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17.38.010 Findings.

It is found that structures, sites and areas of special character or special historical, architectural, archaeological or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the public health, safety and welfare require prevention of needless destruction and impairment, and promotion of the economic utilization and discouragement of the decay and disuse of such structures, sites and areas. The purpose of this chapter is to promote the health, safety and general welfare of the public through:

- A. The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past or are landmarks in history or architecture, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;
- B. The development and maintenance of appropriate settings and environment for such structures;

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- C. The enhancement of property values and the stabilization of neighborhoods and areas of the city;
- D. The enrichment of human life in its educational and cultural dimensions by serving aesthetic needs and fostering knowledge of the living heritage of the past.

(Prior code § 1930)

17.38.020 Powers and duties of planning commission.

In connection with [Section 17.38.010](#), the planning commission:

- A. May recommend to the city council, after public hearing, landmark overlay designation of structures, sites and areas as provided in [Section 17.38.050](#)
- B. Shall hear and determine permit applications for construction, alteration, demolition and remedial work on structures, sites and areas designated landmark overlay;
- C. Must approve any proposed work not requiring a city permit, on a structure, site or area within designated landmark overlay. Examples of the work referred to are painting and repainting of exterior surfaces, roofing, fencing, signing, landscaping, glazing and installation of lighting fixtures. Approval by the planning commission shall be guided by the purposes and standards specified in [Section 17.38.010](#)

(Prior code § 1931)

17.38.030 Created—Designation—Authority.

There is created a landmark overlay district. The city council may, by ordinance, establish a landmark overlay designation to one or more individual structures or areas on one or more lots or sites having a special character or special historical, archaeological, architectural or aesthetic interest of value, and place same within the district. The landmark overlay designation need not encompass an entire parcel of real property, and its regulations shall apply in addition to the regulations of the principal zone of the area to which it is applied.

(Prior code § 1932)

17.38.040 Designation—Criteria.

One or more of the following criteria must be met in order to establish a landmark overlay designation to one or more individual structures or areas in one or more lots or sites:

- A. Structures, sites or areas particularly representative of a distinct style, region or way of life;
- B. Structures, sites or areas connected with a business or use which was once common but now rare;
- C. Buildings and/or associated structures of greater age than surrounding structures;
- D. Buildings and/or associated structures containing original materials or workmanship which are valued in themselves;

One or more of the following criteria may be considered in measuring the appropriateness of a potential landmark overlay designation:

- E. Buildings and/or associated structures which are preserved or capable of being restored to their former condition;

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- F. Buildings and/or associated structures particularly well related to their site or area;
- G. Buildings and/or associated structures expressing their function well;
- H. Structures, sites or areas visible or accessible to the public;
- I. Buildings and/or associated structures existing in appropriate settings (trees, walls, yard, etc.);
- J. Structures, sites or areas surrounded by land use significant for preservation of the structure, site or area.

(Prior code § 1937)

17.38.050 Designation—Initiation of proceedings.

Initiation of designation proceedings shall be by resolution of the city council or planning commission or by application of the property owner.

(Prior code § 1933)

17.38.060 Designation—Planning commission hearing.

The planning commission shall hold a public hearing on a proposal with notice given as provided for in [Section 17.72.080](#) relating to change of zone.

- A. The planning commission shall approve, approve with modifications, or disapprove a proposal within one hundred twenty days after the initiation of designation proceedings.
- B. The planning commission shall promptly notify the applicant of action taken. If the planning commission approves the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval to the city council. If it disapproves, any person aggrieved or any member of the city council may appeal to the city council.

(Prior code § 1934)

17.38.070 Designation—City council hearing.

The city council shall hold a public hearing concerning the designation. Notice of time and place of the hearing shall be given in the time and a manner provided for the giving of notice of the hearing by the planning commission.

(Prior code § 1935)

17.38.080 Designation—Notice.

When a landmark overlay structure, site or area has been designated by the city council, the city clerk shall promptly notify the owners of the property included therein. The city clerk shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the county recorder.

(Prior code § 1936)

17.38.090 Permit—Required.

No person shall do any work listed below without first obtaining a permit from the planning commission.

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- A. Exterior alteration to a structure, site or area designated landmark overlay;
- B. Interior alterations that would affect the exterior of a structure designated landmark overlay;
- C. Construction of any type on a landmark overlay structure, site or area unless excepted by the designation ordinance, or of a type which does not affect the exterior appearance of the structure, site or area.

