AN ORDINANCE TO AMEND CHAPTER 148 OF THE ATLANTIC CITY CODE
ESTABLISHING AN HISTORIC PRESERVATION COMMISSION

WHEREAS, Ordinance 7 of 2019, which established an Historic Preservation Commission, shall be amended as follows

ARTICLE I: TITLE, SCOPE AND PURPOSE

§ 148-1 Short title; authority

A. This chapter shall be known by and may be referred to by the short title of "The Historic Preservation Ordinance of the City of Atlantic City" and may be cited as such.

B. Authority. This chapter is enacted pursuant to the authority granted by Chapter 291, Laws of 1975, commonly referred to and cited as the "Municipal Land Use Law" (N.J.S.A. 40:55D-1 et seq.), as amended; and, without limiting the foregoing, pursuant to the authority granted by Chapter 516, Section 21, Laws of 1985, commonly referred to and cited as "Historic Preservation Commission" N.J.S.A. 40:55D-107 to 112.

§ 148-2 Establishment of a system for historic preservation in Atlantic City

A. Framework. The City Council of Atlantic City hereby establishes an Historic Preservation Commission to coordinate historic preservation within the City through:

1. designation and regulation of historic landmarks and historic districts within the City;
2. issuing of certificate of appropriateness for historic sites and structures; and
3. taking other measures and regulations as referenced in this Chapter.

B. It is the intention of City Council that the Historic Preservation Commission will work with and advise the Construction Official as well as the Planning and Zoning Boards on the effect that certain construction permits, and development applications will have on designated historic landmarks and/or improvements within any historic district. The Historic Preservation Commission shall review all development activities involving any exterior of a historic landmark or an improvement within a historic district.

C. It is not the intention of City Council to require or prohibit any particular architectural style; rather, the purpose of HPAC review is to honor the City’s past history and maintain its importance and relevance for the City’s present. To that end, new construction upon or near a landmark and within any historic district must not detract from the landmark or historic district.
§ 148-3 Scope of Chapter.
A. Provisions.
1. This chapter shall apply to all landmarks in a district and to any other historic resources which are designated in accordance with the procedures outlined in §148-12: Designation of Historic Landmarks and Historic Districts.
2. The provisions of this chapter shall be held to be minimum requirements. This chapter does not repeal, abrogate, annul or in any way to impair existing provisions of other articles, chapters, or ordinances of the City of Atlantic City, except those specifically repealed by this chapter, or private restrictions placed upon property by deed, covenant or other agreements.
3. Where this chapter imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this chapter shall control.
4. Where the provisions of any other laws, ordinances, rules, regulations, or resolutions require greater restrictions than are imposed by this chapter, the provisions of such other laws, rules, regulations or restrictions shall control.
5. Where the provisions of a covenant or easement require greater restrictions than are imposed by this chapter, the provisions of such covenant or easement shall control. The City shall coordinate its efforts with any such covenant or easement to fully effectuate its historic preservation purposes.

§ 148-4 Intended Purposes
A. The intention of this chapter is:
1. to enhance the general welfare of the public through the protection, enhancement, and perpetuation of historic resources, buildings, structures, sites, objects, improvements, and districts within the City of Atlantic City;
2. to encourage the continued use of historic resources, historic landmarks and historic districts, and to facilitate their appropriate use or reuse;
3. to identify and designate historic resources, historic landmarks and historic districts in order to preserve their historic, architectural, engineering, social, cultural, archaeological, scenic, and aesthetic significance;
4. to provide guidance to property owners in achieving preservation of historic resources; and
5. to advance the following public purposes as stated in the Historic Preservation Element of the City's Master Plan:
   a. to encourage historic preservation in order to maintain the City's unique character,
   b. to protect existing historic resources and complement economic development efforts,
   c. to acknowledge the importance of historic resources in providing a link to the past,
   d. enhance the appearance of neighborhoods and the casinos, and promote economic development and tourism,
   e. to discourage the unnecessary demolition or significant alteration of historic structures/buildings,
   f. to encourage the preservation of historic landmarks designated in the National Historic Register,
   g. to encourage and explore incentives to assist with the proper maintenance of facades and local historically notable structures,
   h. to work with the City's Arts Commission to develop programs and incentives for arts and cultural promotions,
i. to promote the understanding and appreciation of the City's heritage and historic value in local schools and other regional education centers.

ARTICLE II: WORD USE AND DEFINITIONS

§ 148-5 Compliance with other definitions
A. Unless otherwise expressly stated, the terms in §148-6 shall, for the purposes of this chapter, have the meaning as herein defined.
B. Any word or term not noted below shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged or its most recent edition thereof.
C. Moreover, whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1, et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1, et seq., unless specified to the contrary in this chapter.
D. Where improvements are governed by the New Jersey Residential Site Improvement Standards (RSIS), such terms shall have the same meaning as in N.J.A.C. Title 5, Chapter 21.

§ 148-6 Definitions

As used in this Chapter 148, the following terms shall mean and include:

ADDITION — An extension or increase in the size, floor area, lot coverage, or height of any individually designated historic building, structure, site, object, improvement, or landmark.

ADMINISTRATIVE OFFICER (HISTORIC) — A City employee, appointed by the Mayor, who is responsible for various administrative duties as set forth in this chapter.

