

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

Section

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|--------|---|
| 157.00 | Purpose |
| 157.01 | Definitions |
| 157.02 | Historic Preservation Commission |
| 157.03 | Authority and Responsibilities of the Historic Preservation Commission |
| 157.04 | Designation after Effective Date; Change in Status |
| 157.05 | Designation, Alteration, Demolition, and Appeal Procedures |
| 157.06 | Standards for Alterations and Demolitions |
| 157.07 | Denial of Permits as Remedy; Declaration as Nuisance; Enforcement by Citizens |
| 157.08 | Severability Statement |

§ 157.00 PURPOSE

The purpose of the Preservation Ordinance is to provide policies and controls that promote Eureka's Historical and Cultural Resources as a means to enhance heritage tourism, economic development and a livable community; preserve and protect City-owned Historical and Cultural Resources; identify, interpret and designate the Historical and Cultural Resources within the City of Eureka; maintain an active historic Preservation program within the City; strive to make new development compatible with existing Historical and Cultural Resources; actively pursue funding for historic Preservation, including funding for educational materials, studies, Surveys and incentives; encourage both public and private stewardship of Historical and Cultural Resources within the City of Eureka. Additionally, this ordinance was adopted to accomplish the following:

1. Designate historic districts and properties.
2. Foster civic and neighborhood pride regarding the beauty and accomplishments of the past and a sense of identity based on the City's history.
3. Encourage the maintenance of historic properties and ensure that they are well maintained.
4. Prohibit Demolition of Historical and Cultural Resources except under clearly defined circumstances where appropriate.
5. Assure additions and exterior Alterations to historic properties conserve or enhance historic Character.
6. Encourage infill development that reflects the Character of existing neighborhoods.
7. Educate the public about the importance of Preservation and about appropriate design and use of compatible Building materials.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

8. Conserving valuable material and energy resources by ongoing use and maintenance.
9. Initiate incentives for designation of historic properties and districts to support maintenance of those properties and districts.
10. Use the Secretary of the Interior's Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic and Cultural Resources.

§ 157.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADAPTIVE REUSE. The process of adapting a property, site, Building, or Structure for a use other than that for which it was originally designed or previously used.

ALTERATION. Any modification to the exterior of a Structure that would be visible from a public way and for which a Building permit is required, other than a Demolition.

APPRAISAL. An Appraisal of the fair market value of a property or Structure performed by an appraiser selected jointly by the City and the owner of the property or Structure being appraised or, if the City and the owner do not agree on a joint selection within 15 days after an appraiser is first proposed, an Appraisal performed by an appraiser selected by the owner from a panel of three appraisers nominated by the City.

ARCHAIC MATERIAL. Construction materials found in historic resources for example unstabilized adobe, terra cotta, sandstone, cast iron, wrought iron, plaster on wood lath, etc., which are not common in new construction although they may be still available.

BUILDING. Any Structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this section BUILDING shall not mean manufactured homes and mobile homes as defined in Chapters 155 and 156 of the Eureka Municipal Code.

CALIFORNIA OFFICE OF HISTORIC PRESERVATION. The agency that carries out the National Parks' historic Preservation programs including nominating historic properties to the National Register of Historic Places and qualifying local programs for the Certified Local Government Program. It also administers the State's Preservation programs such as the California Register of Historic Resources.

CALIFORNIA REGISTER OF HISTORIC RESOURCES. The State's official register of Buildings, Structures, objects, sites, and districts worthy of Preservation because of their significance in California's history, architecture, archeology, engineering, and culture. Said register is defined in California Public Resources code section 5024.1 and in the California Code

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

of Regulations Title 14, Chapter 11.5, Section 4850 et seq., as it may be amended.

CHARACTER. Refers to all visual aspects and physical features that comprise the appearance of every historic Building. Historic Character is the sum of attributes or features that make up and distinguish a historic Building, site, Structure, object, or district.

CONSERVATION. Practice encompassing technical examination, Preservation, protection, and maintenance of tangible Cultural Resources.

