

## CHAPTER 162

# ESTABLISHMENT OF CERTIFICATE OF APPROPRIATENESS FOR STRUCTURES LOCATED IN THE DOWNTOWN PERRY HISTORICAL/CULTURAL DISTRICT

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**162.01 PURPOSE AND INTENT.** The purpose of this chapter is to:

1. Safeguard the City’s historic, aesthetic and cultural heritage by preserving sites and districts of historical and cultural significance;
2. Foster pride in the legacy of beauty and achievement of the past;
3. Stabilize and improve property values.

**162.02 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Alteration” means any addition or modification of any portion of the exterior of a building, structure, object, site or site feature that changes the architectural style, arrangement, texture, or material of the building or feature or significantly changes the color; if such change, addition, or modification is visible from the public street, sidewalk, alley, or park.
2. “Certificate of Appropriateness” is issued by the Historic Preservation Commission and documents their approval or approval with modification, or proposed alterations to designated historic landmarks or buildings, structures, sites, and objects within designated historic districts, which are subject to review.
3. “Demolition” of a building means the act or process of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction.
4. “Historic Preservation Commission” means the Perry Historic Preservation Commission, as established by Chapter 27 of the City of Perry Code of Ordinances, 2001.

**162.03 CERTIFICATE OF APPROPRIATENESS — REQUIRED.** Within the City of Perry Historic/Cultural District of Downtown, no person, owner, or other entity shall carry out or permit to be carried out the erection, movement, demolition, reconstruction, restoration, renovation, or alteration of structures without first having applied for and being granted a Certificate of Appropriateness by the City of Perry Historic Preservation Commission in conjunction with the City of Perry Building

Official for the proposed work under this chapter. This requirement applies to exteriors only unless interiors are specifically designated.

#### **162.04 CERTIFICATE OF APPROPRIATENESS—APPLICATIONS.**

1. An owner or tenant of a designated property seeking to alter an improvement must apply to the Building Official/Historic Preservation Commission for a Certificate of Appropriateness on forms prescribed by the Building Official/Historic Preservation Commission and including all information that they determine necessary to consider the application. Required submittal material may include, but is not limited to the following documentation:

- A. Completed application form;
- B. Site plan/roof plan;
- C. Application relating to all forms of construction, modification, restoration, or renovation must adhere to the Perry Design Guide;
- D. Photographs of the building conditions (existing and historic) if possible;
- E. Product literature and specifications;
- F. Materials sample and color samples.

Incomplete applications will not be considered by the Historic Preservation Commission/Building Official.

2. Applications for a Certificate of Appropriateness shall be filed a minimum of 14 days before the next regularly scheduled Historic Preservation meeting at which the application is to be considered.

A. Upon receipt of an application for a Certificate of Appropriateness, the Historic Preservation Commission staff representative shall log in the application including the date filed and shall establish a separate file for each application. This file shall provide a record of the certificate application and all actions taken by the Historic Preservation Commission, and any subsequent action or reports of the Building Official, if appropriate.

B. The staff member shall then place the application on the agenda for the next regularly scheduled Historic Preservation Commission meeting and shall notify the applicant of the time, date, and place of said meeting.

3. The applicant may request to meet with a subcommittee of the Historic Preservation Commission for a conceptual review of the proposed work, particularly relating to new construction or additions, prior to the Historic

Preservation Commission meeting. Any recommendations made by the subcommittee shall be reported at the formal commission meeting.

4. Upon reviewing the application, the Historic Preservation Commission may determine that the application be approved as submitted, denied as submitted, or approved with conditions.

5. If the Historic Preservation Commission approves the application as submitted, the certificate shall be issued within three working days per plans submitted and approved or modified by the Historic Preservation Commission and accepted by the applicant. Conditions of the permit shall be noted on the permit.

#### **162.05 PRINCIPLES FOR REVIEW.**

1. The Historic Preservation Commission shall adhere to the following principles when reviewing applications for Certificates of Appropriateness.

A. The anticipated use for the property remains that for which it was originally intended or requires minimal alteration of the building, structure or site and its environment for the proposed reuse.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be compromised. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. Certain alterations which may have taken place in the course of time are potentially significant to understanding the history and development of a building, structure, or site and its environment. These historic alterations may have acquired significance in their own right and this significance shall be recognized and respected.

D. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained.

E. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair and replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

F. Surface cleaning of historic structures shall be undertaken with methods that will avoid damage to the historic building materials.

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- G. Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not compromise significant historical, architectural, or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
  - H. Whenever possible, new additions or alterations to the structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic structure would be unimpaired.
2. The Historic Preservation Commission shall consider the following site development and design issues when applicable to reviewing Certificate of Appropriateness applications.
- A. Architectural design;
  - B. Scale and proportion;
  - C. Construction materials;
  - D. Method of construction;
  - E. Grading;
  - F. Off-street parking;
  - G. Landscaping;
  - H. Signs;
  - I. Street furniture;
  - J. Public areas;
  - K. Relationship of the project to its surroundings.

**162.06 CERTIFICATE OF APPROPRIATENESS—HEARINGS.**

1. The Historic Preservation Commission shall hold a public hearing on an Application for a Certificate of Appropriateness within fifteen (15) working days after the completed application was filed, under the procedures, prescribed by Section 162.04, "Certificate of Appropriateness—Applications."
- A. The Historic Preservation Commission shall determine whether the application meets the standards in the Perry Design Guide. Within thirty days after the hearing date the Historic Preservation Commission shall adopt written findings and conclusions. The Historic Preservation Commission shall either recommend that the application be approved as submitted, denied as submitted, or approved, with conditions.
2. At least ten days before the hearing date, the City shall post the application on the property to indicate that a Certificate of Appropriateness has been requested. The Building Official's staff shall send notice to the recorded

owners of all property that is the subject of the application, to abutting properties, and to the chair of the Historic Preservation Commission.

3. An appeal shall be heard by the Historic Preservation Appeals Board within a timely fashion after the Historic Preservation Commission action.

4. The Historic Preservation Commission Appeals Board will consist of five members. The members shall be the Building Official, two members of the Historic Preservation Commission, one person from the Historic/Cultural District and one member of the Perry City Council.

5. The Historic Preservation Appeals Board shall review the application and apply the standards as set forth in this chapter in considering the appeal.

6. The Historic Preservation Appeals Board may affirm, reverse, or modify the decision of the Historic Preservation Commission.

#### **162.07 FEES.**

1. A fee shall be paid for review by the Historic Preservation Commission of an application for a project that includes erection, movement, demolition, reconstruction, restoration, renovation, or alteration of exterior of structures. Payments of such fee shall be required from the applicant upon submission of the application to the City Clerk.

2. Fees will be set by a resolution submitted to the Perry City Council by the Historic Preservation Commission. Such fees may be set and adjusted by the City Council from time to time, as deemed necessary.

3. Applicants proposing demolition shall be required to post a bond, the amount of which shall be set by the Building Official, prior to the issuance of the Certificate of Appropriateness, in order to ensure complete removal of debris left by said demolition and recompense for damage done to adjacent properties.

4. Applicants proposing work on their property shall be required to apply for and remit payment for any permits required by the Building Official's Department prior to the beginning of any work on property in the Historic/Cultural area prior to the issuance of the Certificate of Appropriateness.

*(Ch. 162 – Ord. 865 – Dec. 07 Supp.)*