

WATERTOWN HISTORIC DISTRICT DESIGN GUIDELINES

In order to maintain the distinctive appearance of the Watertown Central Business District, these guidelines will enable the City to plan the growth of its Central Business District and, the building Owners to provide sympathetic approaches for the Stewardship of the Historic Properties in the Watertown Historic District. The collective and individual appearance of each building adds to the rich architectural setting of the District. These details include the lush polychromatic, ornamental brick work, window and door detail and trim, wall covering and load bearing fabric, individual store front detail and the collective association of each building of this Art Deco Square and neighborhood.

It is fundamentally important that the Owners and Residents of Watertown's Historic Central Business District be aware and appreciate that they own and provide stewardship to the prolific architectural heritage that makes up the uniqueness of this Square, District. The Value of each of these properties / buildings is based on the proper care that the owners and their Neighbors follow in maintaining and improving the appearance of each of the individual properties. Any change that is made to the historic buildings will either enhance the Value, the History and the Architecture of the building, as well as, the District or, destroy it.

Most of the buildings in the district are older than the owners. These structures have survived because previous owners cared for them and preserved their architectural appearance. With proper care and sound stewardship, these buildings will reward future owners and tenants with income, real estate appreciation and purpose for generations to come.

The purpose of these guidelines is to inform current building Owners about proper techniques for the restoration, rehabilitation and maintenance of their building(s). Based upon the Secretary's of Interiors Standards, these guidelines will introduce a constant standard for Rehabilitation and Restoration projects and, in particular, new construction. With a common standard for the District this will allow for consistency with the architectural fabric of the entire District and a means for this standard of Architecture to be maintained. The guidelines contain provisions for the front, principle elevation of the Historic Building, as well as, any building that has an open sight line or, a building that sits on a corner parcel. Any work preformed to the rear of a building will consider size and scale above design details and provisions.

For a building Owner to engage on work to the exterior of the property, a Certificate of Appropriateness will be required to seeking a building permit. Any work to the exterior of a building in the District will require a Building Permit and, a Certificate of Appropriateness. Any work to the principle façade should be compatible with the original design intent of the building and with the overall design of the District. Any new design or use will have to comply with the current Zoning of the City of Watertown.

The building Owner shall schedule or attend the regular monthly meeting of the Historic Commission, with prior notice to the agenda. The Owner should provide architectural drawings, sketches, photographs or any other material recording the existing condition of the building and the described scope of work to be undertaken for the general review of the Commission. A Site or Tax map will be required to illustrate the property in review with the foot print of the building illustrated. All drawings that require permits for code consideration will be part of the submittal. In addition, any new materials to be used will require a submittal of the materials to be used and the color schemes allied with the individual products. These include brick, mortar, color scheme and paint type, roof material, ornamental fabric of metal, fiberglass, wood, or other

related products. One set of “drawings”, a site map and a submittal schedule will be left for the commission for the permanent record. With the review and approval of the intent of work and the material submittals from the Commission, the Owner may seek an appropriate Building Permit. The Commission will then submit a Notice to Proceed to the Building Inspector to inform the officer that the Owner has met with the Commission and the work intent is compliant with the Historic District Guidelines.

For additional information on standards & guidelines for historic properties please review the information provided in the links below:

<https://savingplaces.org/>

<https://www.nps.gov/tps/standards.htm>

<https://www.nps.gov/tps/standards/four-treatments.htm>

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

Guidelines for Existing Buildings:

Commercial:

Storefront Design:

Maintain the storefront to the height and width of the Original Opening designed for it.

The Storefront shall be as transparent as possible by using large glass formats and transoms.

The color and texture of storefront materials shall be simple and unobtrusive, whether wood, cast iron or anodized aluminum.

All display window should be clear glass and recessed into the storefront framing.

Transom windows can be clear, tinted or stained glass. Any plastic glass employed should be known UV reactive or yellowing.

The Entrance Door shall have a full-view glass panel. The door shall not be decorated with molding, cross bucks, window grills, or other “decorative” features that are not in keeping with the building’s era of fabrication/development.

Entry Doors may be recess behind the front plate of the storefront.