CONTRIBUTING BUILDING OR STRUCTURE. A Building or Structure which has been identified by the Historic Preservation Commission as one which contributes to the designation of an area as a local Preservation District or a Historic District.

CULTURAL RESOURCE. Building, site, Structure, object, or district having cultural significance in prehistory or history.

DEMOLITION. The destruction or removal of a Building or Structure, or parts of a Building or Structure substantially equivalent to the whole.

DESIGNATED PROPERTY. Any Lot, and any Buildings or Structures on that Lot, included on the Local Register of Historic Places pursuant to this chapter.

DISTRICT PROPERTY. Any Lot, Building and any Structures on that Lot, which is or are wholly or partly within a Preservation District.

EFFECTIVE DATE. The date, inserted by the City Clerk in this section, on which this chapter becomes effective under the Charter; that is, April 19, 1996.

ELIGIBLE PROPERTY. Each Lot, and any Buildings or Structures on that Lot with significant historic and/or cultural value, which includes but is not limited to Buildings and Structures over fifty years old, all properties listed in the California Register of Historic Resources, and National Register of Historic Places, and each Lot, and any Structures on that Lot, in a Preservation District.

EMERGENCY. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

HISTORIC FABRIC. (1) With regard to a historic Building, “Historic Fabric” means the particular materials, ornamentation, and architectural features which are consistent with the historic Character of the Building. (2) With regard to a historic district, “Historic Fabric” means all sites, Buildings, Structures, features, landscaping, street elements, and related design components of the district which are consistent with the historic Character of the district.

HISTORIC PRESERVATION COMMISSION (HPC). The Historic Preservation Commission created pursuant to § 157.02 of this chapter.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

HISTORICAL RESOURCE. Any Building, Structure or Site over 50 years old that is listed in or potentially eligible for the Local Register of Historic Places as an individual or Contributing Building or Structure in a district which is historically or archaeologically significant, or which is significant in architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of the City, County, State, or Nation. Structures less than 50 years old may also be historic if they possess exceptional significance.

IMMINENT THREAT. The existence of any condition within, or affecting, a Structure which, in the opinion of the authority having jurisdiction, would qualify such a Building or Structure as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work, are in immediate peril due to conditions affecting the Building or Structure.

INTEGRITY. Authenticity of a property's historic identity; the quality or state of being complete, uncompromised and whole. Historic Integrity is the extent to which the original or significant features of a Building remain unchanged.

LOCAL REGISTER OF HISTORIC PLACES. The City of Eureka's official list of designated Buildings, Structures, sites, and districts worthy of Preservation because of their significance in City history, architecture, archeology, engineering, and/or culture.

LOT Parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a Structure or a group of Structures that are united by a common interest or use.

NATIONAL REGISTER OF HISTORIC PLACES. The nation's official list of Buildings, Structures, objects, sites, and districts worthy of Preservation because of their significance in American history, architecture, archeology, engineering, and culture.

NONCONTRIBUTING STRUCTURE OR BUILDING. A Building or Structure located within an historic district that does not possess the qualifications or characteristics of a contributing Building due to such factors as age or Alteration, but which has been included within the district because of its impact on the geographic Integrity and overall Character of the district.

PERSON AGGRIEVED. Any person who's quiet use or enjoyment, or ability to rent or successfully conduct lawful activities at another property is interfered with by the substandard or other condition giving rise to a nuisance at the Designated Property pursuant to §157.07 (B) of this chapter.

PRESERVATION. Preservation maintains the form, materials and features of the historic property as it has evolved over time, acknowledging its growth, loss, and change. Preservation is the act or process of applying measures necessary to sustain the existing form, Integrity, and materials of a historic property.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

PRESERVATION DISTRICT. Any district within the City, which is designated pursuant to §§ 157.04 and 157.05 of this chapter.

QUALIFIED PROPERTY. Any Historical Resource identified by the Historic Preservation Commission and not on the Local Register of Historic Places.

RECONSTRUCTION. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, Building, Structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction re-creates a vanished or non-surviving historic property with new materials.

