

Chapter 15- HISTORIC PRESERVATION

SEC 15-1.- TITLE

The title of this ordinance shall be the Jackson County Historic Preservation Ordinance.

SEC 15-2.- PURPOSE

Whereas the historical heritage of Jackson County is a valued and important part of the general welfare; and whereas the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to North Carolina General Statute (NCGS 160D-940 to 160D-959) this ordinance is enacted in order to

- a. safeguard the heritage of Jackson County by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- b. promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of Jackson County and of the State as a whole.

SEC 15-3.- Definitions

- *Alteration*: means any change because of construction, repair, maintenance, or otherwise to buildings located within an historic district or designated as an historic property.
- *Archaeological Resource*: means that material evidence of past human activity which is found below the surface of the ground or water, portions of which may be visible above the surface.
- *Building*: means any structure, place, or other construction built for the shelter or enclosure of persons, animals, chattels, or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without opening in such separate walls.
- *Certificate of Appropriateness*: means a document evidencing approval from the commission for work proposed on a designated local landmark or a contributing structure within a designated historic district by an applicant.
- *Construction*: means the erection of any onsite improvements on any parcel of ground located within an historic district or on an historic site, whether the site is presently improved, unimproved, or hereafter becomes unimproved by demolition, destruction of the improvements located thereon by fire, windstorm, or other casualty.
- *Demolition*: means the complete or constructive removal by an applicant of a building on any site.
- *Department*: means the state department of cultural resources.
- *Designation*: means the creation of an historic district or an historic property through the passage of an ordinance by the governing body.
- *Exterior Features*: means and includes the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the color and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, Exterior Features shall be construed to mean the style, material, size, and location of all such signs. Exterior Features may, in the discretion of the local governing board, include color and important landscape and natural features of the area.
- *Historic District*: means an area containing buildings, structures or places which have a special character and sense of place based on one or more of the following and is designated by an ordinance:
 - Historic value;
 - Notable architectural features representing one or more periods or styles of architecture of an era of history; or

- The cultural and aesthetic heritage of the community, and which area constitutes a specific physical area of such significance to warrant its conservation, preservation and protection from adverse influences.
- *Historic Property*: means any site, landmark, and structure, artifact, above or below the ground or water, which is so designated by an ordinance.
- *Ordinary Maintenance or Repairs*: means work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay, or damage to a building on any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

SEC 15-4. HISTORIC PRESERVATION COMMISSION

4.1 Creation and Appointment

There is hereby established, by authority of North Carolina General Statutes 160D-941, and through interlocal agreement among Jackson County, the Town of Sylva, Town of Webster, Town of Dillsboro, and the Village of Forest Hills, the Jackson County Historic Preservation Commission, hereafter referred to as the "Historic Preservation Commission" or "Commission". The Commission shall consist of 11 members who shall be appointed by the County Commissioners. Initially appointed terms shall be staggered in the following manner: six members shall be appointed for two-year terms and five members for a three-year term. All commissioners shall reside within the territorial jurisdiction of the county or of a municipality whose governing body adopts this article.

4.2 Qualification of Members

Members of the Commission shall have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field.

4.3 Rules of Procedure

The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure shall provide for at least the following:

- a) selection of Commission officers
- b) time and place of regular meetings, and calling of special meetings
- c) procedures for conduct of public hearings
- d) keeping of minutes and Commission records
- e) conduct of voting
- f) conflicts of interest policy
- g) attendance policy
- h) forms to be used in applying for Certificates of Appropriateness
- i) sufficient project information to make sound determinations regarding applications for Certificates of Appropriateness
- j) list of minor works for which Commission staff may issue Certificates of Appropriateness

The Commission shall meet at least quarterly. All meetings shall be conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (NCGS 143-318.9 to 318.18).

