that the new project is compatible and does not detract from the abutting Landmark in regard to:
 - a. Scale of building: The size and mass of the altered structure shall be compatible with abutting Landmark and Landmark Properties;
 - b. Height: ~~¶~~The height of the altered structure shall be compatible with abutting Landmark and Landmark Properties;
 - c. Proportion of front facade: The relationship of the width to the height of the front elevations, including but not limited to the alignment of window trim/frame, roof lines, and details separating lower and upper stories, of the development shall be compatible with the abutting Landmark and Landmark Properties;
 - d. Proportion and Pattern of openings: The relationship of the size and pattern of windows and doors as well as the pattern of upper story windows shall be compatible with the abutting Landmark and Landmark Properties;
 - e. Pattern of entrances and other stylistic features and projections: The relationship of entrances, cupolas, cornices, architectural details and other stylistic features and projections shall be compatible with abutting Landmark and Landmark Properties;
 - f. Pattern of materials, textures and color: The relationship of all new construction materials shall be compatible with abutting Landmark and Landmark Properties;
 - g. Roof shapes and treatments: The same and treatment of the new construction shall be compatible with abutting Landmark and Landmark Properties
 - h. The original topography and grade of building sites should be maintained.
 - i. The alteration must comply with the following standards, as complemented by the guidelines contained in Section V41 (A) & (B) of the Design Guidelines for Jacksonville, Oregon, prepared by The Architectural Resources Group:
 - j. If remodeling is required for a new use (e.g. converting a residential use to a commercial use), it must not damage or destroy the historic quality and character of the abutting Landmark / Landmark Properties.
 - k. All buildings, structures, and sites shall be recognized as products of their own time.
 - l. An alteration that has no historical basis shall not be designed to create an earlier historic appearance.
 - m. Changes that have taken place over the years are evidence of the history and development of a structure, or site and its environment. Changes constructed during the historic period and that have acquired significance in their own right must not be damaged or destroyed.

E. Decisions/Appeals. All decisions shall specify the basis for the decision. Historic Preservation Commission decisions may be appealed to the Jacksonville City Council. Decisions of the Planning Director may be appealed to the Historic Preservation Commission

5.5.050 New Construction

A. Purpose. The purpose of reviewing new construction for properties abutting historic structures/properties is to ensure that the planned structures are compatible with the character of the

historic structure. The main focus of HPC is to preserve the historic value and nature of Jacksonville's Landmarks. The method for accomplishing this purpose is by determining that new construction on which is abutting to Landmarks or Landmark Property is compatible with those identified Landmark Resources. The standard of "compatibility" is intended to ensure that development is not identical to a historic Resource nor is it so detracting from a historic Resource that it diminishes the Resource. The development elements of height, ~~setbacks~~~~set-backs~~, materials, massing, etc., are all often site and project specific. How the proposal will impact and how these development elements should be incorporated so as to not detract from the historic Resource is the proper purview of the HPC.

B. Procedure. The HPC will review and decide on applications for new construction.

C. Application Contents. Any application for new construction design approval must include the following information:

1. A site plan showing the location of the structure on the site, setbacks, building dimensions, the location of driveways and landscape areas, and the location of the Landmark structure(s) on the abutting properties.
2. Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure and support Findings addressing all applicable criteria.
3. Material board adequately demonstrating materials and colors proposed for the exterior elements of the project.

D. New Construction Review Criteria. The Historic Preservation Commission must find that the request meets the following applicable criteria in order to approve the new construction request:

1. The development maintains any unifying development patterns such as sidewalk and street tree location, lot coverage, and other site review standards required by that specific zoning;
2. The alteration must comply with the following standards, as complemented by the guidelines contained in Section V1 (A) & (B) of the Design Guidelines for Jacksonville, Oregon, prepared by The Architectural Resources Group;
3. The new construction is of compatible ~~to-with~~ Landmark Structures and Properties, but not the same as those abutting Resources. A Finding of compatibility shall specifically find that the new project is compatible to the abutting Landmark and Landmark Properties in regard to:
 - a. Proportion of front facade: The relationship of the width to the height of the front elevations, including but not limited to the alignment of window trim/frame, roof lines, and details separating lower and upper stories, of the new project shall be compatible with the abutting Landmark and Landmark Properties;
 - b. Proportion and Pattern of openings: The relationship of the size and pattern of windows and doors as well as the pattern of upper story windows shall be compatible with the abutting Landmark and Landmark Properties
 - c. Pattern of spacing and buildings on streets: The relationship of a new building or structure to the open space between it and surrounding features (structures on ~~its~~ the same lot and on abutting lots, Heritage Trees, out buildings, etc.) shall be compatible with abutting Landmark and Landmark Properties;
 - d. Setbacks: New buildings or structures shall have the same or greater setback than that of an existing Landmark structure on or abutting the subject property. Except that the reconstruction of a building legally demolished or destroyed by calamity may be rebuilt within the setbacks of the demolished or destroyed structure. *** place holder for an exception with high bar where breaking this default will make sense.
 - e. Pattern of entrances and other stylistic features and projections: The relationship of entrances, cupolas, cornices, architectural details and other stylistic features and projections shall be compatible with abutting Landmark and Landmark Properties;
 - f. Pattern of materials, textures and color: The relationship of all new construction

- materials shall be compatible with abutting Landmark and Landmark Properties;
- g. Roof shapes and treatments: The same and treatment of the new construction shall be compatible with abutting Landmark and Landmark Properties;
 - h. Scale of building: The size and mass of the new construction shall be compatible with abutting Landmark and Landmark Properties;
 - i. Height: ~~The~~ height of the new construction shall be compatible with abutting Landmark.