AFFECTING A LANDMARK OR HISTORIC DISTRICT — Any activity or proposed work, including demolition, shall be deemed to be "affecting a designated historic landmark" if it alters the exterior architectural appearance of a historic landmark or any improvement within an historic district

ALTERATIONS — Any:

• change in the exterior features;
• rearrangement in the structural parts or in the existing facilities;
• addition;
• moving any building, structure, object, or improvement or combination of them from one location or position to another;
• changes to the appearance of an exterior surface other than paint except for new paint applied to historically unpainted surfaces;
• changes or modifications to its historic features;
• and addition of a sign or the enlargement of any existing sign.

"Alterations" does not mean:

• painting or cleaning except new paint applied to historically unpainted surfaces;
• ordinary maintenance and repairs;
• or repairs on an existing property, site, building, structure, or improvement, after a sudden disaster (such as a storm, flood, or fire), for the limited purposes of protecting human life and human safety, and, to extent then possible, protecting the historic resource from further damage.
APPLICATION — A request to the Historic Commission made pursuant to this chapter for the purposes of obtaining a certificate of appropriateness or other action by the Historic Preservation Commission hereunder specified.

APPLICATION FOR DEVELOPMENT — An application to the Planning Board or the Zoning Board of Adjustment of the City of Atlantic City for approval of a major or minor subdivision, plat, or site plan, planned development, conditional use, or zoning variance, or an application for the construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure, excavation, or landfill, or for any use, or change in the use, of any building, or other structure, or of any parcel of land, for which permission may be required pursuant to the Municipal Land Use Law.

BUILDING — Any man-made structure created principally to shelter any form of human activity as well as its functionally related appurtenances or improvements such as a house and a barn. Human activity includes business, education, habitation, manufacture, religion, shelter, storage, trade, transportation, and the like.

CERTIFICATE OF APPROPRIATENESS OR CA — The certificate issued by the Historic Commission which is required prior to undertaking rehabilitation, restoration, renovation, alteration, repair or demolition within an historic district or on an individually designated historic structure and its accessory buildings or structures, pursuant to this Chapter.

COMMISSION OR HPC — HISTORIC PRESERVATION COMMISSION

CONSTRUCTION OFFICIAL — The City government construction division employee(s) in charge of the granting of building or construction permits in the City.

CONTRIBUTING — Any buildings, structures, sites, objects or Improvements that are integral components of a historic district either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant.

DEMOLITION — The partial or total razing, dismantling, "gutting," or destruction, whether entirely or in part, of any designated property, site, building, structure, object, or improvement, or the obliteration of any natural feature. Demolition includes the removal of a property, site, building, structure, object, or improvement from its location, or the removal, or destruction, of its facade, surface, or cultural, historical, archaeological, or architectural elements.

DESIGNATED HISTORIC LANDMARK OR DISTRICT — An individual building, structure, site, object, improvement or district which has been determined to have historical, architectural, archeological, cultural, engineering, aesthetic, or other significance pursuant to the provisions of §148-12: Designation of Historic Landmarks and Districts and has been officially designated by ordinance.

EMERGENCY REPAIRS — Immediate repairs to preserve the continued habitability and/or the health and safety of occupants or others, performed in accordance with City codes without first obtaining a Certificate of Appropriateness. A consultation with the Historic Preservation Commission or its staff is still required for any work performed after the site is secured for safety/health reasons.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alterations, relocation, or enlargement of any building or structure, or of any mining, excavation, or landfill, and any use, or change in the use, of any building, or other structure, or land, or use of land, for which permission may be required pursuant to the Municipal Land Use Law (N.J.S.A. 40:44D-4).

FAÇADE — The face or front of a structure or any vertical surface thereof adjacent to a public way.

HISTORIC — Having historical, cultural, architectural, archeological, aesthetic, economic, engineering, social, or other significance as defined by the provisions of this chapter, whether from an historic or prehistoric era.

HISTORIC COMMISSION ADMINISTRATIVE OFFICER — See ADMINISTRATIVE OFFICER.
HISTORIC DISTRICT — A geographic area with distinctly definable boundaries composed of several buildings or sites which:
- Have acquired a unity of character through the interrelationship of the component buildings and sites; and
- Have been designated as having historical, archeological, cultural, scenic, architectural or other significance pursuant to the provisions of this chapter.

HISTORIC DISTRICT RESOURCES — Those resources classified as either "key," "contributing" or "noncontributing", which are defined as follows:

**KEY** — Any buildings, structures, sites, objects or improvements which, due to their significance, would individually qualify for historic landmark status;

**CONTRIBUTING** — Buildings, structures, sites, objects or improvements which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant; and

**NONCONTRIBUTING** — Any buildings, structures, sites, objects or improvements which do not add to the historic architectural qualities, historic associations, or archaeological values for which an historic district is significant because:
- They were not present during the period of significance; or
- They longer possess historic integrity reflecting its character at that time or are incapable of yielding important information about the period due to alterations, disturbances, additions, or other changes; or
- They do not independently meet the National Register criteria.

HISTORIC LANDMARK(S) — Any building(s), structure, site, or object which:
- has a special character or special historical or aesthetic interest as part of the development, heritage, or cultural characteristics of the City, state, or nation, and
- which has been designated as a landmark pursuant to the provisions of this chapter (See N.J.S.A. 40:55D-112) and
- which have been determined to meet one or more of the following criteria:
  A. Of particular historic significance to the City of Atlantic City by reflecting or exemplifying the broad cultural, political, economic, or social history of the nation, state or community; or
  B. Associated with the historic personages important in national, state, or local history; or
  C. The site of an historic event which had a significant effect on the development of the nation, state, or community; or
  D. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering; or
  E. Representative of the work or works of a locally, regionally, or nationally important or recognized builder, designer, artist, or architect; or
  F. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
  G. Able or likely to yield information important in prehistory or history.