Bulkheads will follow their historic design intent. They may be made of wood, brick, stone, or simulated materials of aluminum or fiberglass with review by the commission. The proportions of the bulkheads will stay as originally designed for scale and scheme.

Storefront cornices may be made of wood, metal, or other related materials that are in keeping with the design.

The side piers will be maintained in their fabric appearance. If the pier is unpainted brick then every attempt will be maintained to keep original fabric unaltered. If they have been changed, that they will mirror with the intent of the upper façade in color and texture.

Inappropriate historic themes shall be avoided.

Upper Story Design:

If the second story windows are historic they should be maintained, repaired and cleaned.

If the Upper Story window are deteriorated and must be replaced, or, have been altered or removed in past "remodeling" efforts, then, the windows should be replaced with the same size and shape of the original window openings and, the window components will be constructed of wood.

Storm window may be employed on the second story but they should mirror the sight and construction lines of the principle window and casing. The color scheme shall blend and or accent the design scheme of the principle window and casing.

If roof line cornices or lintels are present then they shall be maintained.

If the cornices or lintels are missing, then they shall be replaced with historic compatible units that scale to the original intent. Replacement materials should be composed of the original fabric or material that duplicates the appearance of the original.

Masonry:

Any use of Sandblasting, corncob blasting, or any abrasive blasting that erodes the surface of the masonry will not be allowed. High pressure water blasting, in excess of 300 psi will not be allowed. Conservation cleaning and cleaning methodology will be tested, reviewed and used.

The repointing of brick and stone will be accomplished with mortar that matches in strength and color of the original material. A mortar analysis should be conducted to determine the strength of the original mortar. No high portland mortar or stucco will be allowed. No EFS systems will be allowed in the District. All pointing may be accomplished by using the Preservation Brief No. 2 of the Department of Interior which will be provided by the Commission. Caulking or sealants will not be used as a substitute for pointing. All pointing will be hand applied and "stuck" to match the historic appearance of the original buildings design intent or, for infill or, spot pointing, the struck joint will match the weathered appearance of the existing.

All repair work of masonry units shall use period or material that matches in color, range, and size of the original material. When repairing brick and mortar, then, brick and mortar shall be used. CMUs may be used as backup wall systems or for the use of non - visible walls. In the

rare occurrences of CMU's are present, then like materials may be used. CMUs may be used with other decorative units for new construction that create tapestry and texture to the decorative masonry infill. This CMU work will be allowed on side walls, end walls and non-visible walls. All new, repair and infill masonry will be accomplished under the guidelines of the National Masonry Handbook and ASTM guidelines for brick and block construction.

Sealants may be used at control and expansion joints. These sealants shall be designed as expansion sealant with backing rod. After the sealant is applied, the wet joint will be dressed to match the "stuck" appearance of a natural masonry joint. The wet joint will also be dressed with dry sand to mask the mortar joint, limit sheen and protect the UV qualities of the sealant.

Wall Coverings:

Existing historic wall coverings shall be maintained. Any existing encapsulating or, the introduction of curtain wall systems will be highly discouraged and avoided. New infill construction will require that the wall covering palliate be in style, material, and color of those structures that compliment the new buildings setting. New Brick, Wood, Stone, Metal and Cementitious materials may be employed individually and collectively to enhance the architectural setting of the existing district. New building systems and technologies will be encouraged and to create a sense of growth and artistic expression. No sheet metal or corrugated metal systems will be allowed as a predominate façade scheme or, as an infill for coping and roofing systems. All new construction will comply with National Fire and Safety Codes, as well as all Codes with American Disabilities act.

Paint Coverings:

The application of paint/pigment coatings will used as required to protect unfinished fabrics that require sealing in order to protect the natural composition of the material so employed. The coatings should be compatible with the building fabric that is to be covered/sealed. Masonry coatings will be required to breathe with the employment of acrylic and polymer materials. Wood and metal materials should be coated with products that are specifically designed to protect the material being coated.

Use of the paint coatings shall follow the manufactures recommendations for application and preparatory work. The use of high pressure water or abrasive blasting is forbidden. Only low impact cleaning will be allowed on the exterior of the building(s).