Structures that will total less than 200 square feet shall not require review under this Section.

E. Decisions/Appeals. All decisions shall specify the basis for the decision. Historic Preservation Commission decisions may be appealed to the Jacksonville City Council. Decisions of the Planning Director may be appealed to the Historic Preservation Commission

5.5.060 Land Partitions and Divisions

Applications for a Land Partition or Division shall comply with the criteria in Article 4.3.
For properties abutting a Landmark Property, the following additional standards apply:

- A. Building Envelopes: Any application for a land Partition or Division shall include a site plan with building envelopes that demonstrates compliance with the historic design and use standards set forth in this Article.
- B. Landmark Protection: Any application for a Land Partition or Division for properties abutting a Landmark property shall demonstrate that the Landmark property will be preserved and protected.
- C. Procedure: Land Partitions and Divisions for properties abutting a Landmark require a Level III review.

Chapter 5.6 – Downtown Historic District (DHD)

5.6.010	Purpose
5.6.020	Applicability
5.6.030	Downtown Historic District Standards
5.6.040	California Street Standards
<u>5.6.050</u>	<u>Additional Downtown Historic District Standards</u>

5.6.010 Purpose

Downtown Jacksonville is the City's economic engine-center and focus for residents and visitors. In particular, California Street -capturesexemplifies the City's identity with its unique collection of intact and complete 19th Century buildings. In order to protect these resources, the City of Jacksonville hereby establishes a Downtown Historic District (DHD) (Map Reference ***) in order to preserve the City's most recognizable historic structures and protect the City's designation as a National Historical Landmark.

The purpose of the DHD is to preserve and protect the character of the downtown core. New construction and alterations in the DHD should enhance, rather than detract, from the overall character of the district. This section provides guidelines for existing historic structures and new developments while ensuring compliance with the Secretary of the Interior's Standards for Historic Rehabilitation. The DHD guidelines are intended for the protection, enhancement and perpetuation of historic structures, and also ensures similarity in design and materials while encouraging pedestrian scale and compatible patterns. By balancing the historic character and economic opportunities of the downtown core, Jacksonville can continue as a thriving, successful community.

The purpose of this Chapter is to:

- A. Effect and accomplish the protection, enhancement and perpetuation of the city's National Historic Landmark status.
- B. Safeguard the city's historic, aesthetic and cultural heritages as embodied and reflected in the Downtown Historic District.
- C. Complement the National and Local Landmark designations.
- D. Stabilize and improve property values within the district.
- E. Foster civic pride in the city's unique past and historic structures.
- F. Protect and enhance the City support to local business and industry.
- G. Strengthen the economy of the city.

5.6.020 Applicability.

All development of property identified within the DHD boundary, as set forth on Map 5-1, shall comply with standards set forth in this Chapter. Any development within the DHD is also subject to the site design and use standards of its zoning, but should there be a direct or indirect conflict between the specific standards of the DHD and the underlying zoning, the specific standards of the DHD shall control.

In addition to complying with the development standards of the DHD, an alteration of a Landmark, development on property containing a Landmark, or development on property abutting a Landmark within the DHD are required to meet the standards for such development set forth in chapters 5.4 and 5.5 of this Article.

5.6.030 Downtown Historic District Standards

Decision criteria for development within the DHD.

Decisions on applications for development under this section 5.6, other than those for administrative

permits, shall be based upon:

Compliance with the relevant zoning standards for this property;

A "finding of compatibility" of the subject development or project within the context of the entire DHD to which the project visually relates. In order to make a "finding of compatibility", new buildings and structures, or exterior alterations to existing buildings and structures shall meet the following criteria, as applicable.:

- A. Proportion of front facade: The relationship of the resulting width to the height of the front elevations, including but not limited to the alignment of window trim/frames, roof lines, and details separating lower and upper stories, shall be compatible with existing buildings, public ways, and places within the DHD to which it is visually related;
- B. Scale of building: The size and mass of the new construction shall be compatible with buildings, public ways and places within the DHD to which it is visually related;
- C. Height: the height of the new construction shall be compatible with buildings, public ways and places within the DHD to which it is visually related, but any new building shall be less than 35 feet in height.
- D. Roof shape and treatments: The roof shape and treatment of the new construction shall be compatible with buildings, public ways, and places within the DHD to which it is visually related;
- E. Proportion and Pattern of openings: The relationship of the size and pattern of windows and doors as well as the pattern of upper story windows shall be compatible with buildings, public ways, and places within the DHD to which it is visually related;
- F. Pattern of spacing and buildings on streets: The relationship of a new building or structure to the open space between it and surrounding features (structures on ~~its~~ the same lot and on abutting lots, Heritage Trees, out buildings, etc) shall be compatible with buildings, public ways and places within the DHD to which it is visually related, but a new building or structure which has the same front yard orientation shall have a front yard setback the same or greater than that of an existing Landmark on or abutting the subject property;
- G. Pattern of stylistic features and projections: The relationship of stylistic features, such as cupolas, cornices, and other architectural details and projections, shall be compatible with buildings, public ways and places within the DHD to which it is visually related;
- H. Appropriate exterior building materials will be used for the project, which include:
 1. new brick (bare or painted, color ranging from dark plum-red to red-yellow),
 2. vertical board and batten siding for rear and side additions, or
 3. horizontal wood siding, "v" rustic, drop or clapboard wood siding;
- I. The project shall not use inappropriate exterior materials or techniques which include:
 1. wood shingles on walls,
 2. diagonal wood siding,
 3. stucco,
 4. glazed tile,
 5. unpainted wood on storefronts,
 6. "used" or "contractor's brick" (frequently used on buildings to make them look "old"),
 7. glass which is mirrored, tinted or treated in such a way as to block views into the interior, vinyl or mill finished aluminum windows, doors or screens.

5.6.040 California Street Design Standards

Purpose:

The purpose for the California Street Design Standards is to ensure properties that front California Street complement and preserve the character of the historic downtown core.

Applicability:

These design standards apply to any property that has frontage on California Street within the DHD

boundary.

Development Review Criteria.

Any new construction or exterior alterations of buildings or structures (excluding accessory structures) located on properties with frontage on California Street, within the DHD, shall conform to the standards established in this section. The Historic Preservation Commission must find that the request meets the following applicable criteria in order to approve a request:

- A. New buildings or structures to be built on California Street between Oregon and 4th St shall be built to the front property line of California Street (zero front yard setbacks allowed). Side and rear yard setbacks shall be determined by the HPC as part of its review under 5.6.030.
- B. The main entry into buildings or structures shall be from the California ~~s~~Street frontage.
- C. Individual building elements shall be as follows (specifically “not permitted” features shall not be approved by the HPC):
 1. **Roof form:** Flat or gently pitched built-up roofing, typically pitched from a ridge at the building center line running from the front to the rear of the building. The pitch extends from the ridge to each side of the building and then along the sides to the front or rear facade. Not Permitted: Gable or hip roofs exposed from the street, or steeply pitched roofs;
 2. **Parapet:** Stepped or flat front, one or two feet above the roof. Side and rear parapet walls are frequently found as well. Not Permitted: ~~Ne-A~~ parapet wall or a parapet with a gable end rather than one stepping up to the center of the front facade;
 3. **Cornice:** Horizontal cornice of broad fascia boards, with uniformly spaced brackets below extending from ~~atm~~ a plain brick facade or simply detailed fascia boards. Not Permitted: Small thin cornice with no brackets or irregularly spaced brackets;
 4. **Facade:** Typically of unpainted brick or wood siding painted, such as channel, drop or “v” rustic siding. Not Permitted: Materials such as stucco, diagonal wood siding or “false” materials such as “permastone”, glue on brick or vinyl siding;
 5. **Display Windows:** Windows shall be of large sheets of glass or divided with mullions and muntins into lights no smaller than twelve inches square nor larger than six feet by eight feet (~~this is these are~~ the smallest and largest sizes commonly found during the 1855-1885 period). Materials shall be wood, steel or anodized aluminum with dark finishes. Not Permitted: Windows larger or smaller than allowed in this section. Sliding windows. Bare aluminum or unpainted steel windows;
 6. **Upper Floor, Side and Rear Windows:** Windows shall be double hung with one over one or two over two sash. Materials shall be wood, steel or anodized aluminum with a dark finish. Windows shall be painted. Not Permitted: Casement, sliding or awning windows. Bare aluminum or unpainted steel windows;
 7. **First Floor Doors:** Panel doors of the 1855-1885 period such as single, four, or six panel doors. Doors may have glazing in the door if stiles are no less than four inches and rails no less than eleven inches. Materials shall be wood, steel or anodized aluminum with dark finishes. Not Permitted: Bare aluminum doors, sliding doors, doors that create an earlier period in time such as “X-Cross” panel doors, “Colonial” five panel doors or flush (flat) doors;
 8. **Glazing:** Clear glass. Not Permitted: Glass or glass block which has been mirrored, tinted or treated/constructed to obscure the view of the interior;
 9. **Shutters:** Metal fire shutters may be ~~found-installed~~ on the ground level; ~~L~~louver shutters ~~found~~ on the upper levels. Not Permitted: Wood louver shutters used on the ground floor. Plastic or one-piece unit shutters;
 10. **Balconies and Exterior Stairs:** Front facade: Wood balconies above the sidewalk with wood top and bottom railings and turned balusters. The profile of the balusters is important to the character of the balcony as a whole. Modern turned balusters are commonly much too

thin for their height. Side and Rear facade: Constructed of wood with simple top and bottom railings and simple rectangular balusters uniformly spaced along the railing. Exterior stairs have simple open risers and wood treads. Stair railings similar to balcony railings. Not Permitted: Metal balcony railings and/or stairs; railings that use thin modern balusters or overly ornate side and rear railings;