HISTORIC COMMISSION ADMINISTRATIVE OFFICER — See ADMINISTRATIVE OFFICER (HISTORIC)

HISTORIC PRESERVATION COMMISSION (HPC) — The Historic Preservation Commission established pursuant to the provisions of this chapter; it acts as the Historic Preservation Commission referred to in the Municipal Land Use Law and cited as N.J.S.A. 40:55D-107 et seq., and as set forth in Chapter 180 of the General Code of the City of Atlantic City.

HISTORIC RESOURCE — Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the historic preservation element of the Master Plan.
HISTORIC SITE — Any property, whether real or personal, manmade structure, natural object or configuration, or any portion or group of the foregoing of historical, archaeological, cultural, scenic, or architectural significance. (See N.J.S.A. 40:55D-4) For the purposes of this Chapter 148, "historic site" shall further mean such sites as have been identified in the Atlantic City Historic Sites Survey (per §148-12) as meeting the above-listed criteria.

IMPROVEMENT — Any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction of installment for a period of time not less than 120 continuous days.

INTEGRITY — The ability of a property or element to convey its historic significance; the retention of those essential characteristics and features that enable a property to effectively convey its significance.

MAJOR WORK APPLICATION — An application for a certificate of appropriateness which does not meet the requirements for a MINOR WORK APPLICATION as defined below.

MASTER PLAN — The Master Plan of the City of Atlantic City, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

MINOR WORK APPLICATION — Any application for a certificate of appropriateness which:

A. Does not involve demolition, relocation or removal of a key or contributing resource in an historic district;
B. Does not involve an addition to a property in an historic district or new construction in an historic district;
C. Is a request for approval of windows, doors, roofing, fences, signs, awnings, porches, railings, steps, materials, finishes, exterior lighting, solar panels, communication devices, sidewalks, paving, or streetscape work and any other work subject to public view which will not substantially affect the architectural characteristics of the historic landmark or the historic district; or
D. Is a request for a field change for a certificate of appropriateness which has already been issued and which meets the criteria of Subsection A, B or C above.

MINOR WORK REVIEW COMMITTEE (“MWRC”) — The members of the Historic Preservation Commission that may be appointed by the Chair at the annual organizational meeting, or from time to time as needed. The MWRC shall consist of the HPC Chair and two other members and shall be responsible for reviewing minor applications and applicant exemption requests with the assistance of the Historic Preservation Administrative Officer, the Construction Division and any HPAC Consultant selected.

NATIONAL REGISTER CRITERIA — The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 CFR 60.4 et seq.

OBJECT — A material thing of functional, aesthetic, cultural, historic, scenic, engineering, archaeological, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

ORDINARY MAINTENANCE AND REPAIR — The repair of any ordinary deterioration, wear, or damage to a structure or any part thereof, from its intended, normal, operation, or use, in order to return the same as nearly as practicable to its condition, operation, and appearance prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship and having the same appearance. "Ordinary maintenance and repair" shall include routine maintenance or cyclical maintenance.

OWNER — Any person having a right, title, or interest in any property so as to be legally entitled, upon obtaining such permits and other authorizations as may be required pursuant to law, to perform construction, alteration, removal, demolition, or other work with respect to such property. "Owner" shall include a person or legal entity that has the actual or apparent authority from the owner to act on the owner's behalf.

PERMIT — Any required approval, including but not limited to a Certificate of Appropriateness, construction permit, demolition permit, or a zoning permit. “Permit” shall also include all exterior work to be performed on windows, doors, roofing, fences, signs, awnings, porches, railings, steps, lighting and sidewalks and any other
work subject to public view which would alter the exterior appearance of historic landmarks or properties located within a historic district or their sites.

PRESERVATION or PRESERVE — The act or process of applying measures necessary to sustain the existing form, integrity, archaeological resources and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focusing on characteristics of the historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this particular activity; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work to make properties functional is appropriate within a preservation activity. (*The Secretary of Interior Standards for the Treatment of Historic Properties*)

PROPORTION — A system of comparative relationships with respect to size, shape, and amount, especially in relation to the whole. Systems of proportion govern the relationships between and among design aspects of property, site, building, building elements, improvements, objects, district, streetscape, and setting. Proportion applies at all scales. Generally, the goal of a proportional system is to produce a sense of order, coherence, and harmony between and among the parts, things, or elements.

PROTECTION or PROTECT — The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the property from damage or destruction.

RECONSTRUCTION or RECONSTRUCT — The act or process of depicting, or reproducing, by means of new construction, the form, features, and detailing of a non-surviving building, structure, site, object, improvement or landscape for the purpose of replicating its appearance at a specific period of time and in its historic location when documentary and physical evidence is available. (*The Secretary of Interior Standards for the Treatment of Historic Properties*)

REHABILITATION or REHABILITATE — The act or process of making possible an efficient compatible contemporary use for a property through repair, alterations, or additions, while preserving those portions or features of the property that convey its historical, cultural, archaeological, or architectural values. (*The Secretary of Interior Standards for the Treatment of Historic Properties*)

REPAIR — Any physical work done on an improvement that is not an addition and does not change the exterior appearance, or historic or cultural features, of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality as the existing materials and workmanship of the improvement.

REPLACEMENT or REPLACE — The act or process of replicating any feature that is used to substitute for an existing and deteriorated or extensively damaged feature.

