

City of Sherwood, Oregon

ORDINANCE NO. 94-990

AN ORDINANCE ADOPTING HISTORIC PRESERVATION STANDARDS FOR THE CITY OF SHERWOOD, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Oregon has required the City to adopt historic preservation standards as part of its Comprehensive Plan Periodic Review, and

WHEREAS, the preservation of historic resources has important economic, aesthetic and cultural benefits to the City, and

WHEREAS, the current City zoning code has already established special zoning categories to preserve historic areas of the City, and

WHEREAS, differing versions of an historic preservation ordinance have been debated and been subject to public hearing before the Planning Commission and City Council over the past several months, and

WHEREAS, the Landmarks Advisory Board recommended approval, and the Planning Commission held a public hearing and recommended approval of the proposed historic preservation ordinance on July 19, 1994.

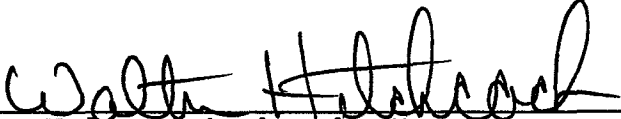
NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Chapter Adopted. Chapter 9 of the Zoning and community Development is repealed in its entirety, and a new Chapter 9, attached hereto as Exhibit "A" is hereby approved and adopted.

Section 2. Effective Date. As it is necessary for the peace, health and safety of the people of the City of Sherwood that the provisions of this ordinance become effective with the least possible delay, an emergency is hereby declared to exist, and this ordinance shall be effective upon its passage by the City Council and approval by the Mayor.

Duly passed by the City Council this 10th day January 1995.

Approved by the Mayor this 10th day of January 1995.


Walter Hitchcock, Mayor

Attest:


James H. Rapp, City Manager/Recorder

	<u>AYE</u>	<u>NAY</u>
Aamold	<u>X</u>	_____
Boyle	<u>atmt</u>	_____
Cottle	<u>X</u>	_____
Hitchcock	<u>X</u>	_____
Kennedy	<u>X</u>	_____

CHAPTER 9
HISTORIC RESOURCES

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CHAPTER 9

HISTORIC RESOURCES

9.100 PURPOSE

Chapter 9 is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

9.200 SPECIAL RESOURCE ZONES

9.201 Generally

Special resource zones are established to provide for the preservation, protection, and management of unique historic and cultural resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

9.202 Old Town (OT) Overlay and Historic District

9.202.01 Purpose

The OT zoning district is an overlay district generally applied to commercially zoned property, and to adjacent residential properties supporting and complementing the commercial area and providing a diversity of uses, in the Smockville Subdivision, also known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Sections 9.400 and 9.500.

9.202.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Uses permitted outright in the RC zone, Section 2.108.02, and the MDRL zone, Section 2.103.02 provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.02 through 9.202.04.
- B. In addition to the home occupations permitted under Section 2.203.02, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Sections 2.203 and 9.202, in either the underlying RC or MDRL zones.
- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in either the underlying RC or MDRL zones.
- D. Motels and hotels, in the underlying RC Zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC Zone only.
- E. Other similar commercial uses or similar home occupations, subject to Section 4.600.

9.202.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300.

- A. Uses permitted as conditional uses in the RC zone, Section 2.108.03, and the MDRL zone, Section 2.103.03, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.02 through 9.202.04.

9.202.04 Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC or MDRL zones:

- A. Adult entertainment businesses.
- B. Manufactured homes on individual lots.
- C. Manufactured home parks.

9.202.05 Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC and MDRL zones shall apply, with the following exceptions:

A. Lot Dimensions

Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

B. Setbacks

Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by Section 9.202, are met.

C. Height

The maximum height of structures on RC zoned property shall be three (3) stories or forty (40) feet, whichever is less. Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by twenty (20) feet.