11. **Finials and Flagpoles:** Wood or metal finials and wood flagpoles mounted on the front parapet in the center of the front parapet. Finials and flagpoles shall be painted. Not Permitted: Bare aluminum or other metal flagpoles unpainted. Flagpoles extending more than 15 feet above the top of the parapet. More than three flagpoles per building;
12. **Roof Mounted Mechanical Equipment:** Equipment shall be so mounted that it is not visible from the ground at the front, sides or rear of the building or is screened front view by solid or louvered panels. Not Permitted: Equipment exposed to view from the ground level;
13. **Window Air Conditioning Units:** Mounted on windows such that the unit is located inside the building and that the intake screen does not extend beyond the exterior face of the building. Mounted above ground floor doors in the transom area when the unit is screened from view in the street by an awning, louvered screening panels or by a canopy. Not Permitted: Window units mounted outside the window or units mounted above doors that are exposed to view from the street;
14. **Exterior Light Fixtures:** Simple rectangular or cylindrical fixtures of the 1855-1885 period, either original or reproduction. Modern fixtures that are simple in appearance, cylinders or globes that do not draw attention to the fact that they are modern or are an attempt to create an earlier appearance. Not Permitted: "Antique" fixtures that try to create an appearance of an earlier or later time period than that of the 1855-1885 period of significance for the NHL. This includes "Colonial" or "Federal" fixtures and modern fixtures that are clearly modern and draw attention to their design such as lights that "twinkle" rotate or flash on and off;
15. **Awnings:** Canvas or galvanized metal. Form of awning shall be traditional extension awning, rigid or collapsible, with plain valance and side panels. Awnings may be uniform color or traditional striped. Pitch of the awning shall be no steeper than 45 degrees from horizontal. Not Permitted: Shiny plastic awnings such as vinyl. Barrel or square extension awnings; internally illuminated vinyl awnings. Awnings with more than three stripe colors or with three different widths of stripe. The awning shall not be permitted to unreasonably obscure a historic architectural feature;
16. **Downspouts:** Natural copper with no paint or galvanized metal painted. Not Permitted: Plastic PVC exposed pipe or galvanized pipe painted fluorescent colors; and
17. **Facade and Trim Colors:** Facade: Brick facades are uniformly of red brick, with the red color varying from plum-red to red-yellow. For wood siding and trim: Any color from the City's pre-approved historic paint palette is allowed within the DHD. – Wood may be left to weather naturally or be painted. Not Permitted: Bright fluorescent or intense colors.

5.6.0450 Additional Downtown Historic District Standards **Streetscape.**

Benches, chairs, bistro tables, spittoons, ash receptacles and other similar pedestrian amenities (such as mannequins, stuffed bears, etc.) and flower boxes are permitted in the right-of-way along the front of buildings. Sandwich boards are considered a pedestrian amenity but must comply with the standards and permit requirements of Section 3.7.060(F). They shall be located against the building and provide a four-foot clear pedestrian zone.

Curb cuts.

No additional curb cuts shall be allowed into California Street within the DHD.

Street Lighting.

Street lighting shall include low wattage lighting that avoids glare and ambient light.

Drive-throughs.

Drive-through uses, including kiosks, structures and drive aisles are not permitted within the DHD.

Manufactured Dwellings.

Manufactured dwelling units are prohibited.

Accessory structures.

All accessory structures, including an accessory structure on a lot facing California Street, shall be approved by HPC prior to obtaining building permits.

Utilities.

All new or replacement utility boxes with horizontal dimensions greater than 1 foot or vertical dimensions greater than 3 feet shall be located underground.

~~Wireless Communication Facilities~~**Base Transceiver Stations (Cell Towers).** Wireless communication and Base Transceiver Stations, or “Cell Towers,” shall not be constructed within the DHD.

Signs.

Every effort shall be made to preserve remaining historic signs ~~that still remain~~ in the DHD. New signs within the DHD shall be architecturally compatible with and contribute to the visual quality of the downtown core. A consistent application of signs is important to reinforce the character of the downtown while maintaining a consistent architectural quality of buildings.

Signs within the DHD shall conform with the signage permitted by the underlying zoning of the property.

Additionally, the following standards apply:

- A. No Temporary Construction signs or real estate signs (such as “open house” directional signs) are permitted within the DHD (See 3.7.060B)
- B. Signs shall not overwhelm the building or any special architectural features.
- C. Banner signs across California street installed by the City.
[9-24 CAC should we allow ROW signs in HCO District? As long as there is ADA access maybe. Donna - should it be part of sign package off setting rest of signage you get. Looking at Ashland sign code for portable and 3D signs. Not figured out yet.]

Pedestrian Zone.

Place holder to discuss standards for allowing a potential closure of a public way for pedestrian / business use.

Compliance with TSP,

Who gets to use / control / license it?

Solar panels???

Solar panels are permitted on Landmark Structures within the DHD with the following conditions:

Materials

- A. Non-reflective glass and metal panels are allowed
- B. Reflective glass and plastic frames are prohibited.

