

**YOLO COUNTY ZONING CODE
TITLE 8 LAND DEVELOPMENT**

**CHAPTER 11: HISTORIC LANDMARKS
AND HISTORIC DISTRICTS**

Sec. 8-11.101 Purpose

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places and areas within the County that reflect elements of its cultural, agricultural, social economic, political, aesthetic, military, maritime, engineering, archaeological, religious, ethnic, natural, architectural and other heritage for the following reasons:

- (a) To safeguard the County's heritage as embodied and reflected in such resources;
- (b) To encourage public knowledge, understanding, and appreciation of the County's past;
- (c) To promote their use for the education and welfare of other residents of the County;
- (d) To strengthen the economy of the County by protecting and enhancing the County's attraction to tourists, visitors and residents;
- (e) To stabilize and improve property values in historic areas of structures and objects for the ultimate aesthetic and economic benefit of the County;
- (f) To provide increased availability to building owners of construction code, financing aids and tax benefits permitted under State and Federal laws when buildings have been designated a historic landmark status or lie within a designated historic district; and
- (g) To enhance the visual character of the County by encouraging new design and construction that complement the County's historic buildings.

Sec. 8-11.102 Standards for designation of historic landmarks and historic districts

- (a) A building, structure, object, particular place, vegetation or geology, may be designated for preservation as a historic landmark if it meets one or more of the following criteria:
 - (1) It exemplifies or reflects valued elements of the County's cultural, agricultural, social, economic, political, aesthetic, military, religious, ethnic, natural vegetation, architectural, maritime, engineering, archaeological or geological history; or
 - (2) It is identified with persons or events important in local, state or national history; or
 - (3) It reflects significant geographical patterns, including those associated with different eras of settlement and growth and particular transportation modes; or

- (4) It embodies distinguishing characteristics or an architectural style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship; or
 - (5) It is representative of the notable work of a builder, designer or architect; or
 - (6) It represents an important natural feature or design element that provides a visual point of reference to members of the community.
- (b) An area may be designated as a historic district when it includes at least two designated historic landmarks in such proximity that they create a setting historically or culturally significant to the local community, the state, or the nation, sufficiently distinguishable from other areas of the County to warrant preservation by such means. Such district may include structures and sites that individually do not meet criteria for landmark status but which geographically and visually are located so as to be part of the setting in which the other structures are viewed.

Sec. 8-11.103 Procedure for designation of historic landmarks and historic districts

- (a) For the purposes of this Chapter, the Yolo County Planning Commission is designated and shall act as the Historic Preservation Commission.
- (b) The Historic Preservation Commission, upon its own initiative or upon request of any affected property owner or County agency, by resolution may recommend to the Board of Supervisors designation of a Historic Landmark or Historic District upon compliance with the following procedure:
 - (1) Information concerning the proposal shall be filed with the Planning and Public Works Department and shall include:
 - (i) The assessor's parcel number for the site;
 - (ii) A description detailing the special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;
 - (iii) A detailed site plan;
 - (iv) Sketches, drawings, photographs or other descriptive material showing what is to be designated;
 - (v) A statement of condition of the structure, object, or particular place;
 - (vi) Such other information as reasonably may be requested by the Commission or the Community Services Department.
 - (2) The proposal shall be considered at a public hearing. Notice of the time, place, and purpose of such hearing shall be given by the Community Services Department in a newspaper of the general circulation in the county and by mail to each owner of property subject to the proposed designation as a historic landmark or inclusion in the historic district, and adjacent property owners not less than fifteen (15) calendar days prior to the date of hearing. A copy of the ordinance codified in this chapter shall be mailed to the property owners only.
 - (3) Recommendation of designation of all or part of the proposal shall be based on enumerated facts which show that the standards contained in this article for designation as a historic landmark or a historic district have been met.

- (c) Upon receipt of the recommendation from the Historic Preservation Commission, the Board of Supervisors shall approve, modify or disapprove the recommendation upon compliance with the following procedure:
- (1) A public hearing on the matter shall be scheduled for the next regular meeting consistent with demands of the agenda. Notice of the time, place, and purpose of such hearing shall be given by the Clerk of the Board of Supervisors in a newspaper of general circulation in the County and by mail to each owner of property subject to the proposed designation not less than fifteen (15) calendar days prior to the date of hearing.
 - (2) Final approval of the recommendation for designation shall be by resolution of the Board of Supervisors. The Clerk of the Board of Supervisors shall give written notice of such designation to each owner of property subject to the designation and other persons or agencies requesting notice thereof.