REMOVAL — To partially or completely cause a structure, building, improvement, or object, or portion thereof, to change to another location, position, station, or residence.

RESTORATION or RESTORE — The act or process of accurately recovering the form, details, features, and character of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of features from other periods in its history and reconstruction or replacement of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project. (*The Secretary of Interior Standards for the Treatment of Historic Properties*)

SITE (HISTORIC) — Any place, real property, or part, or combination of properties, whether public or private, with or without improvements, which is the location of a significant event or series of events, a prehistoric or historic occupation or activity, a trail, route, building, structure, or object, or any configuration, portion, or group of the foregoing, whether standing, ruined, or vanished, where the location itself possesses historical, cultural or archeological value regardless of the value of any existing building, structure, or object, above or below the property's surface.

STREETSCAPE — The visual character of the street including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

STRUCTURE — Any combination of materials used to form a construction for the purposes of occupancy, use, or ornamentation, having a fixed location, above or below the surface of land, or attached to something having a fixed location on, above, or below the surface of the land. For the purposes of this Chapter 148, the word "structure" shall also include, but not be limited to, bridges, signs, fences, walls, and paving materials.

SUDDEN DISASTER — Any incident, natural or man-made, or a series of incidents, that occurs without sufficient advance warning to take measures to protect or preserve a property, land, building, site, object, or improvements, which incident causes significant damage to a property, building, site, object, or improvements thereon. Sudden disaster shall include, without limiting the foregoing, fire, flood, or storm damage. Sudden disaster does not mean deterioration; wear over time due to ordinary use; or damage related to neglect, failure, or willful refusal, by a property owner or occupant, to perform ordinary maintenance and repairs and preservation in a timely or workman-like manner; or failure to take protective measures when there are advance warnings of impending disaster. The existence of a "sudden disaster" shall be determined by a Construction Official and/or Historic Commission Administrative Officer in consultation with the Chair of the Historic Preservation Commission.

SURVEY — The process of identifying and gathering data on the City's resources for the assessment of their historical, architectural, archaeological, aesthetic, cultural, engineering, social, or other significance.

VIEW or VISTA — The view by the public of a building, structure, site, object, improvement, or landscape, from any point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian. A vista means a view from a location on, near, or within a building, structure, site, object, improvement, or a landscape.

ARTICLE III: HISTORIC PRESERVATION COMMISSION

§ 148-7 Establishment and Members

A. Establishment. There is hereby established within the City of Atlantic City an Historic Preservation Commission whose members shall serve without compensation. The Historic Preservation Commission (HPC) shall act as the Historic Preservation Commission pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-107 et seq.

B. Members. The Commission shall be comprised of nine regular members and two alternates. At least one member shall be appointed for each of Class A and Class B:

1. Class A: A person who is knowledgeable in building design and construction or architectural history and may reside outside the City; and

2. Class B: A person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the City; and
3. Class C: Citizens of the City who shall hold no other City office, position or employment, except for membership on the Planning Board or Zoning Board of Adjustment. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field.

C. Alternate members.
   1. Two alternate members shall also serve on the Commission. They must qualify as Class C members and shall be designated as "Alternate No. 1" or "Alternate No. 2" at the time of appointment.
   2. Alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
   3. A vote shall not be delayed in order that a regular member vote instead of an alternate member.

§ 148-8 Appointment of Commission Members; terms and vacancies

A. Appointments.
   1. The Mayor shall appoint all members of the Historic Preservation Commission and shall designate at the time of appointment the regular members by class and alternate members as "Alternate No. 1" and "Alternate No. 2".
   2. The mayor shall appoint a full membership, including regular and alternate members, within 60 days from the effective date of this chapter.

B. Terms.
   1. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years, and that the initial term of no alternate member shall exceed two years.
   2. Thereafter, the term of a regular member shall be four years; and the term of an alternate member shall be two years.
   3. All terms shall run from January 1 of the year in which the appointment was made.

C. A vacancy occurring otherwise than by expiration of a term shall be filled within 60 days for the unexpired term only.

D. No more than two members of the Historic Preservation Commission shall simultaneously serve as a member on the Planning Board or Zoning Board of Adjustment.

E. Quorum
   1. The presence of four members at a meeting shall constitute a quorum;
   2. A quorum may include alternate members filling vacancies of regular members due to absence or disqualifications.
   3. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a Certificate of Appropriateness, except for a CA regarding a demolition permit.
   4. A majority of the appointed membership shall be required to recommend a change or addition to a landmark or historic district or to grant a certificate of appropriateness regarding a demolition permit.
F. Member removal. The City Council may remove a member of the Historic Preservation Commission for cause, after public hearing if so requested.

§ 148-9 Historic Preservation Commission Officers

The Historic Preservation Commission shall annually elect a Chair and Vice-Chair from its members and select a Secretary, who may or may not be a member of the Historic Preservation Commission or a municipal employee. (See N.J.S.A. 40:55D-107c.) The terms of the elected officers shall run for a one-year period beginning in January of each year.

§ 148-10 Rules of the Commission

A. The Commission shall adopt written Bylaws, Guidelines and rules for the transaction of its business, for the consideration of applications for certificates of appropriateness and for the designation of historic landmarks and historic districts. Such rules shall not be inconsistent with the provisions of this article and shall include but not be limited to rules pertaining to all notices and hearings required herein.