Design

- A. 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.
- B. satellite dishes, TV antennae and other rooftop mechanical structures shall be mounted parallel to the roof plane on rear facing roofs or placed on the ground in an inconspicuous location

Chapter 5.7 – Demolitions or Relocations of Landmark Structures

- 5.7.010 Purpose
- 5.7.020 Procedure
- 5.7.030 Application Contents
- 5.7.040 Review Criteria
- 5.7.050 Conditions
- 5.7.060 Decisions / Appeals

5.7.010 Purpose.

The purpose of reviewing demolition/relocation on the same lot requests involving a historic Landmark is to explore all possible alternatives for preservation. Demolition of historic Landmarks is an extreme and final measure.

5.7.020 Procedure.

Demolition/Moving permits will be processed in accordance with the following:

- A. The Building Official may issue a permit for relocation or demolition if any of the following conditions exist:
 - 1. The building or structure is designated non-contributing and is not a Landmark within a historic district,
 - 2. The Landmark building or structure has been damaged in excess of 65% of its previous value in a fire, flood, wind, or other Act of God, or vandalism.
 - 3. The temporary relocation of a Landmark for the purpose or repair or maintenance. Such permit shall be valid for ~~only up to~~ no more than six months.
- B. Those requests not meeting Building Official approval conditions shall be reviewed by the Historic Preservation Commission.
- C. No provision in this ordinance shall be construed to prevent the demolition of all or part of a Landmark on the Local Landmark Register if the Building Official certifies that such action is required for public safety.

5.7.030 Application Contents.

An application for the demolition or relocation of a Landmark structure must contain the following information:

- A. A description of the previous and existing uses and basis for the property or structure being considered a historic contributing resource of the structure and the intended future use of the property.
- B. Drawings and photographs showing the condition and location of the building on the property and any other buildings on the property.
- C. The overall height of the building and the general type of construction.
- D. A written statement addressing the review criteria and providing findings of fact in support of the request.

5.7.040 Review Criteria.

The Historic Preservation Commission must find that the demolition or relocation request meets the following applicable criteria:

- A. That the Landmark building or structure in question cannot, in the opinion of the HPC, be restored for costs comparable to a new building of the same size and value at that location and is either:
 - 1. demonstrated to be not structurally sound or

- 2. has been condemned.
- B. Elements of Historic Significance of the structure to be demolished will be salvaged and provision for curation will be made.
- C. Demolition conforms with any applicable standards for removal of a structure listed on the Dept. of Interior Nationally Registry, if any.

5.7.050 **Conditions.**

In approving an application for the demolition of a Landmark, the Commission may impose the following conditions:

- A. Photographic, video or drawn recordation of the property to be demolished be submitted to the City.
- B. Other reasonable mitigation measures.

5.7.060 **Decisions/Appeals.** Decisions of the Historic Preservation Commission can be appealed to the City Council.

Chapter 5.8 – Demolition by Neglect

5.8.010	Purpose
5.8.020	Definition
5.8.030	Procedure
5.8.040	Findings
5.8.050	Notice of Report
5.8.060	Hearing and Notice of Hearing
5.8.65	Remedial Action by the City
5.8.070	Legal Notice Requirement Remedial Work and Compliance
5.8.080	Hearing of Report Intentional Neglect
5.8.090	Notice of Historic Landmarks Commission Action Public Safety Exclusion
5.8.100	Remedial Work and Compliance Safeguards from Undue Economic Hardship
5.8.110	Enforcement and Penalties Intentional Neglect
5.8.120	Public Safety Exclusion
5.8.130	Safeguards from Undue Economic Hardship
5.8.140	Enforcement Penalties

5.8.010 Purpose.

All resources as defined _____ including the exterior features of any building or structure (inclusive of, but not limited to, walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an historic resource or found to have significance, or any archeological resource shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property; or features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

- A. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
- B. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling.
- C. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
- D. Deterioration or crumbling of exterior plasters or mortars or the deterioration or crumbling or spalling of exterior bricks.
- E. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- F. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- G. Rotting, holes, and other forms of decay.
- H. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes de-lamination, instability, loss of shape and form, or crumbling.
- I. Heaving, subsidence, or cracking of sidewalks, steps or pathways
- J. Deterioration of fences, gates, and accessory structures.
- K. Deterioration that has a detrimental effect upon the historic character of the district or overlay zone as a whole or the unique attributes and character of the resource.

- L. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
- M. Any other deficiencies or defects that may constitute or contribute to the decay or deterioration of any resource or property.

5.8.020 **Definition.**

Demolition by Neglect: means neglect in maintaining, repairing, or securing an historic landmark or a building or structure listed on the City's Landmark List that results in deterioration, potentially beyond the point of repair, so as to threaten the historic character of the property or the district, the structural integrity of the structure or its relevant architectural detail such that the structure and its character may potentially be lost to current and future generations.

5.8.030 **Procedure.**

The following procedures are incorporated to identify and protect resources from potential demolition resulting from the deliberate or inadvertent neglect of the owner or owners.