Any masonry wall that is unpainted, is strongly desired to be maintained in the natural appearance of the masonry unit. No coating has the capacity to duplicate or enhance the richness and the tapestry effect of natural clay, stone or cementitious products. Any pointing or brick repair to be employed shall follow the standards for masonry repair of the guideline.

Color pigments and schedules for the ornamentation will use the natural color palliate of the building, as well as the building's natural setting as a guideline from the collective appearance from the surrounding buildings. The vast majority of the color scheme of the District is in an earth tone range and this example should be closely followed. The Design period of the district is from 1870 to 1950. The 19th century, Victorian color palliate is found mostly in the residential buildings with the commercial buildings mainly following the color schemes of the Arts and Crafts and Art Deco movements.

Any combination of colors and application of these periods is strongly recommended and encouraged so long as the architectural setting and individual of appearance of the building is maintained.

Signage:

A storefront may only have two signs: a primary and a secondary sign. One of these may be a slush-mount sign board below the second story window sill and above the storefront display window. It shall not be more than 2'6" in height and lettering between 8" and 18" in height and covering about 65% of the sign board.

A hanging sign may be mounted above the sidewalk, projecting no more than 6'. It may represent the image of a product, or, use the text to identify a tenant and should be in square footage scale with the design scope of the building.

If window signs are used, they shall be composed of applied letters or symbols on no more than 30% of the storefront glass. The sign will not obscure the display area nor shall it contrast with the display background. Color schemed letters and symbols will be recommended, as well as, gilded letters with dark borders appreciated.

Signs may be used on awnings, but, shall be configured with contrasting letters painted or sewn onto the awning valance.

Signs that are directly lit will be recommended. Backlit signs will be avoided. Neon signs will be reviewed and can only be installed behind the glass of the storefront. No flashing or strobe lighting will be allowed.

Awnings:

Awnings may be attached to the building above the display windows and below the storefront cornice or, sign panel.

The Awnings shall reinforce the frame of the storefront without covering the space between the second story window sills and the storefront cornice, plasters or storefront piers.

A standard street level awning should project four to seven feet from the building and should be about seven feet above the sidewalk.

The awning should compliment the natural color scheme of unpainted brick and supplement the paint scheme of the storefront and any architectural features.

Roofs:

The design intent of an existing roof should be maintained in scale, drain-able slope, appropriate gutters, scuppers and down spouts. Use of contemporary materials and systems should be used if an existing material system has failed or has been compromised.

All masonry parapet and common partition walls should be maintained and repaired to insure the waterproofness of the roof system. All masonry walls should have solid laid/pointed walls and, all roof capes should be in sound order.

Historic masonry parapet caps or coping materials should be reused or added for new infill construction. Proper masonry construction will be only accepted. All masonry construction shall be laid true and plumb with full head and bed joints. The National Masonry handbook for construction is the guideline to be used in new construction and the replacement of lost materials and systems on historic structures.

New Construction:

Scale and Massing:

The scale and sight-line of the streetscape shall be maintained in maintenance of an existing building and the construction of infill structures and buildings. The natural setting, building heights, and proportions of the storefronts and, their allied openings shall be maintained in an existing building and the flow of construction will be followed in any new construction. New buildings should complement and reinforce neighboring buildings and the overall setting.

Any new buildings constructed should be compatible with older structures and sensitive to the patterns already in that environment and setting. Particular attention shall be paid to the alignment established by existing buildings. The horizontal alignment of building elements such as foundation lines, belt courses, masonry panels, roof lines, window/door heights is the most effective way to create a sense of continuity and unity among the buildings located in an architectural setting.

The appearance of a building is largely determined by the materials that cover its exterior surface. The use of similar materials convey connection and collective character in the flow of an architectural setting or sight line of a street / streetscape.

Outbuildings:

Auxiliary and, or Outbuildings were common in the Historic District Neighborhood. These structures generally complimented the design intent of the primary building . These existing buildings should be maintained with the same standards as the primary buildings. Any new construction will require that the buildings resemble work buildings, carriage houses/garages, or other utilitarian buildings from the period of original occupation. The size of new construction should replicate the original outbuildings that were previously constructed. Should new construction be undertaken, the overall size and massing should be compatible with the primary structure and compliment the original or primary building architectural materials.

