

## **CERTIFICATE OF APPROPRIATENESS.** *[Section 31.10 of the Ames Municipal Code]*

***A Certificate of Appropriateness is defined as, “a certificate issued by the Planning and Housing Director authorizing an alteration, new construction, demolition, or relocation conforming to the requirements of this chapter” [Chapter 31 of the Ames Municipal Code].***

**(1) Any act of alteration, demolition, new construction, or relocation, as defined herein, shall require a Certificate of Appropriateness as further described below.** Every application for a building permit or a demolition permit affecting the exterior architectural appearance of a designated landmark or of any contributing structure within a designated historic district shall be accompanied by a complete City of Ames application for a Certificate of Appropriateness. The Building Official shall not issue the building or demolition permit until a Certificate of Appropriateness has been approved.

**(2) Alteration.** An alteration is any act or process that changes one or more of the exterior features of a structure, such as windows, porches, siding, and other features identified under the Design Guidelines that do not increase the amount of gross floor area. A Certificate of Appropriateness for an alteration shall be permitted in the following instances.

- (a) An architectural feature has deteriorated to the point that it must be replaced.
- (b) Architectural features were added which modified the original qualities of the architectural style and the current property owner wishes to restore the structure to the original architectural style.
- (c) An architectural feature may be added if the feature is appropriate to the architectural style of the structure.

**(3) New Construction.** A Certificate of Appropriateness shall be required for construction of:

- (a) A new principal structure, or
- (b) An addition to an existing contributing structure or to a designated landmark, or
- (c) A new accessory building on any property with a contributing principal structure or designated landmark.

**(4) Design Guidelines & Design Criteria.** Consideration of an application for a Certificate of Appropriateness shall apply the Design Guidelines, which shall pertain to all historic preservation districts and historic landmarks; and the Design Criteria, which shall apply only to the particular historic district or historic landmark for which they are enacted.

A new principal structure shall be representative of one of the architectural styles approved in the district. The design for the new principal structure must meet all the design criteria listed for the architectural style selected. Architectural features not specifically listed in the design criteria may be proposed by the applicant. Those features should be incorporated in a manner appropriate with the architectural style.

In each instance the Commission may grant exemptions to the requirements for an alteration if it determines that the cost of replication is prohibitive.

**(5) Demolition.** Demolition of existing principal structures that are contributing structures or of a historic landmark shall be strictly prohibited except in the following instance:

The structure cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the property owner can show evidence that an economic hardship will be created if the structure cannot be removed. To prove economic hardship, the applicant may submit where appropriate to the applicant's proposal, the following information to be considered.

- (a) Estimate of the cost of the proposed demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.
- (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures or structures on the property and their suitability for rehabilitation. (This shall be required only when the applicant's proposal is based on an argument of structural soundness.)
- (c) Estimated market value of the property in its current condition; after completion of demolition; after any changes recommended by the Commission; and after renovation of the existing property for continued use.
- (d) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- (f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (g) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
- (h) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- (i) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
- (j) Assessed value of the property according to the most recent assessment.
- (k) Real estate taxes for the previous two years.
- (l) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

**Determination of Economic Hardship.** The Commission shall review all the evidence and information required of an applicant and make a determination whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. After reviewing the evidence, the Commission may deny the application, may approve a Certificate of Appropriateness for Demolition, or may table the application for a Certificate of Appropriateness for Demolition for a period of time not to exceed 30 days. The 30 day period will permit an opportunity for other alternatives to be evaluated. If a suitable alternative is not presented to the Commission within the 30 day period, the Certificate of Appropriateness for Demolition shall be approved.

In no instance will the Commission approve a Certificate of Appropriateness for demolition without approval of a redevelopment project and submittal by the applicant of a bond or cash escrow to guarantee completion of the approved project.

**(6) Demolition of Contributing Garages.** No contributing garage structure may be demolished without first receiving approval by the Commission. The Commission may permit the demolition of a

contributing garage structure only after considering the following factors and determining that either the garage is not a contributing garage or it is not practicable to be retained on site.