Sec. 8-11.104 Permit required

No person shall demolish, remove, move, or make alterations which affect the exterior appearance of, or cause excavations which affect a designated historic landmark or undertake the same with respect to any structure located in a designated historic district without first obtaining written approval from the Historic Preservation Commission; excepting therefrom those items specified in the design review guidelines or work authorized by the Building Official upon written approval of the Community Services Department for protection of public safety.

Sec. 8-11.105 Design review guidelines

The intent of this article is to safeguard the County's heritage as embodied and reflected in the historic resources. The County recognizes the need for a balance between the historic value of a landmark and a property owner's rights. Future construction or exterior alterations to historic landmarks will require design review by either the Community Services Department staff or the Historic Preservation Commission. The criteria for the method of review of repair or alteration plans is as follows:

- (a) The following items are exempt from this article. Prior to issuance of a building permit for any of these items, the Community Services Department shall confirm conformity of the project with these exclusions: house painting; routine maintenance or repair; landscaping including sprinkler system work; flat concrete work; all interior alterations; and screens and awnings.
- (b) The following items do not require review by the Historic Preservation Commission. Approval by the Community Services Department will be issued upon approval of a building permit. The Department may refer applications to the Historic Preservation Commission as deemed reasonably necessary in the discretion of the Department Director: roofing; front, back and side yard fences or walls; retaining wall; chimney and foundation work; alterations or replacement of windows and exterior doors; solar collectors on roof; mechanical systems including air-conditioning and heating.
- (c) The following projects which affect the exterior appearance of the structure shall be reviewed by the Historic Preservation Commission, if the estimate and construction cost

is in excess of Five Hundred and no/100ths (\$500.00) Dollars: repairs to replace or replicate original architecture; surfacing or re-surfacing exterior walls; additions or alterations to porches; (Building permit fees are exempted for such projects).

- (d) The following item requires review by the Historic Preservation Commission and will require a building permit: room additions to historic structures.

Sec. 8-11.106 Application for permit

- (a) A property owner who desires to construct, move, remove or demolish a designated historic landmark or any structure within a designated historic district shall file an application with the Community Services Department upon a form prescribed by the County. The application shall include all necessary information required by the rules of the Historic Preservation Commission. When the application is filed it shall be referred to the Historic Preservation Commission.
- (b) *Alterations.* A property owner who desires to alter a designated historic landmark or any structure within a designated historic district is subject to design review guidelines criteria specified in Section 8-11.105 of this Article.
- (c) *Application Contents.* The owner shall file an application with the Community Services Department upon a form prescribed by the County. The application shall include all necessary information required by the rules of the Historic Preservation Commission.
- (d) *Process.* If the proposed alteration does not require review by the Historic Preservation Commission, the application shall be referred to the Community Services Department for review.

If the proposed alteration requires review by the Historic Preservation Commission, the application shall be referred to the Historic Preservation Commission.

Sec. 8-11.107 Procedure upon applications requiring Commission review

- (a) Upon the filing of an application requiring review by the Historic Advisory Commission, the Secretary of the Historic Preservation Commission shall refer the matter to any local Historical Society or Committee, set the matter for hearing and shall give written notice to the applicant. The secretary shall cause publication of notice in a newspaper of general circulation in the County of the date, time, and place of the hearing. Any local Historical Society or Committee shall have thirty (30) days in which to review and make a recommendation. The Commission shall hold a public hearing and shall make its decision within ninety (90) days from the date the application is filed with the Community Services Department. The Commission may approve an application for demolition or stay the application for a period up to ninety (90) days in order to seek an alternative to demolition. If the Commission fails to act within ninety (90) days, the application shall be considered approved unless the applicant and the Commission agree to an extension of time.
- (b) At the conclusion of the hearing the Commission shall make its decision and shall file a letter of approval with the Building Official or deny the application. No person may do any

work upon a designated historic landmark or any structure within a designated historic district which requires Commission approval, and the Building Official shall not issue a building permit, until the Commission files a letter of approval.

- (c) Approved work shall begin within one year from the date of approval.

Sec. 8-11.108 Criteria for evaluating application

In reviewing and acting upon each application, the Commission shall consider:

- (a) The recommendations of any local Historical Society or Committee;
- (b) The historical value and significance, or the architectural value and significance, or both, of the designated historic landmark or of the structure within a designated historic district and its relation to the historical value of the surrounding area;
- (c) The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;
- (d) The general compatibility of the exterior design, arrangement, texture and material which is proposed by the applicant;
- (e) Plans for structures which have little or no historic value or plans for new construction for their compatibility with surrounding structures;
- (f) Conformance with the design review guidelines specified in Section 8-11.105 of this Article;
- (g) Conformance with the Yolo County General Plan or applicable area general plan.