D. Coverage

Home occupations permitted as per Section 2.203.02 and 9.202.02 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

9.202.06 Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Chapters 5, 8 and 9 shall apply, with the following exceptions:

A. Generally

In reviewing site plans, as required by Section 5.100, the City shall utilize the design guidelines originally contained in the "Sherwood Old Town Revitalization Action Plan", as subsequently adapted and made a part of this Code by reference, and attached as Appendix I, and, when applicable, the standards of Sections 9.400 and 9.500.

B. Landscaping

1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.
2. Minimum landscaped areas are not required for off-street parking for approved home occupations.
3. Landscaped strips, as per Sections 5.203.02 and 8.304.04A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.
4. Fencing and interior landscaping, as per Section 5.203.02, are not required.

C. Off-Street Parking

1. Required residential, home occupation, and commercial off-street parking spaces may be located on the same property as the use which the parking serves, or off-site within five hundred (500) feet of the use served. Off-site parking shall be permitted only if satisfactory evidence is presented to the City, in the form of deeds, leases or

contracts, establishing control of the site by the proposed use for vehicle parking purposes.

2. Except as otherwise provided in this Section minimum standards for off-street parking spaces for commercial uses and home occupations shall be one-half (1/2) of the standards established under Section 5.302.02B.
3. For Blocks 1 and 2, and the southern halves of Blocks 5 and 6, all on Washington County Assessors Map 2S1 32BC, off-street parking is not required.
4. Minimum requirements for off-street parking established by Section 9.202.06C2, may be further reduced by a percentage equal to the number of public off-street parking spaces provided within the OT overlay zone, compared to the total off-street parking for existing and proposed uses, as computed by the City, that would otherwise be required in the OT overlay zone.
5. Up to fifty percent (50%) of required off-street parking spaces may have minimum dimensions of eight (8) feet in width and eighteen (18) feet in length.

D. Off-Street Loading

1. Off-street loading spaces for commercial uses may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than fifty percent (50%) of the minimum standard that is otherwise required by Section 5.303.01B.
2. For Blocks 1 and 2, and the southern halves of Blocks 5 and 6, all on Washington County Assessors Map 2S1 32BC, off-street loading is not required.

E. Signs

In addition to signs otherwise permitted for home occupations, as per Section 2.203.01, one (1) exterior sign, up to a maximum of sixteen (16) square feet in surface area, may be permitted for each approved home occupation.

F. Non-conforming Uses

When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Section 9.400, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

9.300 LANDMARKS ADVISORY BOARD

9.301 GENERALLY

- A. The City Landmarks Advisory Board shall consist of seven (7) members to be appointed by the Council for terms of two (2) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Landmarks Board members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.
- B. A Landmarks Board member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.
- C. Landmarks Board membership may be drawn from all segments of the community, provided however, that the Council shall strive to appoint individuals in a variety of professions to the Landmarks Board, and shall give preference to owners of historic properties, architects, real estate brokers, attorneys, builders, historians, and other professions providing background and expertise relevant to historic preservation.
- D. No more than two (2) Landmarks Board members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade, or profession.

9.301.01 Officers, Minutes, and Voting

- A. The Landmarks Board shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Landmarks Board.
- B. Before any meeting of the Landmarks Board, public notice shall be given as required by State Statute and this Code. Accurate records of all Landmarks Board proceedings shall be kept by the City, and maintained on file in the City Recorder's office.

- C. A majority of members of the Landmarks Board shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Landmarks Board shall be necessary to legally act on any matter before the Landmarks Board. The Landmarks Board may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

9.301.02 Conflicts of Interest

- A. Landmarks Board members shall not participate in any Landmarks Board proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by a Landmarks Board member in an action as per Section 9.303.03A shall be disclosed by that member at the meeting of the Landmarks Board where the action is being taken. Landmarks Board members shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Landmarks Board. Ex-parte contacts with a Landmarks Board member shall not invalidate a final decision or action of the Landmarks Board provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

9.301.03 Powers and Duties

Except as otherwise provided by law, the Landmarks Board shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances. The Landmarks Board shall:

- A. Recommend to the Council the designation of certain historic and cultural resources, structures, buildings, places, sites, landscapes and areas as landmarks or historic districts, in accordance with

Section 9.400. Subject to the approval of the Council, the Board may employ the services of a qualified architect or historian in the designation process. The landmark alteration criteria contained in Section 9.500 shall only apply to designated landmarks or historic districts.