REHABILITATION. The act of making a compatible use of a historic property through repair, Alterations, and additions while preserving those portions or features that convey it's historical, cultural, or architectural values. Rehabilitation retains the historic property as it has evolved by maintaining and repairing historic features, while allowing additions and Alterations for contemporary and future uses.

RESTORATION. The means of accurately depicting the form, features, and Character of a property as it appeared at a particular time by means of removal of features from other periods in its history and Reconstruction of missing features from the Restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional, is appropriate within a Restoration project. Restoration depicts an appearance that existed during the historic property's most significant period by removing later additions and rebuilding or repairing earlier features.

SECRETARY OF THE INTERIOR STANDARDS. The Secretary of the Interior's Standards for the Treatment of Historical Properties published by the U.S. Department of the Interior, National Parks Service. Said publication provides standards and guidelines for the appropriate Preservation, Rehabilitation, Restoration, Reconstruction, and new construction to historic Buildings, sites, resources, Structures, and districts.

SITE, HISTORIC. The location of a significant event, a prehistoric or historic occupation or activity where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing Structure includes but not limited to a designed landscape or the ruins of a Building or Structure.

STREETSCAPE. The visual Character of a street as determined by elements such as Structures, access, greenery, open space, view, etc. The scene as may be observed along a public street or public alley composed of natural and man-made components, including Buildings, paving, planting, street hardware, and miscellaneous Structures.

STRUCTURE. Anything constructed or erected which requires a location on the ground, including a Building, bridge, tunnel, swimming pool, access drives or walks. For the purpose of administering this chapter only, fences and walls, of any height, shall be considered Structures if designated a Historical Resource by the Historic Preservation Commission.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

SURVEY. The process of inventorying City Historical Resources according to California Office of Historic Preservation guidelines to identify those resources eligible for the Local Register of Historic Places.

TAKING. A restriction under this chapter which affects the value or use of a property so severely that the City would be required to compensate the owner of the property under the Fifth Amendment to the U.S. Constitution; Article 1, Section 19 of the California Constitution; or other applicable law.

§ 157.02 HISTORIC PRESERVATION COMMISSION.

(A) There is hereby created a Historic Preservation Commission, which shall consist of seven members appointed as prescribed by the City Charter and §§ 33.001-33.013 of Chapter 33 of Eureka Municipal Code. The members shall have an interest in or demonstrate experience to include: historic Preservation, architecture, archeology, land use, Cultural Resources, Building construction, or other similar qualifications satisfactory to the Mayor and the City Council.

(B) The terms of the seven appointed members shall begin on January 1, immediately following expiration of their respective predecessors' terms or upon Council approval of their respective appointments, whichever occurs later, and shall expire on December 31, four years after the expiration of their predecessors' terms.

(C) The Historic Preservation Commission shall select a secretary who may be a member of the City staff. The Commission may establish rules and regulations for its own organization, procedure, and meetings.

(Ord. 607-C.S., passed 3-19-96; Am. Ord. 664-C.S., passed 1-7-03)

§ 157.03 AUTHORITY AND RESPONSIBILITIES OF HISTORIC PRESERVATION COMMISSION.

(A) In addition to the responsibilities conferred by other provisions of this chapter, the Historic Preservation Commission shall:

(1) Review applications for additions, Alterations, new construction, Demolition of all or part of any Structure or landscape elements (such as historic walls and trees designated in the Historic Preservation Application) which are located on a Designated Property pursuant to this chapter.

(2) Endeavor to provide technical and economic assistance, as resources permit and circumstances warrant, to facilitate compliance with this chapter.

(B) The HPC shall, to the extent it deems action appropriate, have the authority to:

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

(1) Negotiate with owners of properties having potentially significant historical characteristics for, and may recommend to the City Council the approval of, contracts to restrict the use of such property and to retain such historical characteristics.

(2) Review applications for Preservation incentives and make recommendations thereon to the Planning Commission and City Council, including, but not limited to, negotiated Mills Act agreements pursuant to Government Code Section 50280 et seq.