(Prior code § 1938)

17.38.100 Permit application—Contents.

The planning department shall maintain a current record of established landmark overlay structures, sites and areas. Applications for permits to do work for which a permit is required by [Section 17.38.190](#) shall be submitted to the planning department for processing. Applications shall include plans and specifications showing the proposed exterior appearance, color and texture of materials, the proposed architectural design of the exterior of the structure, and such other information sufficient for review by the planning commission as may be requested.

(Prior code § 1939)

17.38.110 Permit—Application—Hearing.

- A. The planning commission shall hold a public meeting on application permit requests to construct or alter designated structures, sites or areas. Public notice need not be given.
- B. The planning commission shall hold a public hearing on application permit requests to demolish designated structures, sites or areas. Notice of public hearing shall be given as required in [Chapter 17.66](#) of this code.

(Prior code § 1940)

17.38.120 Permit—Application—Suspension of action on.

- A. To ensure sufficient time to preserve a designated structure, site or area from demolition or impairment, the planning commission may suspend action on an application to permit construction, alteration, demolition or removal for a period not to exceed one hundred eighty days.
- B. The city council may, by resolution, extend the suspension for an additional period not to exceed one hundred eighty days, if the resolution is adopted not more than ninety days and not less than thirty days prior to the expiration of the original one hundred eighty day period. During the suspension period, the planning commission may consult with state and regional preservation agencies, civic groups and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features and take any other reasonable measures to preserve and protect the designated structures, sites or areas.
- C. In no event may construction, alteration, demolition or removal work for which a permit is required be delayed on a designated landmark overlay site, structure or area longer than one year after application therefor is first made, without consent of the property owner.

(Prior code § 1941)

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17.38.130 Permit—Application—Review standards.

In evaluating applications, the planning commission shall consider the architectural design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless the proposed work will neither adversely affect the exterior architectural characteristics or other features of the landmark nor adversely affect the character or historical, architectural, archaeological or aesthetic interest or value of the designated structure, site or area. Applications shall not be granted for work which violates standards included in the designating ordinance.

(Prior code § 1942)

17.38.140 Permit—Application—Applicability of provisions.

- A. No application for a permit to construct, alter, demolish or remove any structure or associated feature on a proposed landmark overlay site or area filed subsequent to the date of initiation of proceedings to designate the structure, site or area shall be approved while the proceedings are pending; provided, however, that if final action on the designation has not been completed one hundred eighty days after initiation of designation proceedings, the permit application may be approved, or the city council may extend the suspension for an additional period not to exceed one hundred eighty days.
- B. The provisions of this chapter shall be inapplicable to the construction, alteration, demolition or removal of any structure or associated feature on a landmark site or area where a permit for the performance of such work was issued prior to initiation of proceedings for landmark overlay designation and where such permit has not expired or been canceled or revoked; provided, that construction is started and diligently prosecuted to completion in accordance with the building code.

(Prior code § 1943)

17.38.150 Unsafe or dangerous conditions.

None of the provisions of this title shall prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any building and/or associated structure, or part thereof. Such condition shall be declared unsafe or dangerous by the building official or the fire chief and where the proposed measures have been declared necessary by such official, they shall be permitted. However, only such work as is absolutely necessary to correct the unsafe or dangerous condition may be done with due regard for preservation of the appearance of the structure involved. In the event any building and/or associated structure shall be damaged by fire, or other calamity or by act of God to such an extent that it is found by the aforesaid officials that it cannot be reasonably repaired and restored, and this finding is concurred by the city council, then it may be removed in conformity with normal permit procedures and applicable laws.

(Prior code § 1944)

17.38.160 Duty to keep in good repair.

The owner, lessee, and any other person in actual charge or possession of a landmark shall keep in good repair all of the exterior portions of such landmark, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion.

(Prior code § 1945)

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17.38.170 Filing fees.

There shall be no filing fee for any application, or to commence any proceedings, under this chapter.

(Prior code § 1946)

17.38.180 Enforcement—Duty.

As specified in [Section 17.72.090](#), it shall be the duty of the planning commission to administer and enforce the provisions of this chapter.

(Prior code § 1947)

17.38.190 Enforcement—Methods.

In addition to the regulations of this chapter, the other provisions of the zoning ordinance and Municipal Code governing the approval or disapproval of applications for building permits or other permits or licenses affecting the use of land and buildings, the building official shall have the authority to issue a citation or implement the enforcement thereof by serving notice requiring the removal of any violation of this chapter on the owner, agent, tenant or occupant of the structure, site or area or upon the architect, builder, contractor or other person who commits or assists in any such violation.

(Prior code § 1948)

(Ord. No. 652, § 4, 10-27-2009)