
Regarding: **Ordinance Recommendation –
Certificate of Appropriateness Expiration (Legistar #17835)**

Date: August 17, 2010
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General Information:

During the last several meetings, the Landmarks Commission has been reviewing the Landmarks Ordinance and discussing potential revisions and changes. Staff believes that, as part of these discussions, the Commission should consider the length of time that an inactive Certificate of Appropriateness should be considered valid.

For example, if an addition to a house is approved and never built, but several years later the property is sold, should the new owners have to reapply for a Certificate of Appropriateness to build the same addition? In that time there may have been new materials, construction methods, and/or Landmarks Commission priorities, ordinances, or philosophies that may have changed significantly enough to warrant a new review.

There are currently similar practices used within the Current Zoning Code:

- Zoning Board of Appeals – 28.12(9)(e):
After approval, the owner has 12 months to obtain building permit before the variance expires. Staff, with Alderperson consultation, may approve an extension up to 24 months.
- Conditional Uses – 28.12(11)(h)(3):
Owner has 12 months to obtain building permit and begin construction
- Planned Unit Developments (PUDs) – 28.07(6)(g)(4)c and 28.07(6)(g)(5):
The Specific Implementation Plan (SIP) must be recorded within 12 months. The Planning Director may extend the approval for up to 24 months if the plans have not been altered.

Staff recommends that the Commission have the City Attorney’s office work on the language similar to the Zoning Code, but allowing for a two-year window of validity before a Certificate of Appropriateness expires. In addition, language could be added to allow a 12-month extension to be granted at the Preservation Staff and/or Commission’s discretion.