B. In order to make available to the public information useful to the preservation and protection of historic landmarks and historic districts and to provide the basis for consistency of policy, the Commission secretary shall maintain complete files and records. The Commission’s files shall include but are not limited to:
   a. data used in the classification of buildings, structures, sites, objects, improvements and districts,
   b. minutes of Commission meetings,
   c. applications for certificates of appropriateness along with collateral data, decisions and appeals associated therewith and information,
   d. materials and references submitted to the public related to historic preservation.
   e. A record of Commission proceedings shall be kept and made available, but a formal verbatim record shall not be required.

C. The Commission secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, reports, findings, determinations, decisions and applications, which shall be public documents.

D. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. Copies of all minutes shall be maintained in the Municipal Building and shall be delivered to the City Clerk.

E. Copies of records shall be made available to municipal bodies, agencies, and officials for their use. Records will also be available to the public in accordance with the Open Public Records Act (OPRA) and all requests will be handled administratively by the Commission secretary.

F. When the Planning Board or the Zoning Board of Adjustment refers an application to the Historic Preservation Commission, the referring Board and Construction Division shall receive a copy of the Commission’s report.

G. The City Planning and Development Department shall maintain and display an up-to-date map showing the boundaries of all areas designated as historic districts, as well as the locations of all historic landmarks.

H. No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.
I. The Commission shall prepare an annual report. Copies will be delivered to the City Clerk, the Planning and Development Department, the Construction Division and the New Jersey Historic Preservation Office. The annual report will also be available to the public upon request.

§ 148-11 Responsibilities of the Commission

A. To identify, record and maintain a survey of all buildings, structures, sites, objects, improvements and districts of historical significance within the City.

B. To recommend to the Planning Board and City Council the designation of buildings, structures, sites, objects or improvements as local historic landmarks, and to recommend the designation of local historic districts.

C. To monitor and recommend to the Planning Board and City Council any buildings, structures, sites, objects, improvements or districts for inclusion in the New Jersey or National Register of Historic Places.

D. To make recommendations to the Planning Board and City Council on the historic preservation element of the master plan and on the implications for preservation of historic landmarks and historic districts of any other master plan elements. The Commission may provide information to the planning board indicating the location and significance of historic landmarks and historic districts, and identify the standards used to assess worthiness for historic landmark or historic district designation.

E. To make recommendations to the Planning Board and City Council on the historic preservation implications of any proposed or adopted zoning or development ordinance(s) or proposed or adopted element(s) of the City’s Master Plan.

F. To draft and recommend to the Planning Board and City Council ordinances or amendments to existing ordinances that would resolve any conflicts which may exist between the design standards of this article and the building or zoning regulations of the City.

G. To report at least annually to the City Council on the state of historic preservation in the City and recommend measures to improve same.

H. To advise and assist City officers, employees, boards and other bodies, including those at the county, state and federal levels, on all matters which have potential impact on the historic buildings, structures, objects, sites or districts in the City or on the physical character and ambience of any portion of the City.

I. To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.

J. To review and render determinations regarding applications for Certificates of Appropriateness as set forth in this chapter.

K. To advise the Planning Board and City Council on the relative merits of proposals involving the use of public funds to restore, preserve and protect historic buildings, structures, objects and sites; to securing state, federal and/or other grants or assistance in support of such projects; and to monitor such projects once underway.

L. To cooperate with local, county, state or national historical societies, governmental bodies and organizations to maximize the contributions of the Commission in accordance with the intent and purposes of historic preservation.

M. To make information available to residents of historic buildings or districts concerning guidelines for rehabilitation and design criteria for new construction established under this article.
N. To seek any benefits which may be granted under the National Historic Preservation Act, as amended, or any other state or federal legislation, including but not limited to the benefits which flow to communities under the certified local government program with regard to training, grant funding and technical assistance; and, in furtherance thereof, to take any steps necessary to assist the City in the preparation and submission of any documents needed for certification of the City as a certified local government under the National Historic Preservation Act.

O. To monitor and recommend to the City Council the submission of any grants related to historic preservation.

P. To increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs.

Q. To carry out such other educational and informational functions as will promote historic preservation in the City.

§ 148-12 Designation of Historic Landmarks and Historic Districts

A. The Commission shall conduct, maintain and expand, when appropriate, a comprehensive survey of the City to identify historic landmarks and historic districts that are worthy of protection and preservation.

1. There are eight historic landmarks in Atlantic City that are on the State/National Registers of Historic Places. An additional seven sites that were so designated have been demolished.

2. In addition to the sites on the Historic Register, Atlantic City has 21 sites and one Historic District that have received Certificates of Eligibility or State Historic Preservation Office Opinions of eligibility. An additional five sites with State Historic Preservation Officer Opinions have been demolished.

3. The 2008 Atlantic City Master Plan lists 69 sites/districts (including those already designated) that are recommended for preservation.

B. The criteria for evaluating and designating historic landmarks and historic districts shall be guided by the National Register Criteria as currently published and amended from time to time. The Commission, or any person, may recommend designation of historic landmarks or historic districts that are in accordance with the National Register Criteria or that possess one or more of the following attributes:

1. Character, interest, or value as part of the development, heritage or cultural characteristics of the City, State or Nation; or

2. Association with events that have made a significant contribution to the broad patterns of our history; or

3. Association with the lives of persons significant in our past; or

4. Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or

5. Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the City, State or Nation; or

6. Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or

7. Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or

8. Ability or potential ability to yield information important in prehistory or history.
§ 148-13 Procedures for Designation

A. Proposals to designate a property as historic pursuant to this article may be made by the City Council, the Commission, a City resident or the Planning Board, in accordance with the following procedures:

1. Nomination report for historic landmark. A nomination to propose an historic landmark shall include the following information which addresses the criteria for designation as set forth herein:
   a. A photograph of the proposed landmark; and
   b. A copy of the municipal tax map showing the property on which the proposed landmark is located; and
   c. A physical description of the proposed landmark; and
   d. A statement of significance.

