

**ORDINANCE NO. 2009-950**  
**CITY OF WAITSBURG, WASHINGTON**  
**AN ORDINANCE UPDATING THE CITY'S HISTORIC PRESERVATION OVERLAY**  
**ZONE REQUIREMENT; LIFTING OF THE CITY IMPOSED MORATORIUM**

**WHEREAS**, the City Council has thoroughly reviewed the City current historic preservation overlay zone provision; and

**WHEREAS**, have determined that the updates are in public interests will better preserve the City Historic Downtown Corridor; and

**WHEREAS**, due to the update, the City imposed moratorium on building permits within the downtown corridor and other identified properties is no longer needed; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WAITSBURG, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:**

Chapter 1Q of Title 10 of the Waitsburg Municipal Code shall read as follows:

Chapter 10.1Q. - Historic Preservation (HP) Overlay Zone

Sections:

10.1Q.010	Purpose
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10.1Q.150	Exceptions to Chapter
10.1Q.160	Completion

10.1Q.010. Purpose. There exist within the City of Waitsburg many original homes, buildings, and places of business which reflect the City's origin and which represent the historical and architectural character of the area during which the City was founded. Therefore, to promote the public welfare by creating an awareness of the City's historical heritage and origin, and to

protect such homes, buildings, and places of business, the Historic Preservation (HP) Overlay Zone is established.

10.1Q.020. Definitions. The following definitions apply to this Chapter:

- A. The term “Historic Preservation Overlay Zone” means the areas and specific lots or structures impacted by this chapter, as defined by 10.1Q.040.
- B. The term “Historic Character” shall be construed broadly to mean the general design and theme of the historic property that was in place prior to the proposed modification or alteration.
- C. “Alteration,” as used in this Chapter shall be construed broadly to mean a substantial change made to any real property within the HP Overlay zone, whether such occurs on a building or a lot site, including any demolition, moving, construction, addition, or other work done to a building which changes the original historic blueprint or footprint of the building.
- D. “Modification” as used herein shall be construed broadly to mean any construction, addition, demolition, or other work done to any real property in the HP Overlay Zone, whether such occurs on a building or a lot site, that does not change the original historic blueprint or footprint of the building, but which does substantially alter the exterior appearance or character of the historic building or lot site. Any exterior painting shall constitute a modification under this Chapter.
- E. As used herein, the term “Substantially” shall be construed broadly to mean any modification or alteration to a building or lot site which is more than minimal.
- F. As used herein, the term “Transitory Signs” shall mean those signs which are temporary in nature and structure, which are used for a defined period of time, and which are non-obtrusive. Such “transitory signs” include, but are not limited to the following: sandwich board signs set up and removed in the HP Overlay Zone on a daily basis; private ‘Yard Sale’ signs; signs posted for emergent reasons; and “For Sale” and “For Rent” signs posted for the purpose of conveying real property.
- G. Historic Preservation Permit shall be that permit which is obtained for all modification or alteration to any real property located within the Historic Preservation Overlay Zone awarded under this chapter. The Historic Preservation Permit shall be distinguished from a building permit.
- H. Building Permit: a permit issued under a separate code chapter that assures compliance with building codes, the Building Permit is a separate and additional requirement for certain modifications to structures within all of the City of Waitsburg, and must not be confused with a Historic Preservation Permit.

10.1Q.030. Responsible Agency. The Historic Preservation Commission is designated as the official body for the purpose of the administration and review functions created by this Chapter. If for any reason the Historic Preservation Commission is unable to review an application submitted under this Chapter, the Planning Commission shall serve this function.

10.1Q.040. Identification of HP Overlay Zone. For the purposes of this ordinance, the HP Overlay Zone shall include the following areas within the City of Waitsburg:

- a. All real property located along Main Street between First and Third Streets.

- b. Any real property, building, structure, natural feature, or lot within the City of Waitsburg included in the National Register of Historic Places.
- c. Any real property otherwise designated as part of the HP Overlay Zone following a change of zoning process pursuant to WMC 10.1G WMC.

The HP Overlay Zone shall include all designated real property, including both the lot itself as well as any temporary or permanent improvement located on that real property or lot, whether such be in the form of landscaping, a building or structure of any kind, a natural feature, fencing, signage, and lighting.