- B. Review and take action, or make recommendations, on building alteration applications for designated landmarks and in designated historic districts, in accordance with Section 9.500, and if the building alteration involves a site plan application as per Section 5.100, the Board shall substitute for the Planning Commission and act as the approving authority for such applications.
- C. For any land use application, other than site plan review, that is for a designated landmark or in a designated historic district, the Board shall provide formal written recommendations to the Planning Commission, prior to the Commission's decision on the application.
- D. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.
- E. Advise and assist owners of landmarks on the physical and financial aspects of historic preservation, rehabilitation, and reuse, especially with respect to publishing or making available guidelines on historic preservation, and identifying and publicizing tax benefits and grant and loan opportunities.
- F. Determine an appropriate system of marks and signs for designated landmarks and historic districts.

9.400 LANDMARK DESIGNATION

9.401 DESIGNATION STANDARDS AND PROCEDURES

9.401.01 Generally

- A. The Landmarks Board shall make recommendations on the designation of structures, buildings, places, landscapes and sites, having special historical, architectural, or cultural significance, as historic landmarks or historic districts.
- B. Subject to the procedures and standards of Sections 9.401.03 and 9.401.04, historic resources may be designated as landmarks having Primary or Secondary significance based on the historic, architectural, site, and use evaluation criteria contained in Section 9.401.04.

9.401.02 Effect of Designation

- A. Any historic resource designated as per Section 9.400, shall be subject to Section 9.500, except as otherwise provided by this Code. Any building or site that is considered for landmarks designation, but rejected as per Section 9.400, may not be reconsidered for a minimum period of two (2) years. The classification of any designated landmark once established as per Section 9.400 may not be reconsidered for a minimum period of two (2) years.
- B. The landmark alteration criteria contained in Section 9.500 shall apply only to designated landmarks or historic districts. Historic resources designated as landmarks of either Primary or Secondary significance that are within a special historic resource zone or historic district are subject to Section 9.500. Historic resources designated as landmarks of either Primary or Secondary significance that are not within a special historic resource zone or historic district shall not be subject to Section 9.500, except that such Primary resources shall be subject to an advisory and non-binding review by the Board prior to issuance of any building or other applicable City permits.
- C. Notwithstanding its listing and rating in, or omission from, a historic resources inventory, or its designation or rejection as a landmark, any structure, building, place, landscape, site, or area within a special historic resource zone may be subject to the standards of that zone. Any structure, building, place, site, or area within a

designated historic district shall be subject to Section 9.500 where so required by this Code, and may be subject to the standards of that district.

9.401.03 Procedures

- A. Except as otherwise provided herein, the Council, Commission, Landmarks Board, the owners of a potential landmark, or a citizen may initiate historic landmark or district designation in accordance with Section 9.401. Application for landmark designation shall be made on forms provided by the City. A proposed designation shall be processed as a plan amendment. The Landmarks Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Board shall provide a report and recommendation on the proposed designation to the Council.
- B. Initiation of consideration of a new historic district designation, or amendment to any established historic district, may be initiated by the Council, Commission, or Landmarks Board, or by petition specifying a proposed district boundary and signed by at least twenty-five percent (25%) of the property owners within the proposed district. A proposed designation shall be processed as a plan amendment. The Landmarks Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Board shall provide a report and recommendation on the proposed designation to the Council.
- C. Upon receipt of the report and recommendation of the Landmarks Board, the Council shall conduct a further public hearing as per Section 3.200. Approval of the landmark or district designation shall be in the form of an ordinance. If a resource or area is approved for designation by the Council, it shall be listed as a designated historic landmark or district in the Community Development Plan element of the City Comprehensive Plan.