- (a) **Historical Significance.** The Commission shall determine whether the garage contributes to the historic character of the house, or district, based upon historical and architectural research.
- (b) **Architectural Integrity.** The Commission will consider if the architectural design of the structure has been altered and/or sufficient historic material has been removed in such a way that it compromises the overall integrity of the building. This may include a combination of the following:
  - (i) Removal or alteration of original door and/or window openings;
  - (ii) Removal or alteration of original garage/barn/pedestrian doors;
  - (iii) Installation of artificial siding;
  - (iv) Alteration of the original building footprint and/or roofline; and
  - (v) Loss of original materials due to removal and/or deterioration.
- (c) **Functionality.** The Commission will consider whether or not the structure can be put to any reasonable use. For example, a historic one-car garage may be too small to accommodate a modern-day vehicle, but may still function as a place for storage.
- (d) **Structural Condition.** The Commission will consider if one or more significant structural problems exist and whether or not rehabilitation of that structure would result in most of the historic materials being replaced, resulting in essentially a new building. When assessing structural condition, the following factors may be considered:
  - (i) Quality of original construction;
  - (ii) Bowing walls;
  - (iii) Lack of a foundation;
  - (iv) Extensive siding repair;
  - (v) Termite damage;
  - (vi) Rotted wood; and
  - (vii) Integrity of roof system.
- (e) **Location on the Property.** The Commission may consider the building's location on the property and whether or not it is visible from the public street, or alley, when assessing the impact that demolition will have on a historic district. However, location alone typically does not justify demolition. If the contributing garage is insufficient in size for modern-day vehicles, efforts should be made to construct a new garage on another portion of the site, to accommodate the vehicles.

**(7) Relocation.** Relocation of a historic landmark or of an existing contributing structure within or into a historic district shall be strictly prohibited except in the following instances:

- (a) The structure is being relocated to its original site of construction.
- (b) Relocation of the structure is an alternative to demolition of the structure.
- (c) A structure to be moved within or into the district is of an architectural style identified in that district. The structure can be relocated to a vacant parcel or to a parcel occupied by a noncontributing structure which will be removed.

**(8) Ordinary Maintenance Permitted; Public Safety.**

- (a) **Ordinary Maintenance Permitted.** Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district or of any historic landmark which do not involve alterations or changes in the exterior features of a building. For the purposes of this Ordinance, changes made in the color of the exterior surfaces of a building are considered to be ordinary maintenance and repair.
- (b) **Public Safety.** Nothing in this Chapter shall prevent the construction, reconstruction, alteration, restoration, or demolition of any interior or exterior feature which the City Building Official

shall certify is required for public safety because of an unsafe or dangerous condition, but any such action shall be, where possible, in accordance with the design guidelines and design criteria set forth in Section 31.13 (Design Guidelines for Alterations) and in Section 31.14 (Design Criteria).

## **APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.** *[Section 31.11 of the Ames Municipal Code]*

### **(1) Administrative Approval Process.**

- (a) A Certificate of Appropriateness for alterations to the principal structure, garages, and other accessory buildings, and the new construction of fences and retaining walls may be approved by the Planning and Housing Director, provided the alterations or new construction meet the adopted Design Guidelines and Design Criteria, and substitute materials are not proposed, other than those specifically listed in the Design Guidelines. The Planning and Housing Director may refer an application for an alteration to the Historic Preservation Commission for approval. Changing a contributing garage to an Accessory Dwelling Unit (ADU) requires approval by the Historic Preservation Commission.
- (b) Administrative Approval Procedure. Upon receipt of a fully completed application for a Certificate of Appropriateness, the application materials will be reviewed by staff of the Department of Planning and Housing. The application for a Certificate of Appropriateness may be:
  - (i) Approved as presented;
  - (ii) Approved with modifications;
  - (iii) Denied; or
  - (iv) Referred to the Commission.
- (c) Applications which have not received final administrative approval within thirty (30) days from the date of acceptance of the application, due to any unresolved dispute as to the administrative interpretation of this Chapter shall be submitted in its entirety to the Commission for their approval.

### **(2) Historic Preservation Commission Approval Process.**

- (a) Applications. The Commission shall review the application for a Certificate of Appropriateness and approve or deny the application, except as provided for in Section 31.11(1).
- (b) Approval/Denial. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided by the Department of Planning and Housing to the applicant and the Building Official within seven (7) days following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.
- (c) Denial of a Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission.
- (d) Subsequent Applications. All structures that have once obtained a Certificate of Appropriateness shall be required to obtain a Certificate of Appropriateness for all subsequent alterations, new construction, or demolition.

- (3) Other Codes, Regulations, and Ordinances.** In granting or denying a Certificate of Appropriateness, the Commission shall not have the power to override housing codes, zoning regulations, or any other Ordinances of the City.
- (4) Building Permit.** Upon issuance of a Certificate of Appropriateness, the applicant may apply for a building permit, if required and not already submitted.
- (5) Effective Period of Approval for a Certificate of Appropriateness.** The approval of any application for a Certificate of Appropriateness shall be effective for one (1) year from the date of approval by the Commission, or by the Department of Planning and Housing (in the case of administrative approvals). The Planning and Housing Director may approve a 1-year extension upon finding that the pertinent codes have not changed since the original approval.

*Amended by Ordinance 4516, Adopted 01-09-24*