- A. The owner of an historic landmark shall comply with all applicable codes, laws, and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings and structures designated as contributing or significant and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings or structures shall be preserved against such decay and deterioration and free from structural defects through prompt corrections of any of the following defects:
 - 1. Facades which may fall and injure persons or property.
 - 2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 - 3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 - 4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - 5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
 - 6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
- B. Any citizen who believes demolition by neglect is occurring with respect to any particular property in the Historic Character Units (HCU), Section 18.01.010 may make a written complaint to the Planning Department. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.
- C. If the condition of any resource as contemplated in paragraph A above is suspected of being destroyed, damaged, or lost through or by neglect of the owner of the resource, the City Building Inspector shall conduct an investigation and inspection of the resource.
- D. Prior to the issuance of a written notice, the Historic Preservation Commission (HPC) may request the Historic Preservation Officer establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports of the condition of the property so as to record and/or measure the deterioration.

Prior to conducting any investigation or inspection, the City Building Inspector shall:

- 1. Request, within fifteen (15) days of the identification of any suspected defects, permission from the owner of the resource to have full access to the resource.
- 2. Consult with the Historic Preservation Officer about any suspected deficiencies or defects

outlined in paragraph A above.

5.8.040 Findings.

The City Building Inspector shall prepare, within fifteen (15) days of the completion of his investigation and inspection, a written report of his findings on the condition of the resource which report may identify, but is not limited to, the following:

- A. That there is no action required by the owner or owners.
- B. That minimum maintenance of the resource is required to protect, preserve, and/or stabilize the resource.
- C. That the resource is being demolished by neglect.
- D. That the resource may be demolished, vacated, or stabilized. Reference Chapter 18.26, Demolition Standards.

5.8.050 Notice of Report.

A copy of any report shall be sent by certified mail, return receipt requested, to the owner of the resource and a copy provided to the HARC-HPC and may include any recommendations including a time frame to remedy minimum maintenance or other work necessary to stop the demolition by neglect, stabilize the resource, vacate the property, or demolish the resource. The notice shall provide that corrective action shall commence within thirty (30) days of the receipt of said notice and be completed within a time defined by the HARC-HPC in consultation with the property owner. The notice shall state that the owner(s) of record of the property or any person(s) of record with any right, title or interest therein, may, within ten (10) days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HARC-HPC upon thirty (30) day's written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations which the HARC-HPC determines may have an interest in the proceedings. If, after the public hearing, the HARC-HPC determines that the corrective actions remain necessary, the HARC-HPC may request the City Council to issue a Final Notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the Final Notice within thirty (30) days of receipt of the revised notice. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the Final Notice, within the time allotted, the HARC-HPC may request that the City Council institute any of the remedies and penalties provided by section M. Enforcement and Penalties.

5.8.060 Hearing and Notice of Hearing.

Upon receipt of any written report in which the City Building Inspector has found that there is minimum maintenance required, demolition by neglect, or the resource can or should be demolished, the Historic Preservation Officer shall cause to be scheduled a hearing before the HARC-HPC to review and take action based on the report from the City Building Inspector. The owner of the resource shall be served with written notice of the time and date of the hearing not less than ten (10) days prior to the hearing.

- A. Any notice required herein shall be considered delivered if sent by certified mail, return receipt requested and mailed to the last known address of the record owner or owners as listed on the city and/or county tax rolls or by other methods allowed by law.
- B. At the hearing the HARC-HPC shall receive evidence on the issue of whether the subject resource should be repaired, vacated, stabilized, or can be demolished. The owner or owners may present competent evidence in rebuttal thereto. At the conclusion of the hearing, the HARC-HPC may make, but shall not be limited to, one of the following determinations:
 - 1. That there is no action required by the owner or owners.

2. That minimum maintenance is required and requiring the owner to present a plan to the ~~Historic Preservation HARG HPC~~ within thirty (30) days from the receipt of notice of the ~~HARG's HPC's~~ determination as to the steps the owner must undertake to correct minimum maintenance issues. The owner or owners or their agents may be required to submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The ~~HARG HPC~~ must review and act on all such applications before the issuance of a building permit. All work shall be completed within ninety (90) days of the approval from the ~~HARGHPC~~. The ~~HARG HPC~~ may grant up to two (2) extensions of ninety (90) days each due to inclement weather or other unforeseen difficulties. Should the ~~HARG HPC~~ find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the Historic Preservation ~~HARG HPC~~ may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.
 3. Demolition by neglect is occurring and requiring the owner to present a preliminary plan including a timetable to the ~~HARG HPC~~ within thirty (30) days generally identifying the work necessary to abate the demolition by neglect. The owner or owners or their agents shall submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The ~~HARG HPC~~ must review and act on all applications and must also approve all timetables for work required to abate the demolition by neglect before issuance of a building permit. The ~~HARG HPC~~ may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the ~~HARG HPC~~ find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the ~~HARG HPC~~ may request that the City cause the required work to thereto attach to the property as a tax lien.
 4. Condemnation of the resource and allow for its demolition in compliance with all local, state, and federal laws, rules, and regulations, reference Chapter 18.26, Demolition Standards. Within thirty (30) days the owner shall present a plan to the ~~HARG HPC~~ identifying the necessary recordation which, along with the demolition shall be completed within ninety (90) days. Recordation must be reviewed and acted upon by the ~~HARG HPC~~ before a demolition permit is issued. The ~~HARG HPC~~ may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the ~~HARG HPC~~ find that the owner or owners have not undertaken recordation and demolition with reasonable diligence, the ~~HARG HPC~~ may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.
- C. The Historic Preservation Officer shall notify the owner in writing of the determination of the ~~HARG HPC~~ and the action required of the owner within ten (10) days of the hearing. Such notice shall identify and provide clear instructions to the owner as to the remedial work required by the ~~HARGHPC~~.