- D. Once City action on historic district designation is complete, the designation shall not go into effect until the City has adopted design guidelines and standards for the district, similar to those adopted for the Smockville Old Town Historic District, Appendix I. Unless otherwise impractical, historic district design guidelines and standards should be developed and considered concurrently with historic district designation.

9.401.04 Standards

In determining whether historic resources or groups of historic resources should be designated as landmarks of either Primary or Secondary significance or as historic districts, the Landmarks Board and Council shall make written findings with respect to the following factors.

- A. That the potential historic resource has a quality or significance in American or local history, architecture, archeology, engineering, or culture, and retains its historic integrity in terms of location, design, setting, materials, workmanship, feeling and association, and:
1. Is associated with events or persons significant in American or local history; or
 2. Embodies the distinctive characteristics of a type, style, period, or method of construction or architecture, or represents the work of a master craftsman, architect or builder, or possesses significant artistic, aesthetic or architectural values; or
 3. Has yielded, or may be likely to yield, information important in American or local prehistory or history; or
 4. Is listed on the National Register of Historic Places.
- B. The Board and Council shall also examine and make findings regarding specific uses allowed in the zoning districts where the proposed landmark lies, identify consistencies and/or conflicts with the allowed uses and proposed designation, and determine the economic, social, environmental and energy (ESEE) impacts of designation on the proposed landmark and adjacent allowed uses.

- C. The Board, after considering the criteria in Section 9.401.04A of this Section and the ESEE analysis required by Section 9.401.04B, shall recommend to the Council approval of the landmark's designation as a Primary or Secondary historic resource approval with conditions, or determine that the resource should not receive any landmarks designation. The Council's final decision on the Board's recommendation shall be in the form of an ordinance amending the Community Development Plan element of the City Comprehensive Plan and listing the resource as a designated historic site, approving the designation with conditions, or determining that the resource should not receive any landmarks designation.

9.500 LANDMARK ALTERATION

9.501 PROCEDURES

9.501.01 Alteration Application

- A. Application for any alteration of a designated landmark, except as per Section 9.501.03, shall be made on forms provided by the City.**
- B. The following information shall be required in an application for alteration of a landmark:**

 - 1. The applicant's name and address.**
 - 2. The property owner's name(s) and address(es), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner.**
 - 3. The street address or other easily understood geographical reference to the landmark property.**
 - 4. A drawing or site map illustrating the location of the landmark.**
 - 5. A statement explaining compliance with the applicable approval criteria 9.500, as appropriate.**
 - 6. Ten (10) sets of plan drawings to include site, landscaping and elevations, drawn to scale.**
 - 7. Photographs of the landmark which show all exterior features.**
 - 8. A list of owners of property (fee title) within one hundred (100') feet of the subject property together with their current mailing addresses.**
 - 9. Any other information deemed necessary by the City Manager or his or her designee.**
- C. The Landmarks Board shall conduct a public hearing concerning the proposed landmark alteration and provide public notice in accordance with Section 3.200 of this Code. If the alteration involves site plan review as per Section 5.100, the Board shall also act for the Commission as the site plan approving authority. The**

Landmarks Board decision shall be based on compliance with the review standards in Section 9.502 and shall consider the original finding made in the landmark designation process as per Section 9.400.

- D. In any alteration action, the Landmarks Board shall give full consideration and weight to the importance of the landmark, its landmarks classification and designation, any adverse economic or visual impacts on adjacent landmarks, special historic resource zones, or historic districts, and, if the proposed landmark is within a special historic resource zone or designated historic district, the standards and guidelines of that zone or district.