(3) Establish and maintain a list of Historical Resources considered deserving of official recognition although not given regulatory protection under this chapter. The purposes of the list shall be to recognize the merit of and encourage the protection, enhancement, perpetuation, and use of such Historical Resources. For these purposes, the Commission may authorize such steps as it deems desirable, including but not limited to the issuance of certificates of recognition and the authorization of plaques.

(4) Carry out or assist studies and programs designed to identify and evaluate Historical Resources which are worthy of Preservation.

(5) Inspect and investigate Historical Resources which may be worthy of Preservation.

(6) Consider methods other than those described above for encouraging and achieving Preservation of worthy Structures, resources, sites, and districts or areas, including exploring means of financing the Restoration or maintenance thereof.

(7) Make appropriate recommendations on the general subject of Preservation to the Planning Commission, City Council, City Departments, other public and private agencies and bodies, and the general public.

(8) Make appropriate recommendations to the Planning Commission, City Council, City Departments, other public and private agencies and bodies and the general public to assist property owners to repair, modify, improve, rehabilitate, restore, et al, using Archaic Materials (especially recycled Building materials), and design criteria sensitive to the particular property and surrounds.

(C) Provide comments and recommendations to the Planning Commission and Community Development Department regarding proposed projects on properties that are not specifically designated as historic, such as non-contributing Structures but are within designated historic Preservation Districts.

(D) Review and make recommendations to the Community Development Department, Planning Commission, and City Council regarding applications subject to the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq., specifically Section 15064.5 et. seq., CEQA Guidelines California Code of Regulations, Title 14, Chapter 3. (Ord. 607-C.S., passed 3-19-96)

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

§ 157.04 DESIGNATION AFTER EFFECTIVE DATE; CHANGE IN STATUS.

(A) A property shall cease to be a Designated Property, following written application by the owner of record or initiation by the Historic Preservation Commission, and determination any of the following:

(1) That for a Designated Property which is not a District Property, that a change has occurred since the Effective Date so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a Designated Property;

(2) That for a District Property, that a change has occurred since the Effective Date so that on balance the property does not possess sufficient historical or architectural attributes to contribute significantly to the Character of the Preservation District which includes the property;

(3) That for any designated district or property, that a Taking would result unless the status of the property is changed; or,

(4) That significant error was made during the designation process. A significant error means (i) that the property was listed in error because at the time it was listed it did not possess sufficient historical or architectural attributes to qualify for listing, or (ii) that the City failed to provide notice as required by Ordinance 607-C.S. passed 3-19-96, or (iii) the City failed to remove the property after receiving an election for exclusions pursuant to Ordinance 607-C.S.

(5) Any application for a change in status shall be heard by the Historic Preservation Commission, and may be appealed to the City Council. Notice of appeal and the conduct of all appeals shall follow the procedures set forth in Eureka Municipal Code Section 155.287.

(B) No property shall cease to be a Designated Property under §157.04 (1) or (2) of this division if that property has applied for and received economic benefits or regulatory relief from the City by virtue of its status as a Designated Property unless the property change rendering it non-historical or architecturally significant was a natural disaster.

(C) A property which is not a Designated Property may become a Designated Property upon application by any person, or initiation by the Historic Preservation Commission, if each of the following conditions is satisfied:

(1) If the application is not by the owner of record, the owner of record consents in writing to the designation; and,

(2) The property proposed for designation meets guidelines as in effect at the time the designation is considered. Except to the extent modified by the City Council after the Effective Date, the guidelines shall be those which would apply to eligibility of the property for listing on the National Register of Historic Places.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

(D) A district which is not a Preservation District may be made a Preservation District upon application by any person, or initiation by the Historic Preservation Commission, if all of the following conditions are satisfied:

(1) The Historic Preservation Commission determines that the district meets guidelines as in effect at the time the designation is considered. Except to the extent modified by the City Council after the Effective Date, the guidelines shall be those which would apply to eligibility of the district as a historic district on the National Register of Historic Places; and,