As information is gathered regarding historic structures that are not on the National Register, the City may from time to time elect to include certain buildings as part of this HP Overlay Zone. Any changes to the boundaries of the HP Overlay Zone shall follow the procedures set forth in Chapter 10.1G WMC for a change of zone, and may be initiated by an application from the Historic Preservation Commission, a citizen, a property owner, or other interested party.

A list of properties which are part of the HP Overlay Zone shall be maintained at City Hall.

10.1Q.050. Permitted Uses and Zoning Standards. Properties encompassed within the boundaries of the HP Overlay Zone as defined by WMC 10.1Q.040 shall be subject to the provisions of this Chapter. These properties remain subject to all other controls of the underlying zoning classification in which they are located.

10.1Q.060. Application and Permit Requirements. An Historic Preservation Permit is required as follows:

- a. In order to modify or alter any real property (whether the modification or alteration or modification involve a building, a structure, a natural feature, or work to a lot) identified as part of the HP Overlay Zone, as such terms are defined at WMC 10.1Q.020, whether or not a building permit or other permit is also required under a separate chapter, and whether or not such modification is temporary or permanent.
- b. For new construction and demolition occurring within the HP Overlay Zone whether or not a building or other permit is also required.
- c. For all non-transitory signage placed within the HP Overlay Zone as such is defined in WMC 10.1Q.020.
- d. For all exterior painting within the HP Overlay Zone.
- e. For the installation of a fence or of a lighting or irrigation system.
- f. For all similar modification and alterations to real property or to personal property located within the HP Overlay Zone, as such terms are defined in WMC 10.1Q.020.

Even if a Historic Preservation Permit is not required, those engaging in projects within the historic areas of Waitsburg are urged to take the historic character of the community into consideration in the planning of their projects.

An application for this Historic Preservation Permit shall be obtained from the City Clerk. Such applications shall be processed in accordance with the administrative application procedures set forth in WMC Title 10A and this ordinance.

The applicant must submit a five dollar (\$5.00) filing fee when delivering the completed application to the City. Such fee must be paid prior to any consideration of the application by the Historic Preservation Commission.

Applications for a Historic Preservation Permit shall include the following components:

A. The application shall include a section requiring the applicant to explain the historic nature of the alterations or modifications proposed.

B. The application shall include a section requiring the applicant to certify that she or he has complied with the requirements of this Chapter.

C. The application shall require the applicant to list all other permits (building, electrical, business, etc.) which the project will require for completion.

D. The application shall require the applicant to provide color photographs showing external views of all existing structures on the site and on properties immediately adjacent thereto, including across a street or alley.

E. The application shall require the applicant to provide the legal description of the property.

F. The application shall require the applicant to provide a site plan, drawn to scale, showing:

1. Existing and proposed structures and their relationship to adjacent buildings;
2. Existing and proposed natural features, with preference given for preferred plants identified by the Historic Preservation Commission, except, however, the applicant is not required to use such plants;
3. Existing and proposed landscaping and plantings;
4. Existing and proposed parking and loading areas;
5. Existing and proposed sidewalks and other pedestrian walks or paths;
6. Existing and proposed street furniture;
7. Existing and proposed outdoor lighting; and
8. Existing and proposed walls, fences, retaining walls, and terraces.

G. The application shall require the applicant to provide architectural and related drawings, drawn to scale, showing:

1. Height and scale of existing and proposed buildings in relation to adjacent buildings;
2. All four elevations of any structure depicting walls and materials, roof and roof related design, including chimneys and gutters, and treatment of windows and doors, including moldings and trim;
3. Color scheme of buildings, trim, signs, and other features;
  - a. Colors shall be limited to historic colors, examples of which shall be available at city hall. However, applicants shall not be limited to a specific color so long as such is historic.
4. Street furniture, signs, and any other architectural features in public view.
  - a. Where an applicant requests an Historic Preservation Permit to post a non-transitory sign in the HP Overlay Zone, the applicant should address the following factors:
    1. Signs should be part of the architectural concept of the real property and in line with the nature of the HP Overlay Zone.

2. Size, material, color, lettering, location, number, and arrangement, should be harmonious with the building design.
3. The number and size of signs should be minimized to avoid visual clutter.
4. Color should be used with restraint and be consistent with the historic character of the zone.
5. Examples of historically appropriate signs shall be available at city hall. However, applicants shall not be limited to specific types of signage so long as such is appropriate.

b. Where an applicant requests an Historic Preservation Permit to install, modify, or alter an exterior lighting system within the HP Overlay Zone, the applicant should address the following factors:

1. Lighting should be harmonious with the design
2. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view and not obtrusive to the historical nature of the HP Overlay Zone.