Landscaping:

Landscaping shall be undertaken with regard to setting, style and architectural intent of the existing structure, or, in the case of new construction, the flora will comply with the streetscape design and sight-line. Natural and Native species of flora are highly recommended. No planting shall detract from the natural

site-line of the building or the streetscape. No large, fast growth trees should be used. All plantings shall not encroach in pedestrian or vehicular pathways or lines of sight. All plantings are to be maintained by the owner and at the owner's expense. A mixture of plant beds, shrubbery, and trees may be employed so long as public safety and collective streetscape design is maintained. A landscape design and footprint shall be submitted for review at the time of the application for appropriateness is made.

Any additions to the streetscape in regard to sidewalks and lighting will meet with intent and design to those schemes that are present. All side walk work will be American Disabilities Act compliant and be composed of white concrete of 3,000 psi grout, wire/rebar reinforcement and placed with proper control joints. Asphalt, dirt, cinder or gravel will not be allowed. Lighting will be free standing will match in design color and scheme of present fixtures or, comply with the new City Pedestrian Rail Road Walk. All lighting will be selected and installed with regard to the National Electrical Code with a licensed electrician.

Fencing:

Any new fencing shall be compatible with the sight-line of the street. Any older existing fencing shall be maintained with compliant and existing materials. All old and new fencing shall have a sense of openness and be as transparent as possible. No fencing will be allowed to block or, detract from the architectural appearance of the existing buildings or, any new construction. No fencing will be constructed to give the impression of stockades or compounds. All fencing will have to match in character and intent of the Historic Periods of the District. Most Historic fencing was composed of wood and ornamental metals. Wire fencing was a secondary fence material that was used in back lots and yards. Wire fencing on the principle facades is to be avoided. The fencing may be painted to compliment the design intent of the building. Every attempt is to be made to research through photographic record for the original design intent of the fencing systems and use.

Demolition and; Demolition by Neglect:

Minimum maintenance requirements to prevent demolition by neglect.

Any designated landmark within the Watertown City Limits; or any building or structure within the historic zone must be kept in good repair and must be maintained at minimum maintenance requirements that will prevent one or more of the characteristics of deterioration set forth in the section titled Characteristics of Deterioration. The presence of one or more of these characteristics, which left unrepaired could lead to deterioration of the building's structural frame or architectural integrity, shall constitute a failure to meet minimum maintenance requirements and is thus determined to be demolition by neglect.

Characteristics of Deterioration.

Demolition by neglect is determined to be deterioration of a building(s) and/or surrounding environment, and the failure to meet minimum maintenance requirements characterized by one or more of the following:

- (1.) Those buildings which have parts thereof which are so attached that may fall and injure members of the public or property;
- (2.) Foundations that are deteriorated or inadequate;

- (3.) Floor supports that are defective or deteriorated or floor supports insufficient to carry imposed loads with safety;
- (4.) Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- (5.) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
- (6.) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- (7.) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
- (8.) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
- (9.) Important defining architectural features that are substantially deteriorated;
- (10.) Those buildings with the peeling of external paint, rotting, holes, and other forms of decay;
- (11.) Unsafe electrical and/or mechanical conditions;
- (12.) Exterior plaster or mortar that is deteriorated or crumbling;
- (13.) Those buildings with a lack of maintenance of the surrounding environment that is associated with the defining historical character of the structures; e.g. fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (14.) Any fault, defect, or condition in the building which renders the same structurally unsafe, not property water tight, or likely to lead to the deterioration characteristics listed above.

Implementation of minimum maintenance standards.