(2) The Director of Community Development shall provide, by certified U.S. mail, return receipt requested, a notice and ballot to each owner of record for each property within the proposed district. Each such notice shall clearly inform the recipient of the effect of district designation if approved, specify the status of the recipient's property in the proposed District (i.e., "Contributing" or "non-contributing"), and instruct the recipient as to the location and deadline for submitting ballots to approve or disapprove the district designation; and,

(3) The Historic Preservation Commission has jurisdiction over contributing properties in the Historic Preservation District but does not have jurisdiction over existing non-contributing Structures; and,

(4) Sixty percent of the votes cast in the proposed district must support creation of the district for it to become a district. Votes shall be allotted one vote per owner of record of property within the district.

(E) All Lots within such a Preservation District cannot opt out of the district once designated under this section.

(F) Eligible properties that were voluntarily not included on the Local Register of Historic Places as a result of the Initial Designation, opt out process, or were not given notice and opportunity to opt off, under Ordinance 607-C.S. passed 3-19-96, shall not be subject to involuntary inclusion within a Historic District.

(Ord. 607-C.S., passed 3-19-96) Penalty, see § 10.999

§ 157.05 DESIGNATION, ALTERATION, DEMOLITION, AND APPEAL PROCEDURES.

(A) Any application to change the status of a property or district under § 157.04 of this chapter or to alter or demolish a Designated Property under § 157.06 of this chapter shall be made to the Historic Preservation Commission, in the form (if any) which that commission requires, and shall include such information and materials as that Commission requires. The Commission may itself initiate a change in status of a property or district. Any such Commission initiated change in status under §157.04(C) shall have the written consent of the property owner(s). Commission initiated status changes to districts shall follow the same procedures as required by §157.04(D). The Commission shall encourage the applicant to salvage Building materials should Demolition or Alteration be granted.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

(B) The Historic Preservation Commission shall hold at least one public hearing on each complete application which is received pursuant to division (A) of this section, and on each change in status of a property or district initiated by the Commission. Notice of the hearing shall be given as follows:

(1) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of each subject property, including all properties within an affected district, or the owner's duly authorized agent, and to the project applicant, if not the owner;

(2) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property or properties that is or are the subject of the hearing. In lieu of utilizing the assessment roll, the local agency may utilize records of the County Assessor or Tax Collector which contain more recent information than the assessment roll; and,

(3) The notice shall be posted at least 10 days prior to the hearing in at least three public places within the City, including one within the City including one public place in the area directly affected by the proceeding.

(4) In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems desirable.

(C) The owner of any affected property or any other person may appeal any decision of the Historic Preservation Commission concerning the designation of a property or district, and decisions concerning Demolitions, and Alterations to the City Council upon the same terms and conditions as would apply for appeal of a use permit pursuant to § 155.287(A) of this title. Notice of such City Council hearings shall be given and the hearings shall be conducted and decisions rendered pursuant to the rules contained in §§ 155.288, 155.289 and 155.290 of this title.

(D) Nothing in this section shall prohibit the immediate Demolition of a Structure that is deemed to be an Imminent Threat to life or property as the result of an Emergency as defined in this chapter.

(Ord. 607-C.S., passed 3-19-96)

§ 157.06 STANDARDS FOR ALTERATIONS AND DEMOLITIONS.

(A) No Structure on a Designated Property shall be demolished unless the City shall make one of the following three findings, following notice to the extent required by § 157.05 of this chapter and hearing(s) pursuant to this chapter.

(1) The designated Structure is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake. Said Demolition shall only be undertaken if in accordance with City of Eureka Municipal Code, Volume 2, Chapter 150; Building Regulations, and California Public Resources Code Section 5028.

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

(2) Taking into account the potential value to the owner of the property of all available City and other accommodations and incentives including, transferable development rights, zoning ordinance modifications, alternative Building code standards or provisions, loans, grants, reimbursements and tax reductions, one or more of the following circumstances exist;

(a) The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and Adaptive Reuse is not economically feasible;

(b) The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying Demolition;

(c) The Demolition would further a substantial community interest or result in a net community benefit;

(d) Denying permission to demolish would result in a Taking or would violate state or federal law.