H. The Application materials shall include an estimate of the amount of time required to complete the project.

Nothing in this Chapter shall be construed to reduce or alter any substantive or procedural requirements imposed by any other governmental entity with regard to standards imposed or permits required for any construction, plumbing work, electrical work, or structural integrity. Building permits and permits related to construction are separate from the Historic Preservation Permit, as defined in WMC 10.1Q.020.

10.1Q.070. Signs. Non-transitory signs as defined by WMC 10.1Q.020 within the HP Overlay Zone shall conform to the provisions of WMC Chapter 10.1V and this Section. An applicant must obtain an Historic Preservation Permit before posting signage in the HP Overlay Zone unless the signage is transitory.

10.1Q.080. Lighting. Lighting installed in the HP Overlay Zone shall conform to the provisions of this Chapter. An applicant must obtain a Historic Preservation Permit before installing, altering, or modifying, any exterior lighting system utilized within the HP Overlay Zone. Lighting should be harmonious with the design. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view.

10.1Q.090. Demolition or Moving of any Historic Natural Feature, Structure, or Building. The demolition or moving of any historic natural feature, any building, and any structure in the HP Overlay Zone are subject to the permit requirement set forth in this Chapter. No structurally sound building, architectural feature, or significant natural feature which is identified as part of the HP Overlay Zone shall be demolished or moved from or to the HP Overlay Zone unless a Historic Preservation Permit issues. The Historic Preservation Permit will issue only if the Historic Preservation Commission finds that such building or architectural feature does not have aesthetic or historic significance. If an applicant is granted an Historic Preservation Permit for demolition, the real property shall be maintained in a clean and inoffensive manner in

accordance with this Chapter other code provisions. No building shall be moved within the boundaries of the HP Overlay Zone without compliance with the requirements of this Chapter.

Applicants shall additionally be subject to other permit requirements under City, County, and State Code, and the mere issuance of a Historic Preservation Permit shall not waive other permitting requirements.

10.1Q.100. Agency Action. The Historic Preservation Commission shall consider the application materials submitted under this Chapter. Initial consideration of the application materials shall occur within two weeks of the filing of a completed application. Upon its initial review, the Historic Preservation Commission may request additional information from the applicant and postpone action on the matter until a later meeting date after the additional information has been furnished. In addition, the Historic Preservation Commission has the authority to request additional information from city and county representatives, from the city attorney, from the city council, or from the planning commission, where appropriate. The Historic Preservation Commission further reserves the right to continue consideration to the next available meeting date in order to perform an inspection of the property and the vicinity in which it is located.

The Commission shall approve, approve with conditions, or deny the application, in writing, stating the factual findings and conclusions supporting its determination. The Historic Preservation Commission shall issue its determination within a reasonable time from its initial review of the application materials.

The Commission shall furnish such determination to the applicant and City Clerk. Upon the approval or approval with conditions of the application, the City Clerk shall issue an Historic Preservation Permit to the applicant that is valid for the time period authorized by the Historic Preservation Commission.

The applicant is responsible for obtaining all other pertinent permits.

10.1Q.110. Appeals. The applicant may appeal the Historic Preservation Commission's determination to the City Council within the time frame and in the manner set forth in WMC Title 10A. In turn, the decision of the City Council on any such appeal may be further appealed to the Superior Court in accordance with WMC Title 10A and Chapter 36.70C RCW.

10.1Q.120. Application Review Criterion. In reviewing applications for regulated improvements, the Historic Preservation Commission shall be guided by the following criterion:

A. Relationship to Site.

1. The site should be planned to accomplish a desirable transition with the streetscape and facilitate pedestrian movement.
2. The height and scale of each building should be compatible with its site and adjoining buildings.
3. Harmony in texture, lines, and masses to site and adjoining areas should be encouraged.
4. Adequate planting should be provided, including portable planters and hanging baskets, where appropriate.

5. Where building sites limit planting, the placement of trees or shrubs in parkway or paved areas is encouraged.
6. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be shielded and restrained. Excessive brilliance and colored lighting should be avoided in exterior lighting.
7. Service areas should be screened from public view.