- (1.) Identification of the failure to meet minimum maintenance requirements in a building as listed in the section titled Characteristics of Deterioration may be made by a member of the historic zoning commission, commission staff, or the building inspector. This initial identification may be made by routine inspection of the district or neighborhood or by referral from someone in the area.
- (2.) Information related to initial identification of demolition by neglect is presented to the historic zoning commission. Upon determination of the historic zoning commission that the landmark or the building within the historic zone may not meet minimum maintenance requirements, the historic zoning commission may request; upon majority vote, that the building inspector inspect the structure. The chairman of the historic zoning commission shall send a letter by certified mail to inform the property owner of the action by the commission, the impending inspection by the building inspector, and the opportunity he or she will have at the next meeting to address the commission about the preliminary identification of demolition by neglect and the inspection report.
- (3.) The building inspector or his or her designee will present the inspection findings at the next commission meeting. The report shall detail any defects which constitute, in the inspector's opinion, a failure to meet the minimum requirements.
- (4.) If the determination is made by the building inspector that the structure does not meet the minimum maintenance requirements, the historic zoning commission, upon a majority vote, may initiate the citation process as specified in the section of these guidelines entitled Initiating Citation Process. At this time, the historic zoning commission must prepare an application for a certificate of appropriateness specifying corrective work that is required according to the commission's standards and guidelines, and indicating the time schedule

that will be necessary to complete the minimum maintenance improvements. The time schedule mandated by the historic zoning commission will be a minimum of thirty (30) days unless the building inspector determines that failure to immediately meet minimum maintenance requirements creates an imminent threat to the safety of the public or the property.

Initiating Citation Process.

- (1.) A citation is formal notification to the property owner that the historic zoning commission has determined that demolition by neglect is occurring on the property because minimum maintenance requirements have not been met; and notification of the owner that correction of the defects must be undertaken.
- (2.) After action by the historic zoning commission authorizing the citation process, the building inspector or his/her designee will attempt to notify the property owner(s) of the determination of demolition by neglect by the commission. The notification shall state the reasons why the structure is found to be violation of the minimum maintenance requirements. In addition the notification shall include a copy of the application for a certificate of appropriateness listing the work required according to the commission's standards and guidelines. The notification shall be in writing and shall be delivered by certified mail, registered mail, or such other method that shows the receipt of the notification by the owner. Notice of the date, time, and location of a citation hearing/public meeting in which the owner may address the commission concerning said violations will also be provided.
- (3.) If after two attempts, the owner fails to receive the notification regarding the determination of demolition by neglect, the building inspector or designee will post the building/property with a notice of the violation. Posting will be in a conspicuous, protected place on the property. The posted notice will include the fact that the building is in violation of the minimum maintenance standards and the date, time, and location of the citation hearing/public meeting held on the violations by the historic zoning commission.
- (4.) The owner(s) of the building/property determined to be in violation of the minimum maintenance standards shall be notified of said violations as specified in numbers 2 & 3 listed above a minimum of thirty (30) days in advance of the meeting on the issue held by the commission.
- (5.) After receiving notification of the determination of demolition by neglect, the owner(s) may initiate corrective action before the citation hearing/public meeting is held. Before work is begun however, the owner(s) must complete the application for a certificate of appropriateness; obtain a certificate of appropriateness, and a building permit.

Citation hearing/public meeting.

- (1.) If by the designated citation hearing/public meeting, the owner(s) of the property has not completed the corrective work specified in the notification of violation and the application for a certificate of appropriateness; the historic zoning commission will restate the violations of the minimum maintenance requirements related to the property. The owner(s) will then be provided with the opportunity to address the concerns of the commission, to provide evidence, and to show cause why a citation should not be issued regarding the alleged violations.

- (2.) After reviewing the violations of the minimum maintenance requirements and providing the opportunity for the owner(s) to address the concerns; the historic zoning commission may consider a motion to recognize the condition of the building/property and the owner(s) failure to correct defects. Upon a majority vote of the commission, the building inspector may be authorized to issue a citation to the owner(s) for failure to comply with the minimum maintenance requirements of this ordinance. This citation will include the following requirements:
 - (a.) A list of the minimum maintenance requirements still in violation.
 - (b.) Any remaining or amended requirements detailed in the application for a certificate of appropriateness initially issued through the Implementation of Minimum Maintenance Standards section (#4).
 - (c.) A written schedule of the time allotted to correct the violations.
 - (d.) A statement detailing the requirement to complete and return within ten (10) days the application for a certificate of appropriateness, and to obtain a certificate of appropriateness, and a building permit.
- (3.) The determination of the historic zoning commission related to the citation and certificate of appropriateness as specified in the section titled Citation Hearing/public meeting (# 2) above shall on the date it is authorized be a final administrative decision subject only to the application process for unreasonable economic hardship as specified in the section titled Unreasonable Economic Hardship and appealable only to the appropriate state court. Any appeal of the historic zoning commission's decision to the state court must be made within thirty (30) days.