(3) Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code §§ 17900 et seq.) or other applicable state or federal law.

(B) Conditions may be imposed on Demolition to the extent authorized by any other applicable law or this chapter, including without limitation the following:

(1) Documentation may be required of any Structure to be demolished and/or for the property;

(2) Historic Preservation Commission review and Historic Preservation Commission approval may be required for any subsequent development at the property;

(3) Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected Structure or to allow the City to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation action if, within the initial 90 days a buyer or third party is identified or the City determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, Demolition may be denied where a third party willing and able to purchase the property or relocate the Structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or Structure at fair market value, as determined by Appraisal.

(4) With respect to Demolition of a Structure on a District Property, the City shall take into account the importance of an affected Structure to the Integrity of the district, and may: limit the size of new development to that of the existing Structure; require that the scale of new development be harmonious with other Structures which contribute to the district's Character; require retention or Reconstruction of one or more facades; and/or require that any

City of Eureka
CHAPTER 157: HISTORIC PRESERVATION

replacement Structure be of like kind or quality to the demolished Structure and contribute to the Integrity of the Preservation District.

(C) No Structure on a Designated Property shall be altered unless the Alteration is approved by the City, following notice to the extent required by § 157.05 of this chapter and hearing(s) pursuant to this chapter. The Historic Preservation Commission may adopt guidelines for Alterations and review of Alteration applications, applicable specifically to designated properties and/or district properties.

Except to the extent such guidelines provide differently, a proposed Alteration shall be considered in light of its effect on the existing Character of the affected Structure as it relates to the Streetscape.

(D) No zoning permit for a use or for a structure or sign or exterior alteration, enlargement, or major remodeling of an existing use, structure, or sign on a designated property that is subject to architectural review as prescribed in the Eureka Municipal Code, Chapter 155, shall be issued until the drawings required under Eureka Municipal Code § 155.183(B) have been approved by the Historic Preservation Commission¹.
(Ord. 607-C.S., passed 3-19-96) Penalty, see § 10.999

§ 157.07 DENIAL OF PERMITS AS REMEDY; DECLARATION AS NUISANCE; ENFORCEMENT BY CITIZENS.

(A) In addition to all penalties otherwise provided by this code or other applicable law, in the event of a Demolition, new construction or Alteration in violation of this chapter, Building, zoning and/or use permits may be denied for the affected property for a period not to exceed five years. The Historic Preservation Commission shall recommend the extent of said penalty to the City Council and the penalty shall be reviewed and determined by a majority vote of the City Council.

(B) Any Structure on a Designated Property which is the subject of an outstanding order to abate a substandard condition pursuant to City Building Code is hereby declared to be a nuisance. With respect to any such Structure, or any Structure on a Designated Property which has been otherwise declared a nuisance under City Building regulations, any Person Aggrieved by such a nuisance may bring an independent civil action against the owner of the Designated Property for all appropriate relief, including damages, costs and attorneys' fees. Everyday of such interference is a separate and distinct nuisance.
(Ord. 607-C.S., passed 3-19-96) Penalty, see § 10.999

¹ A concurrent text change to § 155.182 DRAWINGS TO BE APPROVED AND AUTHORIZATION, would include: (C) No zoning permit for a use or for a structure or sign or exterior alteration, enlargement, or major remodeling of an existing use, structure, or sign that is subject to architectural review as prescribed in this chapter shall be issued until the drawings required by § 155.183(B) of this subchapter have been approved by the Design Review Committee, the Planning Commission, or the Council. [For Designated Properties, as defined in Chapter 157, the drawings shall be approved by the Historic Preservation Commission and not the Design Review Committee.](#)

§ 157.08 SEVERABILITY STATEMENT

If any section, subsection, subdivision, paragraph, clause or phrase in this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.