2. Nomination report for a historic district. A nomination to propose an historic district shall include the following information which addresses the criteria for designation as set forth herein:
   a. A building-by-building inventory of all properties within the district identifying key, contributing, harmonizing, non-contributing, or intrusions; and
   b. A photograph of each property and building within the district; and
   c. A copy of the municipal tax map of the district showing boundaries; and
   d. A physical description of the proposed district; and
   e. A statement of significance.

B. Hearing. Following receipt of a nomination to propose an historic landmark or historic district, the Commission shall schedule a public hearing on the proposed designation.

C. Notification requirements. At least 20 days prior to the public hearing, the Commission shall, by personal service or certified mail, perform the following:

1. Notify the owner(s) of record of a property that has been proposed for historic landmark designation, or the owner(s) of record all properties located within a district that has been proposed for historic district designation, that the property or district, as applicable, is being considered for such designation and the reasons therefor;

2. Advise the owner(s) of record of the significance and consequences of such designation, and of the rights of the owner(s) of record to contest such designation under the provisions of this article;

3. Notify the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property or district; and

4. Serve any further notices as may be required under the provisions of the Municipal Land Use Law.

D. Public notice of hearing. At least 20 days prior to the public hearing, the Commission shall also cause public notice of the hearing to be published in the official newspaper of the City.

E. Public report. At least 20 days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in City Hall.

F. Public hearing. At the public hearing scheduled in accordance with this article, the Commission shall review the nomination report and accompanying documents. Interested persons shall be given the opportunity to be heard and to comment on the proposed nomination for designation.

G. Commission report. If the proposed nomination is approved by the Commission, then the Commission shall forward a report to the City Council, which shall contain a statement of the Commission’s...
recommendations and the reasons therefor with regard to proposed designations considered at the hearing, including a list and map of properties approved for designation.

H. Referral to Planning Board.
1. The City Council shall refer the report to the Planning Board, which in turn shall report back to Council within 60 days.
2. Failure of the Planning Board to transmit its report within the sixty-day period provided herein shall relieve the City Council of its obligations relating to the referral of such a report to the Planning Board.
3. The City Council action on historic landmark or historic district designations shall be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and the adoption, revision or amendment of any development regulation.

I. Final designation.
1. As soon as possible after its receipt of the report from the Planning Board or at expiration of the period allowed for Planning Board comment on designations pursuant to §148-13H above of this section, the City Council shall act upon the proposed designation list and/or map.
   a. It may approve, reject or modify by ordinance the designation recommendations made by the Planning Board.
   b. In the event that City Council votes to reject or modify any Planning Board recommendations for a proposed designation, the City Council shall record in its minutes the reasons for not following such recommendation.
2. All action taken by the City Council on proposed designations shall become effective upon a favorable vote except, in cases in which an official protest has been filed with the City Clerk, a proposed designation shall then require a favorable majority vote of a majority of the full authorized membership of the City Council.
   a. Notice of designation shall be made public by publication in the official newspaper of the City and by distribution to all municipal agencies reviewing development applications and permits.
   b. A certificate or letter of designation shall be sent to the owner(s) of record.

J. Incorporation of designated landmarks into City records.
1. Upon adoption of an article by City Council designating an historic landmark or an historic district, the said designation shall supplement, rather than supersede, the existing zoning district in which the affected historic landmark or historic district is located.
2. Immediately after designation, the designation, list and/or map shall be incorporated into the master plan as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
3. Designated properties shall also be noted as such on the records for those properties as maintained by the engineering and zoning offices, as well as the offices of the construction official, the tax assessor and the City Clerk.

4. In addition to the requirement for notation in the foregoing §148-13 J1-3 above, there shall be within 90 days, entered upon the property records a notation which identifies each historic landmark and property located within an historic district as constituted on the date of adoption hereof, in the offices of the:
   a. Planning and Development,
   b. Tax Assessor,
   c. the Construction Division of Licenses and Inspection,
   d. the City Engineer,
   e. the Zoning Officer and
   f. the City Clerk

5. Each tax/assessment search requested for a property located within an historic district shall note thereon the subject property is located in the specific Historic District.

6. Similarly, all forms maintained and issued by the Construction Code Official, City Engineer, Zoning Officer and City Clerk that are responsive to requests for information, permits, and like documents, shall contain a notation which identifies, as applicable, the presence of a property within an historic district as constituted on the date of the adoption hereof and as new landmarks as historic district designations occur hereafter.

K. Amendments. Amendments to historic landmark or historic district designations may be made in the same manner as they were adopted in accordance with the provisions of this article.

§ 148-14 Underlying Zoning District Regulations.

All properties within the Historic Landmark and Historic District Overlay Zones shall remain subject to all underlying zoning district regulations.

ARTICLE IV: CERTIFICATE OF APPROPRIATENESS

§ 148-15 When Required

A. A Certificate of Appropriateness (or "CA") approved by the Commission shall be required before any work is commenced on any historic landmark or within any historic district, whether or not a construction permit is required for such work, including but not limited to the following activities:
   1. All changes in the exterior architectural appearance of any improvement within the historic district or of any historic landmark by addition, alteration or replacement;
   2. Any new construction on the exterior of an improvement in the historic district;
   3. Site plans or subdivisions affecting a historic landmark or an improvement within the historic district;
   4. Zoning variances affecting a historic landmark or an improvement within the historic district;
   5. Demolition of any building, structure, site, object or improvement;
6. Relocation of a principal or accessory building, structure, site, object or improvement;
7. Any addition to or new construction of a principal or accessory building, structure, site, object or improvement.