The Commission shall annually provide to the Jackson County Board of Commissioners a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

4.4 Powers and Duties

The Commission shall be authorized within the planning and zoning jurisdiction of the county and of the municipalities adopting this article to:

- a) Organizing itself and conducting its business.
- b) Undertake an inventory of properties of historical, prehistorical, architectural and/or cultural significance.
- c) Recommend to the county board of commissioners or the municipal governing bodies that individual buildings, structures, sites, areas, or objects within its zoning jurisdiction be designated as Historic Property and that areas within its zoning jurisdiction be designated as Historic Districts;
- d) Recommend to the county board of commissioners or the municipal governing bodies within their respective jurisdictions that designation of any area as a Historic District, or part thereof, or designation of any building, structure, site, area or object as a Historic Property, be revoked or removed for cause.
- e) Review and act upon proposals for alterations, demolition or new construction within Historic Districts, or for the alteration or demolition of designated landmarks.
- f) Conduct an educational program regarding Historic Districts and Historic Properties within its jurisdiction.
- g) Cooperate with the state, federal and local government in pursuance of the purposes of this article; offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest. The county board of commissioners or the municipal governing bodies, or the Commission when authorized by the county board of commissioners and the municipal governing bodies, may contract with the state or the United States, or any agency of either, or with any other organization, provided the terms are not inconsistent with state or federal law.
- h) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof, however, no member, employee or agent of the Commission may enter any private building or structure without express consent of the owner or occupant thereof.
- i) Prepare and recommend the official adoption of a preservation plan for the county or a municipality, or a preservation element as part of a county or municipal comprehensive plan.
- j) Acquire, by any lawful means, the fee or any lesser included interest, including options to purchase, to properties within established Historic Districts or to any such properties designated as Historic Properties, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property.
- k) Restore, preserve and operate Historic Properties.
- l) Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.
- m) Negotiating with property owners who propose to demolish or relocate a designated Historic Property, or a building, structure, site, area, or object within a designated Historic District, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies

SEC 15-5.- INVENTORY

The Commission shall use as a guide to identification, assessment, and designation of Historic Properties and Historic Districts an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

SEC 15-6.- HISTORIC LANDMARKS

6.1 Adoption of Ordinance of Designation

a. The Jackson County Commissioners or a municipal governing body may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall:

- (1) list the name or names of the owner or owners of the property;
- (2) describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
- (3) describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
- (4) provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
- (5) any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the local governing body.

b. The landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

6.2 Criteria for Designation

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

6.3 Procedure for Designation

- a) No property shall be designated as a landmark until the following steps have been taken:
 1. The Commission shall make, or cause to be made, an investigation and designation report which includes
 - i. the name of the property to be designated, including both common and historic names if they can be determined;
 - ii. the name(s) and address(es) of the current owner(s);
 - iii. the location of the property for which designation is proposed, including the street address and Jackson County parcel identification number;
 - iv. the dates of original Construction and of all later additions or alterations, if applicable;
 - v. an assessment of the significance of the building or site as prescribed by this ordinance;
 - vi. an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
 - vii. a historical discussion of the site or structure within its type, period, and locality;
 - viii. a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and a map showing the location of the property, including all outbuildings and appurtenant features.
- b) Pursuant to G.S. 160D-946, as amended, the designation report shall be submitted to the North Carolina Department of Natural and Cultural Resources, Office of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the board of county commissioners or the municipal governing body regarding the

substance and effect of the proposed designation or acquisition. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the board of county commissioners or the municipal governing body of all responsibility to consider the Department's comments or recommendations concerning the report.

- c) At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the local governing body a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.
- d) The governing body of the jurisdiction where the proposed landmark is located must hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given as provided by G.S. 160D-601. Following the public hearing, the governing body shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.
- e) Upon adoption of the ordinance, the Commission staff shall, within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested; and:
 - 1. shall file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds Jackson County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
 - 2. shall, if the landmark lies within the zoning jurisdiction of a municipality, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the municipal clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector.
 - 3. shall notify the tax assessor Jackson County of the landmark designation.
- f) Upon notification from the Commission, the tax assessor of Jackson County shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.
- g) In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the Commission's decision.

SEC 15-7.- HISTORIC DISTRICTS

7.1 Adoption of Ordinance of Designation

- a) The Jackson County Commissioners or a municipal governing body may adopt and, from time to time, amend or repeal an ordinance designating a Historic District. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance.
- b) The district designation process may be initiated by either the Commission or at the request of any number of property owners.
- c) No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied. In zoned jurisdictions, such ordinance may treat historic districts as a separate use district classification or as districts which overlay other (base) zoning districts. Where historic districts are treated as

overlay districts, all uses permitted in the underlying (base) zoning district, whether by right or as a special use, shall be permitted in the historic district.