Enforcement

If the owner has not complied with the historic zoning commission's requirement to complete the application for a certificate of appropriateness, obtain a certificate of appropriateness, and a building permit within ten (10) days; or if the owner(s) does not adhere to the allotted schedule for the corrections to take place as approved or amended by the commission in the certificate of appropriateness; or if the owner(s) has not complied with the requirements specified from the commission's standards and guidelines detailed in the certificate of appropriateness, then any or all of the following may apply:

- (a.) The owner(s) may be required to attend the next meeting of the historic zoning commission to explain to the commission's satisfaction why the corrections to the owner(s) cited building/property have not been made and to show cause why the commission should not initiate additional enforcement action. Upon review of any information provided regarding delays in the correction of the demolition by neglect, the commission may defer the matter in order to provide the owner(s) with more time to correct the deficiencies, make a proposal for repairs, or perhaps sell the property.
- (b.) The commission, upon majority vote may request the board of mayor and aldermen to direct the city attorney to take the appropriate legal action, either civil or criminal, against the owner(s).
- (c.) Charges may be brought against the owner(s) in the municipal court of the town for the violation(s) of this chapter.

- (d.) The commission may upon majority vote, request the board of mayor and aldermen to cause such property to be repaired by the town at the town's expense at such time funds are available, or to cause such property to be repaired by a designated agent of the town. If repairs are initiated through action by the board of mayor and aldermen, the board will instruct the city attorney to file the necessary affidavits with the courts and/or the register of deeds which shall establish a lien and privilege against the cited property for the benefit of the town or the agent of the town to the extent of the amount of money spent for said repairs plus interest accrued at bank prime rates in effect beginning at the completion of said repairs and continuing until the lien is satisfied.
- (e.) In final recourse and to preserve the property from irreversible damage or loss, violations of the minimum maintenance requirements shall make a property subject to the town's right of eminent domain. The commission may, upon majority vote, request the board of mayor and aldermen to exercise its power of eminent domain if it is determined that no alternate course of action is feasible. The board may work with any agent to develop a plan for the purchase and the repair of the cited building. Upon obtaining ownership of the property, the town may transfer said ownership to any party or agent that enters into and consummates an agreement with the board of mayor and aldermen to make the necessary building repairs and maintenance corrections in an agreed upon period of time.

Unreasonable economic hardship.

- (1.) Unreasonable economic hardship can be considered when enforcement of regulations in the chapter deprives the owner(s) of the entire reasonable economic value of the property. Enforcement of a minimum maintenance requirement may create unreasonable economic hardship only if all of the following apply:
 - (a.) There is no reasonable return possible on the property as it is;
 - (b.) There is no profitable use to which, the property could be adapted;
 - (c.) The sale or rental of the property is impractical or it is not feasible for the owner(s) to dispose of the property as it is at a reasonable price
- (2.) An owner(s) that feels he or she fits the criteria established for unreasonable economic hardship may file an application for a certificate of economic hardship. Applications will be accepted by the historic zoning commission after the commission votes to authorize the building inspector to issue a citation for violations and the notification has been received by the owner(s).
- (3.) The owner(s) of property cited for demolition by neglect must inform the historic zoning commission in writing of his or her intent to file application for a certificate of economic hardship within ten (10) days of the date the citation was issued.
- (4.) The owner(s) of the cited property must file within thirty (30) days of the date the citation was issued, a completed application for a certificate of economic hardship. The completed application must be filed with the historic zoning commission and must be submitted with the following information:
 - (a.) A copy with the current recorded deed.
 - (b.) The amount paid for the property and purchase date.