9.501.02 Appeals

A decision rendered by the Landmarks Board regarding approval, approval with conditions, or denial of a permit for construction, alteration, removal, or demolition of a designated landmark, may be appealed to the Council as per Section 3.400.

9.501.03 Exceptions

- A. Nothing in this Section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature, or which the Building Official shall determine is required for the public safety due to an unsafe or dangerous condition. Except as otherwise provided in this Chapter and Section 9.501.03B, if no City building permit or land use approval is otherwise required, facade alterations which, in the City's determination, adversely impact or lessen a landmarks historic character, shall be subject to landmark alteration review. Such alterations subject to review could include, but are not limited to painting of facade elements or construction of materials normally left unpainted within the historic context of the landmark; replacement of windows, transoms, awnings, doors, exterior lighting, or other exterior features; the addition and replacement of exterior heating, ventilating and air conditioning equipment, except for temporary equipment such as portable in-window air conditioners; or any overlay of an existing facade with new siding materials.
- B. Normal maintenance and repair of historic resources are not subject to landmark alteration review, except as specified in Section 9.501.03A. Normal maintenance and

repair activities generally exempted from Section 9.501.01 shall include, but are not limited to:

1. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided however that the City must find that foundation materials and craftsmanship do not contribute to the historical and architectural significance of the landmark;
2. Installation of storm windows and doors, insulation, caulking, weatherstripping and other energy efficient improvements which complement or match the existing color, detail and proportions of the landmark;
3. Painting, sandblasting, chemical treatments, and related exterior surface preparation, except for surface preparations that result in the landmark becoming further removed from its original historic appearance, where the landmark would not have been originally painted, or where the preparation could damage exterior surfaces.
4. Repair or replacement of electrical, plumbing, mechanical systems, sewer, water and other utility systems, and equipment which does not alter a designated landmark's exterior appearance.
5. Repair or replacement of building and site features when work is done in kind to closely match existing materials and form. Such features include fencing, roofing, vents, porches, cornices, siding, doors, balustrades, stairs, trim, windows, driveways, parking areas, retaining walls, signs, awnings, gutters and roof drain systems, hand rails and guardrails.
6. Necessary structural repairs, as determined by the City Building Official that do not significantly alter or destroy the landmark's historic appearance.
7. Masonry repair or cleaning, including repointing and rebuilding chimneys, if mortar is matched to original composition, and powerwashing if done at no more than 600 psi with mild detergent.

8. Any other exterior repair, replacement or maintenance that, in the City's determination, does not result in the landmark becoming further removed from its original historic appearance.
- C. Landmarks designated as Primary historic resources as per Section 9.401 that are not within special historic resource zones or historic districts shall be subject to landmarks alteration review, but such review shall be advisory and non-binding. Landmarks designated as Secondary historic resources as per Section 9.401 that are not within special historic resource zones or designated historic districts shall not be subject to Section 9.500 review or compliance.
- D. Except as otherwise provided in this Chapter, interior alterations not visually or structurally modifying a designated landmarks external appearance or facade shall not be subject to landmarks alteration review, unless the interior is specifically cited as part of the reason for the landmarks designation, as per Section 9.401.04.
- E. Signs shall be subject to Section 5.700 only, provided that the City Manager or his or her designee finds that the proposed sign or signs comply with the standards of Section 9.500 and the guidelines and standards of any applicable special historic resource zones or designated historic districts. These findings shall be prepared and reviewed as per Section 9.501.01B.

9.502 ALTERATION STANDARDS

The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to Section 9.500. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Board shall make written findings indicating compliance with these standards.

9.502.01 Generally

- A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.

- B. In cases where the physical or structural integrity of a landmark is questionable, that the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity or to preserve the feasibility of the continued occupation or use of the landmark given its structural condition.
- C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.
- D. The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.
- E. Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.
- F. Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark's or historic district's history and original or later significant additions architecture shall not be permitted.