7.2 Criteria for Designation

To be designated as a historic district, an area shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

7.3 Procedure for Designation

- a) The Commission shall make, or cause to be made, an investigation and designation report which includes:
 - 1) An assessment of the significance of the buildings, sites, structures, features, objects or environs to be included in a proposed district and a description of its boundaries; and
 - 2) A map clearly indicating the boundaries of the district and the properties, showing their Parcel Identification Numbers.
- b) A district designation report shall be
 - 1) Referred to the Jackson County Planning Department for review and comment according to the procedures set forth in the zoning ordinance for the zoning jurisdiction involved; and
 - 2) Submitted to the North Carolina Department of Natural and Cultural Resources, Office of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Jackson County Commissioners or a municipal governing body. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval for the report and relieve the Jackson County Commissioners or a municipal governing body of all responsibility to consider the Department's comments or recommendations concerning the report.
- c) At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the local governing body a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a historic district.
- d) Upon receipt of a recommendation and designation report from the Commission, the Jackson County Board of Commissioners or municipal governing body shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

7.4 Revisions to Districts

Changes in the boundaries of an adopted Historical District subsequent to its initial establishment shall be effected as allowed by Sections 7.1 and 7.2 of this ordinance and as prescribed in Section 7.3.

SEC 15-8.- CERTIFICATES OF APPROPRIATENESS

8.1 Certificate of Appropriateness Required

The following standards for Certificates of Appropriateness are in accordance with G.S. 160D-947:

- a) From and after the designation of a landmark or a Historic District, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within the Historic District until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this article. A Certificate of Appropriateness shall be required whether or not a building or other permit is required.
- b) For purposes of this article, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, other appurtenant features, historic signs, color, and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.
- c) The Commission shall have no jurisdiction over interior arrangement, except as follows. The jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks; and of privately owned landmarks for which consent for interior review has been given by the owners. Such consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the register of deeds office and indexed according to the name of the owner of the property in the grantor and grantee indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over the interior.
- d) The landmark or Historic District regulation may provide, subject to prior adoption by the Commission of detailed standards, for staff review and approval as an administrative decision of applications for a Certificate of Appropriateness for minor work or activity as defined by the regulation; provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Commission. Other than these administrative decisions on minor works, decisions on Certificates of Appropriateness are quasi-judicial and shall follow the procedures of G.S. 160D-406

8.2 Standard for Appropriate Change

There shall be a single standard for appropriate change in the districts or to the landmarks, expressed as follows: The Commission shall take no action under this article except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of the Historic District or landmark.

8.3 Design Standards

No Certificate of Appropriateness shall be granted unless the Commission finds that the application complies with the Design Guidelines adopted by the Commission for review of exterior changes. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings shall be the standards used in reviewing applications for the issuance of a Certificate of Appropriateness. The process for the issuance of Certificates of Appropriateness is separated into three levels:

- 1) Ordinary Maintenance and Repair

- 2) Minor Works
- 3) Major Works

8.4 Ordinary Maintenance and Repair (certain changes not prohibited).

Nothing in this article shall be construed to prevent the Ordinary Maintenance or Repair of any exterior architectural feature in a Historic District or on a landmark which does not involve a change in design, materials, or outward appearance thereof; the Ordinary Maintenance or Repair of streets, sidewalks, pavement markings, street signs, or traffic signs; [or] the construction, reconstruction, alteration, restoration or Demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent the maintenance or, in the event of an emergency, the immediate restoration, of any existing above-ground utility structure without approval by the commission.

8.5 Minor Works (administrative approval).

- a) Prior to adoption by the Preservation Commission of detailed standards, upon receipt of a completed application, the commission administrator may review and approve applications for a Certificate of Appropriateness for minor works as defined below.
- b) Minor works are defined as those exterior changes which do not involve substantial Alterations, additions or removals that could impair the integrity of the property and/or district as a whole. Such minor work items shall be limited to those listed in the Commission's rules of procedure.
- c) No application for a Certificate of Appropriateness for a minor work may be denied without the formal action of the Commission.
- d) All minor works applications approved by the commission administrator shall be forwarded to the Commission in time for its next scheduled meeting.