5.8.065 Remedial Action by the City.

Upon a finding by the Historic Preservation Officer or hearing body that an historic landmark is threatened by demolition by neglect, the following may occur:

- A. Require the owner to repair all conditions contributing to demolition by neglect.
- B. If the owner does not initiate repairs within 30 days of notice or fails to complete repairs within a reasonable period of time the Agent of the City may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner, and may be levied by the City of Jacksonville as a special assessment against the property. The Agent of the City may enter the property for purposes of this section upon obtaining an order from the

City of Jacksonville.

5.8.070 Remedial Work and Compliance.

Upon the completion of any minimum maintenance work, recordation work, or other work required by the HPC, the owner shall notify the Historic Preservation Officer of the completed work. The City Building Inspector, along with the Historic Preservation Officer, and any other professional deemed necessary by the Historic Preservation Officer shall inspect, within fifteen (15) days of notification, the completed work and shall cause the issuance of a written report to determine if the work completed is in compliance with Demolition by Neglect Remedial Action required by this Section, the City codes and ordinances.

5.8.080 Intentional Neglect.

Intentional neglect shall be defined as willful actions perpetrated by the owner or owners or their agents that result in damage to a resource. Such actions may include, but are not limited to, intentional running of water taps, hoses, or other man-made water devices resulting in flooding, erosion, or other water damage to the resource; intentional exposure of the resource to natural elements of wind, rain, snow, or other precipitation through the opening of windows, doors, skylights, or other moveable features of a resource; intentional drilling, boring, or cutting of holes in the roof, exterior walls or supporting members of a resource. In the event any resource shall be damaged by intentional neglect by the owner or owners or their agents; penalties, as defined in section ~~M.5.8.110~~. Enforcement and Penalties, may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

5.8.090 Public Safety Exclusion.

In the event any resource shall be damaged by flood, fire, or other catastrophe or unforeseen event that results in damage or possible loss of a resource, and the City Building Inspector, with the concurrence of the Historic Preservation Officer, deems the resource to present an immediate threat to public safety, the Historic Preservation Officer shall call an emergency meeting before the City Council, which shall take place within seventy-two (72) hours of the event. At such meeting, evidence shall be presented regarding the seriousness of the damage and the threat to public safety and any evidence in rebuttal thereto may also be presented. In the event the danger to public safety is imminent, the owner or owners shall stabilize and protect the resource pending consideration by the City Council. The City Council shall, based on the evidence presented, determine the course of action to be taken in order to:

- A. address the imminent public safety threat and
- B. protect the Landmark to the extent possible.

5.8.100 Safeguards from Undue Economic Hardship.

- A. Undue economic hardship is defined as the property owner's financial inability to make the repairs specified in this Section. A claim of undue economic hardship must be made, in writing, by filing a request for such a determination with the Planning Department within the time period specified for in ~~section D5.8.040~~. The determination of undue economic hardship will be made by the HPC on a case by case basis.
- B. When a claim of undue economic hardship is made owing to the effects of this Section shall be processed as an application to HPC. The petitioner shall present the information provided under subsection C(1) as part of their application for relief under this Section. The HPC may require that an owner and/or parties in interest furnish such additional information as the HPC may reasonable conclude is relevant to its determination of undue economic hardship, and allow the owner or party in interest a reasonable period of time (within timeframes for processing an application before HPC) to furnish the requested additional information. Submittal of a complete application for Undue Economic

Hardship under this Section ~~5.8.100~~ shall stay the timeframe for owner repairs as set forth in 5.8.090(1)

- C. The HPC may direct its staff to furnish additional relevant information. In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.
1. When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship. The minimum evidence shall include for all property:
 - a. Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
 - b. Financial resources of the owner and/or parties in interest.
 - c. Cost of repairs.
 - d. Assessed value of the land and improvements.
 - e. Real estate taxes for the previous two (2) years.
 - f. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
 - g. Annual debt service, if any, for previous two (2) years.
 - h. Any listing of the property for sale or rent, price asked, and offers received, if anyFor income-producing property:
 - i. Annual gross income from the property for the previous two (2) years.
 - j. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
 - k. Annual cash flow, if any, for the previous two (2) years.
 - l. A recommended plan for relief of the economic hardship.
 2. In the event of a finding of no undue economic hardship, the HPC shall report such finding to the Planning Department staff, and the Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified.
 3. In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under Oregon law, loans or grants from the City, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The HPC shall report such finding and plan to the Planning Department staff. The Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

5.8.110 Enforcement and Penalties.

The following penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this Section.