**B. Building Design.**

1. Architectural style consistent with existing historic buildings should be encouraged. Evaluation of a project should be based on the quality of its design and relationship to existing historic buildings.
2. Exterior building components, such as windows, doors, and eaves, should have good proportion and relationship with each other, with the style of the building, and with other historic buildings.
3. Exterior walls and materials used for new or remodeled structures should relate harmoniously to the historic character of the area, and with the architectural style of the building. New buildings should incorporate historic facades and other historic design elements consistent with the character of the original building and the surrounding HP Overlay Zone.
4. Roof shapes, materials, and pitch should harmonize with the historic character of the original building and of the historical area. If a new structure is adjacent to an historic structure, it should appear compatible to the extent practicable.
5. Chimney detail should be incorporated into and be compatible with the roof design.
6. Select paint and material colors which are historically appropriate, coordinate the entire facade, and do not conflict with adjacent buildings or the character of the HP Overlay Zone.
7. Design attention should be given to mechanical equipment or other utility hardware on roofs, grounds, or buildings to screen them from view.
8. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable design or staggered siting of the individual buildings may be used to prevent monotonous appearance.

**D. Street furniture and miscellaneous structures located on private property, public rights-of-way, and other public property should be designed to be a part of the architectural concept of the design and landscape. Materials should be compatible with buildings. Scale should be appropriate. Color should be in harmony with buildings and surroundings.**

**E. Any proposed signage should be evaluated under Chapter 10.1V WMC and 10.1Q.070. The Historic Preservation Commission shall take the following into consideration in addition to the other factors listed herein:**

1. Signs should be part of the architectural concept of the real property and in line with the nature of the HP Overlay Zone.
2. Size, material, color, lettering, location, number, and arrangement, should be harmonious with the design of the real property.

3. The number and size of signs should be minimized to avoid visual clutter.

4. Color should be used with restraint and be consistent with the historic character of the zone.

5. Examples of historically appropriate signs shall be available at city hall. However, applicants shall not be limited to specific types of signage so long as such is appropriate.

F. Where an applicant requests an Historic Preservation Permit to install, modify, or alter an exterior lighting system within the HP Overlay Zone, the commission shall take the following into consideration in addition to the other factors listed herein:

1. Lighting should be harmonious with the design

2. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view and not obtrusive to the historical nature of the HP Overlay Zone.

10.1Q.130. Inspection. Upon completion of work within the HP overlay zone, the Chairman of the Planning Commission or his/her designee shall perform an inspection of the completed work against the requirements of the Historic Preservation Permit. This inspection is to determine if those portions of the work not subject to building permits have been performed in accordance of the Historic Preservation Permit. If this inspection finds that the requirements of the Historic Preservation Permit have been followed, then the inspector shall sign off on the permit and provide a copy to the owner and to City Hall. If this inspection finds that the requirements of the Historic Preservation Permit have not been followed, the Owner shall be notified and given an opportunity to correct the work. If the Owner fails to correct the work, remedies open to the City may include correcting the work at the Owner's expense.

10.1Q.140. Manufactured Homes Prohibited. Designated manufactured homes, manufactured homes, mobile homes, modular homes, and manufactured home parks shall not be permitted in the HP Overlay Zone.

10.1Q.150. Exceptions to Chapter. The following work that is completed on real property within the HP Overlay Zone will not be subject to the application process or standards set forth herein, and shall be considered exceptions to the permit requirement set forth in this Chapter:

A. The modification, alteration, maintenance, or other work on the interior of a building that does not change the footprint or exterior appearance of the building and which cannot reasonably be seen outside the building.

B. The general and minor up-keep or maintenance of the real property, such as washing windows, weeding, minor removal of dead or diseased plant material, and minor trimming of bushes and trees.

C. Transitory signs located in the HP Overlay Zone, as the term is defined by WMC 10.1Q.020.

10.1Q.160. Completion. The Historic Preservation Commission has authority to extend the Historic Preservation Permit upon request by the applicant so long as good cause is shown. However, if the project is not completed under the terms of the application and permit, the City retains the authority to complete the project at the cost of the owner.

**SECTION 2:**

The City imposed Moratorium on building permits within the downtown corridor and identified properties is hereby lifted.

**SECTION 3:**

This ordinance shall take effect immediately upon its passage and publication as required by law.

Done in open meeting this 5<sup>th</sup> day of August 2009.

APPROVED:

ATTEST:

\_\_\_\_\_  
Markeeta Little Wolf  
Mayor

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Randy Hinchliffe  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Janelle Carmen  
City Attorney