8.6 Applicability to state and other government entities.

The state (including its agencies, political subdivisions and instrumentalities), the county, the towns and cities, and all public utilities shall be required to obtain a Certificate of Appropriateness for Construction, alteration, moving, or Demolition within the historic district or on designated landmarks.

8.7 Major Works (Application Process)

- a) Applications for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the administrator for the Commission. The application shall be filed at least twenty-one (21) days prior to the next regularly scheduled meeting of the Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior Alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of property within one hundred (100) feet on all sides of the property which is the subject of the application must also be filed. No application which does not include the aforementioned information will be accepted.
- b) It shall be the policy of the Commission, in regard to applications involving new construction or extensive Alterations and/or additions to existing structures, that a subcommittee of the Commission shall be available to meet with persons involved in planned or pending applications in order to advise them informally at an early stage in the development process concerning the Commission's standards, the nature of the area where the proposed project will take place, and other relevant factors. The members of the subcommittee, collectively and individually, shall refrain from any indication of approval or disapproval. Advice or opinions given by any member of the subcommittee at such an informal meeting shall not be considered official or binding upon the Commission.

8.8 Action on Application

- a) Applications for Certificates of Appropriateness shall be acted upon within ninety (90) days after filing; otherwise, the application shall be deemed to be approved and a Certificate of Appropriateness shall be issued. An extension of time may be granted by mutual consent of the Commission and the applicant.
- b) As part of the review procedures, the Commission may view the premises and seek the advice of the department of cultural resources or other such expert advice as it may deem necessary under the circumstances.
- c) The action on an application shall be approval, approval with conditions or denial. The decision of the commission must be supported by specific findings of fact indicating the extent to which the application is or is not congruous with the special character of the Historic District or landmark.

8.9 Appeals

- a) In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the board of adjustment for the appropriate jurisdiction, or the body serving as the board of adjustment who hears quasi-judicial appeals for the appropriate jurisdiction in accordance with G.S. 160D-947.
- b) Written notice of the intent to appeal must be sent to the Commission, postmarked within thirty (30) days following the decision. Appeals shall be in the nature of certiorari. Appeals of decisions of the board of adjustment shall be heard by the superior court of the county.

8.10 Enforcement of compliance; remedies.

- a) Compliance with the terms of the Certificate of Appropriateness shall be enforced by the zoning administrator. Failure to comply with the Certificate of Appropriateness shall be a violation of the zoning ordinance and is punishable according to established procedures and penalties for such violations.
- b) In case any building, structure, site, area or object designated as a landmark or within a Historic District is about to be demolished, whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with this article, the board of county commissioners, the municipal governing body, the Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful Demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such a building or structure.

8.11 Delay in Demolition of landmarks and buildings within Historic Districts.

- a) An application for a Certificate of Appropriateness authorizing the Demolition, removal, or destruction of a designated landmark or a building, structure or site within a Historic District may not be denied, except as provided in subsection (c) below; however, the effective date of such a certificate may be delayed for up to three hundred sixty-five (365) days from the date of approval. The period of delay shall be reduced by the Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period, the Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure or site. If the Commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier Demolition or removal.
- b) If the Commission has voted to recommend the designation of a landmark or the designation of an area as a Historic District, and final designation has not been made by the board of county commissioners or the municipal governing body, the Demolition or destruction of any building, structure or site in the proposed district or on the property of the designated landmark may be delayed by the Commission for up to one

hundred eighty (180) days or until the county board of commissioners or the municipal governing body takes final action on the designation, whichever occurs first.

- c) The Commission may deny an application for a Certificate of Appropriateness authorizing the Demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a Historic district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.

SEC 15-9.- Demolition through Neglect

Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a Historic District shall constitute Demolition through neglect, without a valid Certificate of Appropriateness, and a violation of this ordinance. The Commission shall institute action, through the office of the local government agency responsible for enforcing zoning and/or codes violations, to prevent, restrain, correct, or otherwise abate such Demolition, provided such action includes appropriate safeguards to protect property owners from undue economic hardship.

SEC 15-10.- CONFLICT WITH OTHER LAWS

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the local governing body, the more restrictive ordinance or regulation shall govern.