9.502.02 Architectural Features

- A. The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.
- B. Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.
- C. Repair or replacement of missing architectural features should be based, wherever possible, on accurate

duplications of said 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.

- D. The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
- E. Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.
- F. Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.

9.503 VARIANCES TO ALTERATION STANDARDS

9.503.01 Generally

- A. Any variances to landmark alteration standards shall be considered as per Section 4.400, provided however, that the Commission shall first receive and consider a report and recommendation of the Landmarks Board, in addition to considering the criteria specified in Section 9.503.01B. Variances to landmark alteration standards as per Section 4.400, shall be considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 9.501.**
- B. In any variance action, the Landmarks Board and the Commission shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of Section 9.503, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.**

9.504 LANDMARK DESIGNATION INCENTIVES

9.504.01 Generally

To facilitate the purposes of this Chapter and in recognition of the extraordinary costs sometimes associated with the appropriate preservation of historic resources, incentives shall be made available at the time such resources undergo an alteration subject to Section 9.500. Such incentives shall be in addition to the activities of the Landmarks Board required by Section 9.301.03D-E.

9.504.02 Incentives

Any landmark designated as per this Chapter, whether Primary or Secondary, or within or outside of a special historic resource zone or historic district, may be granted one or more of the following incentives, provided that in exercising or accepting any incentive contained herein, a landmark not otherwise subject to Section 9.500 shall thereafter be subject to all the terms and conditions of that Section. Incentives shall be granted only if the proposed alteration has undergone landmarks alteration review and is fully consistent with Section 9.500 and the landmark's designation as per Section 9.400. Monetary incentives, such as property tax rebates and fee waivers, may be granted in any combination, as determined by the Landmarks Board, provided however, that the total amount of the monetary incentives shall not exceed the additional cost of the historically appropriate alteration over that of a more conventional improvement, also as determined by the Landmarks Board.

A. Property Tax Rebates:

1. A property owner who has expended funds for labor and materials necessary to comply with Section 9.500, may apply to the City for rebate of the City's portion of real property taxes levied and collected by the Washington County Department of Assessment and Taxation for the fiscal real property tax year following the tax year in which the investment for labor and materials was made by the owner, and for each subsequent tax year thereafter for not to exceed ten (10) tax years. In no event shall the total rebates paid by the City to the applicant exceed the total cost of the labor and materials expense necessary to comply with Section 9.500. The applicant shall submit with the application, on a form to be provided by the City, such verification of the expenditures for labor and materials, as shall be determined sufficient by the City.

2. No rebates shall be allowed for any property for which real property tax payments are delinquent, nor shall rebates continue to be paid for a property which ceases to meet the standards of this ordinance as a qualifying historical resource. No rebates shall be allowed for tax payments made in the year the funds are expended for compliance with Section 9.,500 or any year prior thereto.
3. Nothing in this section shall be deemed to obligate the City to rebate any taxes levied and paid for the benefit of any other governmental entity, and shall apply only to real property taxes assessed, levied, and payable to the City of Sherwood by the Washington County Department of Assessment and Taxation.

B. City Fee Waiver:

1. The City Building Official shall waive all building permit fees established by the current Uniform Building Code Fee Schedule that would normally be applicable to a landmarks alteration.
2. The City Planning Director shall waive all required land use application fees established by the City that would normally be applicable to a landmarks alteration, including any fees for processing the landmarks alteration application itself.

C. Building Code Variances:

Consistent with Section 104 (f) of the Uniform Building Code, the City Building Official is authorized to permit alterations to designated landmarks without conformance to all requirements of the Uniform Building Code or other applicable codes adopted by the City provided:

1. The landmark has been designated as per Section 9.400, and the alteration is fully consistent with Section 9.500, and
2. The altered landmark will be no more hazardous based on life safety, fire safety and sanitation than the existing landmark.
3. The alteration is approved by the Landmarks Board.