B. Work associated with a development application requiring ultimate approval by the Planning Board or the Zoning Board of Adjustment is not exempt from this requirement.

§ 148-16 When Not Required

A. A Certificate of Appropriateness shall not be required before a permit is issued by the zoning/construction officer for changes to the interior of a structure.
B. A Certificate of Appropriateness shall not be required for exterior repainting or interior painting of existing structures. If an exterior material, finish or surface is to be painted which was not previously painted, a Certificate of Appropriateness will be required.
C. A Certificate of Appropriateness shall not be required if, in the opinion of the Historic Administrative Officer or Minor Work Review Committee, the work contemplated constitutes “ordinary maintenance and repair” as defined by this article. In such cases, and if a permit is required for the proposed work, the Commission shall promptly notify the zoning/construction official that a Certificate of Appropriateness is not required as a prerequisite to the issuance of the permit.
D. A Certificate of Appropriateness shall not be required for structural repairs which do not alter the exterior appearance.
E. A Certificate of Appropriateness shall not be required for any changes, additions or alterations not visible from a public right-of-way, except for relocation or demolition.
F. Work may be performed when a historic landmark requires immediate emergency repair to preserve the continued habitability of the landmark and/or the health and safety of its occupants or others.
   a. Such emergency repairs may be performed, in accordance with City building codes, without the necessity of first obtaining the Commission's review.
   b. Under such circumstances, the repairs performed shall only be such that are necessary to maintain the habitability of the structure.
   c. A request for the Commission's review shall be made as soon as possible and no additional work shall be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in §148-18 below.
§148-17 Conceptual Review and Informational Meetings

A. Persons proposing or considering an action that requires a Certificate of Appropriateness may present a proposal for informal concept review and comment by the Commission and shall first hold an informal informational meeting with the Historic Commission Administrative Officer to review any design proposals or related issues.

B. Persons proposing to make application to the Commission in connection with any action that requires a Certificate of Appropriateness are encouraged to first hold an informal informational meeting with the Commission Administrative Officer to review any design proposals or related issues before making application.

C. Neither the applicant nor the Commission shall be bound by any such review. Informal concept or informational review shall not relieve the necessity for Commission review for a Certificate of Appropriateness pursuant to this Ordinance.

§ 148-18 Procedures for Review of Site Plans, Subdivisions and Variance Applications

A. Pursuant to N.J.S.A. 40:55D-110, the City Planning Board and Zoning Board of Adjustment shall refer to the Historic Preservation Commission every application for development submitted to either Board that involves development involving historic landmarks or involves properties located within historic districts identified in the City’s Historic Preservation Element of its Master Plan, as updated by regular surveys.

1. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner.

2. Failure to refer an application as required shall not invalidate any hearing or proceeding.

3. The Historic Preservation Commission may provide its advice on said application, through oral testimony at the hearing, and/or through written report(s) that the Commission may provide to the board concerning the proposed application.

B. On all matters referred to the Historic Preservation Commission which require approval by the City Planning Board and Zoning Board of Adjustment, the decision of the Commission shall be advisory only.

1. In reviewing applications for development, the Commission may comment and make recommendations on any of the zoning and land use considerations which are relevant to the application.

2. The City Planning Board and Zoning Board of Adjustment, as applicable, shall consider the testimony and/or written report(s) presented and may disapprove or change any of the recommendations made by the Commission by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations.

C. Yard Variances.

1. It is in the public interest to retain a neighborhood’s historic appearance by approving variances to normal yard requirements.

2. Where it is deemed that such variance will not adversely affect neighboring properties, the appropriate board may grant such variance to standard requirements if so recommended by the Historic Preservation Commission.
D. An approval by the City Planning Board and Zoning Board of Adjustment, as the case may be, does not relieve the applicant of the requirement of obtaining a Certificate of Appropriateness from the Commission for those historic aspects of the work not addressed as part of the application for development.

§148-19 Procedures for Commission Review of Work on Historic Sites, Landmarks and within Historic Districts

A. Except for the circumstances described in §148-16 above, no work shall be performed on any historic landmark, historic landmark site or on any building, structure, object, site or improvement located within an historic district until either a Certificate of Appropriateness has been issued by the Commission for such work or until a determination has been made by the Commission or the Minor Work Review Committee that no Certificate of Appropriateness is necessary pursuant to subsection §148-16 above.

B. All applicants shall complete and submit a preapplication form (Appended to this Chapter) for a Certificate of Appropriateness, as adopted by the Historic District Commission, not less than 10 calendar days before a regularly scheduled meeting of the Commission.

1. The Historic Commission Administrative Officer may waive this time requirement if, in his judgment, the application is of an emergent nature.

2. The Historic Commission Administrative Officer shall in all cases be responsible for receiving and processing the preapplication form and assuring that it is accompanied by the necessary supporting documents.

3. The Historic Commission Administrative Officer shall review the preapplication form and documents and classify the application in accordance with the scope of work for which approval is being sought.

C. If the action for which the Certificate of Appropriateness is requested does not meet the definition of a minor application per §148-6, the Historic Commission Administrative Officer shall classify the application as a major application and be guided by the process as set forth in §148-21 below.

