

## Chapter 16.38

### HISTORICAL PROTECTION OVERLAY ZONE (A)

#### Sections:

- 16.38.010 Purpose.**
- 16.38.020 Uses permitted.**
- 16.38.025 Exemptions.**
- 16.38.030 Conditional uses.**
- 16.38.040 Severability.**

#### **16.38.010 Purpose.**

The Historical Protection Overlay Zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/A, C-2/A, etc.) to assure that the future development of the site will provide ample protection for identified historically architecturally significant structures, features or sites. The Historical Protection Overlay Zone is intended to be applied only to those specific properties which, because of generally recognized significance to the community, warrant protection, preservation, or enhancement of their historical or architectural characteristics. Additional to the regulatory aspects of this zoning, it should be noted that city staff will provide information or tax benefits and landmark requirements to interested persons. (Ord. 740 section 10.3.36(A), 1984)

#### **16.38.020 Uses Permitted.**

Primary Uses. A Historic Landmark or properties within a Historic District may be used for any use which is allowed in the underlying district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of this section. Uses permitted outright in the Historical Protection Overlay Zone are the uses permitted outright in the underlying base zone, provided that a site plan review is to be conducted prior to the issuance of any permit for construction. This site plan review is to focus on those particular aspects of the site which are of historical or architectural significance. If the City Planner, in conducting the site plan review, determines that the proposed development will result in the removal, demolition, or exterior alteration of the site or building which will tend to affect the historical or architectural characteristics of the site, he shall process the application according to the provisions of Chapter 16.110, Historic Preservation. (Ord. 740 section 10.3.36(B), 1984; Ord. 905, 1994; Ord 1061, 2000)

#### **16.38.025 Exemptions.**

The following are exempt from requirements of CMC 16.38.

- A.** Approved Public Art Murals as defined in CMC Chapter 2.80.020. (Ord. 1341, 2011)

**16.38.030 Conditional uses.**

Conditional uses in the Historical Protection Overlay Zone shall be as follows:

- A.** The uses listed as conditional in the underlying base zone.
  
- B.** Uses listed below under subsection C, which are not otherwise allowed in the underlying district, may be allowed, subject to the specified review procedure. Approval shall not be granted unless the proposal satisfies the criteria under section 16.50 and the applicant demonstrates that the use, if allowed:
  - a.** will preserve or improve a resource which would probably not be preserved or improved otherwise; and
  
  - b.** will not significantly adversely affect surrounding uses; and
  
  - c.** will utilize existing structures rather than new structures. Alterations and additions to existing structures shall satisfy the provisions of section 16.110.080.
  
- C. Public Hearing Review.** The following uses may be permitted by the Planning Commission as conditional uses in all districts, after a public hearing, when the proposal satisfies the requirements under subsection B, above:
  - a.** art and music studios
  
  - b.** galleries
  
  - c.** offices
  
  - d.** craft shops
  
  - e.** bed and breakfast establishments
  
  - f.** gift shops
  
  - g.** museums
  
  - h.** catering services
  
  - i.** book stores
  
  - j.** boutiques
  
  - k.** restaurants
  
  - l.** antique shops
  
  - m.** community center for civic or cultural events.

n. other uses determined by the Planning Commission to be similar to those above.

The State Historical Preservation Office will receive notice of any public hearing scheduled for such use permits.

**Note:** All the above listed uses would probably also require a "Change of Occupancy" permit, approval of handicapped access, and approval of change of stairs, doors, etc., under the Uniform Building Code. (Ord. 740 section 10.3.36(C), 1984; Ord. 905 section 3, 1994; Ord. 1061, 2000)

**16.38.040 Severability**

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905 sections 4, 1994)