- (c.) The current assessed value.
 - (d.) Past and current use of property.
 - (e.) Current market value of the property preferably determined by a recent appraisal(s) or if not through county tax records.
 - (f.) Ownership structure of property (partnership, corporation, joint venture, not for profit, sole proprietorship, etc.)
 - (g.) Mortgage history of the property including any current mortgage principal balance and interest rate, and any other financing secured by the property including a detail of principal and interest.
 - (h.) Equity in current use and in previous alternative uses.
 - (i.) Tax bracket of ownership, and federal income tax returns for previous two (2) years.
 - (j.) Past and current income, expense, and net worth statements for a two (2) year period. If the property is income producing, annual gross income from the property and the itemized operating and maintenance expenses for the previous (2) two years. In addition the depreciation deduction and annual cash flow before and after debt services, if any, during the same period.
 - (k.) Past capital expenditures during ownership of the current owner(s).
 - (l.) Estimate of the cost of the proposed construction, alteration, demolition, or removal related to the corrective measures detailed in the citation issued by the historic zoning commission.
 - (m.) A detailed description of what alternative legal adaptive uses have been considered by the owner(s).
 - (n.) A detailed description of what efforts have been made by the owner(s) to sell the property, including any listing of the property for sale or rent, price asked, and offers received, if any.
 - (o.) A detailed description of what efforts have been made by the owner(s) to obtain financial assistance, tax credits, transfer of density, etc. that might generate funding for the needed improvements.
- (5.) The historic zoning commission shall schedule and hold a public hearing on the owner(s) application for a certificate of economic hardship within thirty (30) days from receipt of the application. Notice of the date, time, and place of the hearing shall be provided to the owner(s) a minimum of seven (7) days in advance of the meeting.
 - (6.) The historic zoning commission may require at the hearing that the applicant furnish additional information relevant to the application including but not limited to the solicitation of expert testimony.
 - (7.) The historic zoning commission may request, receive, and consider studies and economic analysis related to the property in question from other agencies and sources including private organizations and individuals.
 - (8.) In evaluating the owner's information provided in the application for a certificate of economic hardship, if the historic zoning commission determines that the owner(s) present return is not reasonable, the commission must consider whether there are other uses currently allowed for the structure that would provide a reasonable return and whether such a return could be obtained through an investment in the rehabilitation of the property.

- (9.) The historic zoning commission shall review all the evidence and information required of the applicant for a certificate of economic hardship, and make a determination within thirty (30) days following the conclusion of the hearing.
- (10.) Written notice of the determination will be provided to the applicant along with the reasons justifying the decision by the historic zoning commission.
- (11.) If the historic zoning commission grants a certificate of economic hardship, the commission must detail options it has considered that would bring the property up to minimum maintenance requirements and why each option is not deemed feasible. In granting a certificate of economic hardship, the historic zoning commission may determine that some corrections may be feasible while others cannot be implemented due to economic hardship. Under such circumstances, the historic zoning commission must authorize the building inspector to issue a building permit for any activity that is deemed feasible under the conditions detailed in the certificate of economic hardship.
- (12.) In granting a certificate of economic hardship, the historic zoning commission may also detail any feasible plan to relieve any aspect of the economic hardship. The plan may include, but is not limited to, tax relief, loans and grant available from any source public or private, building code modifications, etc. The commission may recommend that the planning commission consider changes in zoning. The commission may also request the board of mayor and aldermen to consider relaxation of the provisions of this chapter sufficient to allow reasonable beneficial use of or return from the property. If no alternative cause of action has been deemed feasible, the commission may request the board to consider acquisition through eminent domain.
- (13.) If the historic zoning commission denies a certificate of economic hardship, the commission must detail in writing the economic and financial options that in the judgment of the commission will allow the improvements to be made to the property as required in the citation issued as specified in the section titled Citation hearing/public meeting # 2 above.
- (14.) If a certificate of economic hardship is denied by the historic zoning commission, the commission will revise, to the extent necessary, the designated schedule for completion of the corrective measures detailed in the citation taking into account any reasonable need for additional time due to time lost during consideration of the certificate application. The commission will notify the owner(s) in writing of any schedule amendments with the notification of the denial of the certificate.
- (15.) The determination by the historic zoning commission of an application for a certificate of economic hardship, either approving or disapproving, shall on the date it is issued be a final administrative decision appealable only to the appropriate state court. Any appeal of the historic zoning commission's decision to state court must be made within thirty (30) days.

Penalties.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.