- A. Failure to institute corrective action in compliance with the Final Notice may result in the City levying fines ~~totaling one hundred (\$100.00) dollars per day established by City Council resolution~~ for each day of non-compliance.

- B. Any person who constructs, alters or relocates, any Landmark in violation of this Section or causes any Landmark to be constructed, altered, relocated, or demolished in violation of this Section shall be required to restore the building or resource to its appearance or setting prior to the violation. Fines may be instituted as set forth in this Section. Fines shall be allocated to the Historic Preservation Fund. Any action to enforce this provision shall be brought by the City. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HPC adopts findings to that effect, the City has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
- C. If demolition of a Landmark occurs without a Certificate of Appropriateness, or Project Approval, this shall be considered malicious intent and the violation will result in a fine of ten thousand (\$10,000.00) dollars for the first offense, fifteen thousand (\$15,000.00) dollars for a second offense, and twenty thousand (\$20,000) dollars for each offense thereafter. Fines shall be allocated to the Historic Preservation Fund. Any permits on the subject property, with the exception of a permit to restore the Landmark as set forth above, may be denied for a period of ten (10) years. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HPC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
- D. If any other undertaking or project other than the demolition of a Landmark occurs without a required Certificate of Appropriateness or Project Approval, then any permits on the subject property, with the exception of a permit to restore the Landmark as set forth above, may be denied for a period of five (5) years. If a neglect situation reaches a point where its structural or historical integrity is, or may be, threatened and the ~~HARC-HPC~~ adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
- E. If any resource found to be in a state of demolition by neglect should be allowed by the owner or owners to remain in a state of demolition by neglect, then any permits for any property issued to the owner or owners, with the exception of those permits expressly for the necessary repairs to restore the resource to a safe and sound condition, may be denied for a period of ten (10) years or until such time as the resource has been returned to a safe and sound condition, whichever is shorter. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the ~~HARC-HPC~~ adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
 - 1. No mirrored or tinted glass is to be used.
 - 2. No vinyl or aluminum windows, doors or screens are to be installed on a historic commercial structure.
 - 3. Shutters are not to be installed on a structure unless they were previously associated with the structure during the historical period of significance or there is a specific historic reference to their use on the structure.
 - 4. When exterior treatments are proposed which are not specifically referenced in this chapter, the appropriate standards in Chapter 18.13 shall be utilized.
 - 5. Exterior siding must be authentic and not modern attempts to replicate historic and traditional materials. Prohibited materials include scored plywood, simulated wood pressboard, textured aluminum steel, fiberglass, glazed tile, imitation brick or stone, studio, shiny metal and similar.
 - 6. Colors must be selected from ~~HARC-HPC~~ approved color charts.

UTILITIES AND MECHANICAL EQUIPMENT STANDARDS.

- A. Utility lines: All utility lines and entry service should be located away from high use areas and main entrances or screened in an approved manner. Wherever possible, utilities shall be undergrounded.

- B. Exterior lighting: All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting should be shielded.
- C. Mechanical equipment: To minimize the impact of mechanical equipment on the appearance of the building and the community, window air conditioning units or condenser elements should not be located on visible facades. Antennas should be located where they are not visible on the facade or public areas. Mechanical equipment should be screened with a fence or plant materials, or housed in a structure which is in harmony with the surroundings. Plumbing or heating vents attached to the roof of a building should be kept as low as possible and covered or painted to blend with the background.

MAINTENANCE.

All maintenance of historic commercial resources must comply with the following:

- A. Deteriorated architectural features must be repaired rather than replaced, if possible. If replacement is necessary, new material must match the original material. Repair or replacement of missing architectural features must be based on accurate duplications of features substantiated by physical or pictorial evidence rather than on conjectural designs or substitute architectural features from another structure.
- B. Exterior surface cleaning must be undertaken with the gentlest means possible, such as low pressure water (see National Park Service Preservation Brief #6, "Dangers of Abrasive Cleaning to Historic Buildings"). Sandblasting and other methods that damage materials are prohibited.
- C. The historically distinguishing qualities of a structure or site must not be damaged through the removal or alteration of any historic material or distinctive architectural features.
- D. Mature landscaping must be maintained. If old landscaping dies out, it must be replaced with historically correct or compatible species.

User's Guide: This section is a placeholder for standards that apply only to specific subareas or under certain situations. For example, different building design standards might be required for historic districts, or where the city has adopted specific area plan. Alternatively, special district requirements can be incorporated into the code as overlay zones in Article 2.

Chapter 5.9 – Appeals

- 5.9.010 Review Body
- 5.9.020 Re-Submittal
- 5.9.030 Enforcement

5.9.010 Review Body

Decisions of the Commission are appealable to the City Council.

5.9.020 Re-submittal of an Application Previously Denied. An application for a Certificate of Appropriateness which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least one (1) years from the date the final city action is made denying the application unless there is a substantial change in the facts or a change in city policy which would change the outcome.

5.9.030 Enforcement of the Provisions of this Ordinance. Penalties for violations of the provisions of this Ordinance shall be the same as for violation of the City of Jacksonville Planning Code.