Sec. 8-11.109 Commission restricted to exterior features only

The Commission shall consider and pass upon only the exterior features of a designated historical landmark, or new structures upon sites located within a designated historic district unless the applicant voluntarily requests that interior features be included.

Sec. 8-11.110 Special considerations

- (a) If an application proposes to move, remove, or demolish a structure which the Commission considers will be a great loss to the County, the Commission shall not approve the project unless it finds that the project proponent has been unable to develop any reasonably economically feasible alternative plan for the preservation of the structure. The owner shall be required to show documented evidence to the Commission of a good faith attempt (i.e. seeking funding and advertising the structure for purchase) to save the property.
- (b) If the Commission finds that the proposed construction or alteration will not materially impair the historical and architectural value of the structure, it shall approve the application.

- (c) If the Commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the Commission shall approve the application for demolition.
- (d) The Commission may approve the moving of a structure of historical or architectural value as a last alternative to demolition if the Commission finds that all other options for maintaining the structure on the site have been exhausted.

Sec. 8-11.111 Limit on application within one year

No application for the same or substantially similar work may be filed within one year after the Commission has disapproved it.

Sec. 8-11.112 Exemptions from regulations

The regulations contained herein which require approval by the Historic Preservation Commission do not apply to work exempted from such review by Section 8-11.105 of this Chapter, design review guidelines.

Sec. 8-11.113 Pre-existing building permits

The provisions of this chapter do not apply to construction, alteration, moving, removing, or demolition of a designated historic landmark or a structure within a designated historic district started under a building permit issued before the effective date of the ordinance codified in this Chapter.

Sec. 8-11.114 Appeals from actions of the Historic Preservation Commission

- (a) *Filing.* The action of the Historic Preservation Commission on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with standing to appeal shall appeal therefrom by filing a written appeal with the Board of Supervisors together with an appeal fee as established by resolution of the Board of Supervisors. Such appeal shall specifically delineate the decision which is appealed and specifically recite the grounds for the appeal.
- (b) *Hearings: Setting: Notices.* At the second regular meeting after the filing of an appeal, the Board of Supervisors shall set a date for a hearing upon such appeal and shall give notice thereof to all interested parties in the manner specified for the hearing of initial applications as set forth in Section 8-11.103 of this Chapter.
- (c) *Decisions.* Upon hearing the appeal, the Board of Supervisors shall either announce its findings and decision or announce its intention and order the preparation of formal written findings and its decision for subsequent adoption.
- (d) *Procedures.* All appeals pursuant to this Article shall be heard by the Board of Supervisors pursuant to the procedures set forth in Section 8-2.225 of Chapter 2. No official action

such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending.

Sec. 8-11.115 Appeals from actions of the Director

All decisions of the Director may be appealed to the Historic Preservation Commission in the same manner and upon the payment of the same fees as provided for appeals of Zoning Administrator decisions by Section 8-2.225 of this Title. No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceedings for designation are pending.

Sec. 8-11.116 Regulations enforced by Building Official

The provisions of this Chapter shall be enforced by the Building Official of the County with the aid of persons from such other County departments as may be requested by the Building Official. The Building Official shall make applicable the State Historic Building Code (California Administration Code, Title 24, Part 8) in reviewing all plans, in permitting repairs, alterations and additions necessary for the preservation, restoration, moving or continued use of a historic building or structure made under the provision embodied in this Chapter.

Sec. 8-11.117 Violation is a nuisance and may be abated

A person who violates the provisions of this chapter is guilty of maintaining a public nuisance. An authorized employee of the Building Department may mail written notice to the owner that a violation exists. The owner then shall have thirty (30) days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. The County may follow the procedure conferred by Government Code Sections 38773, 38773.5, Civil Code Section 3494, Code of Civil Procedure Section 731, or other lawful authority.

Sec. 8-11.118 Criminal penalty for violation

A person who violates a provision of this Chapter is guilty of a misdemeanor and shall be punished by a fine of up to Five Hundred and no/100ths (\$500.00) Dollars, imprisonment for up to six (6) months in the County Jail, or both.

Sec. 8-11.119 Remedies are cumulative

The remedies for violation of the provisions of this chapter are alternative and cumulative rather than exclusive in nature.