D. If the action for which the Certificate of Appropriateness is requested meets the definition of a minor work application, then the Historic Commission Administrative Officer shall classify the application as a minor application and be guided by the process as set forth in §148-20 below.

§148-20 Minor Work Application Review Process

A. Minor Work applications, as defined in this §148-6, may be reviewed and approved by the Minor Work Review Committee without holding a public hearing.

1. The Historic Commission Administrative Officer shall supply the Commission at each meeting with the applications and judgements for all minor applications that occurred since the previous meeting.

B. A minor work application shall require submittal of information consisting of:

1. The application form (Appendix A to this chapter),

2. A drawing/photo in sufficient detail to accurately depict the work proposed and adequate to provide the information required for issuance of a permit by the Construction Division of Atlantic City.

C. The Construction Division shall then authorize the applicant to proceed and issue any required permit associated therewith.
If the Minor Work Committee does not find the application appropriate as minor, the application shall be scheduled for a public hearing before the full Commission/upon filing of a full major application that meets the submittal requirements of §148-21.

§148-21 Major Application Review Procedures

A. A major work application shall require submittal of information consisting of:
   1. The application form (appended to this chapter as Appendix A),
   2. The items in the Historic Preservation Commission checklist appended to this Chapter as Appendix B.

B. Requirements for a Complete Major Application
   1. An application for a Certificate of Appropriateness shall be accompanied by appropriate sketches, drawings, photographs, descriptions or other information as required by the Historic Preservation Commission Major application checklist. The information should include:
      a. existing or prior conditions proposed to be altered, and
      b. projected future appearance of the structure or site after alterations, additions, changes or new construction are complete.
      c. Wherever possible, the application shall include both historical and contemporary photographs of the exterior of the landmarked site or structure.
   2. An application for demolition shall include historical and contemporary photographs of the exterior and interior of the building or structure in question, if possible.

C. The Historic Preservation Commission shall hold a public hearing and decide on the application for certificates of appropriateness within 45 calendars following the referral of a complete application to the Commission by the Historic Commission Administrative Officer.
   1. This time may be extended upon the mutual agreement of the Commission and the applicant.
   2. Should final action on an application not take place within the prescribed or agreed-upon time frame, the application shall be deemed to have been approved.
   3. The applicant shall have the burden of proof and obligation to establish entitlement to a Certificate of Appropriateness by satisfaction of the applicable standards and criteria in accordance with this Chapter.

D. Form of recommendations issued for major applications that come before the Commission.
   1. The Commission shall recommend either the approval, approval with conditions or denial of the application for a Certificate of Appropriateness.
   2. The Commission shall explain in writing the reasons for its recommendation.
      a. The Commission shall provide information sufficient to instruct the Historic Commission Administrative Officer on how to guide the applicant in meeting the expectations of the Commission's recommendations.
      b. The explanation shall focus the effect of the proposed undertaking on the landmark's historic and/or architectural significance as set forth in the criteria of this chapter.

E. The Commission shall clearly set forth its decision with findings of fact and conclusions in reference to each application.
The Historic Preservation Commission may advise the applicant and make recommendations in regard to the appropriateness of the proposed action and may grant approval upon such conditions as it deems appropriate within the intent, purposes and standards of this chapter and as may be contained in the "The Secretary of the Interior's Standards for the Treatment of Historic Properties as the Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings."

3. If an application is approved, the Historic Preservation Commission shall grant the issuance of a Certificate of Appropriateness and, through the Administrative Officer, provide the same to the applicant along with a certified copy of the resolution.
   a. In the case of a major application, where the Commission is persuaded by visual evidence, its own or the applicant's, that the proposed addition, removal or alteration is not sufficiently visible from any viewing-point normally accessible to the public to adversely impact the historic viewscape, the Commission may by majority vote of the full authorized membership grant a Certificate of Appropriateness on that basis.

4. In any instance where the Commission disapproves an application, the Commission, through the Historic Commission Administrative Officer, shall notify the applicant with a certified copy of the resolution of that determination. A summary of the Commission's action, with the full language of the resolution, shall be published in the official minutes of the Commission, and be made available on request.

5. All decisions of the Historic Preservation Commission, whether approval, approval with conditions or denial, shall be published in the official newspaper of record as a summary of the Commission's action.

F. A Certificate of Appropriateness shall be valid for a period of two calendar years from the date it is issued by the Commission's Administrative Officer.

§148-22 Standards and Criteria for Review

A. The purpose of this section is to provide uniform standards and criteria for the regulation of historic landmarks and historic districts for use by the Historic Preservation Commission.

B. All projects requiring a Certificate of Appropriateness and all applications for development on historic landmarks or in historic districts shall, in interpreting and applying the standards and criteria set forth herein, be guided by the principles contained in the most current versions of The Secretary of The Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building. These standards are adopted as the Commission’s design criteria and guidelines pursuant to N.J.S.A. 40:55D-65.1.

C. In utilizing the Secretary of Interior’s Standards, the Commission shall be guided by the provisions thereof including, but not limited to, the following:
   1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
   2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
   3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
   4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
   5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

D. In reviewing applications for Certificates of Appropriateness, the Historic Preservation Commission shall consider the siting, arrangement, exterior design, design quality, bulk, arrangement, density, texture, details, style, scale, setbacks, stepbacks, shape, height, massing, lot coverage, rhythm, directional emphasis, proportions, building elements, materials, finishes and relationships to the streetscape and/or landscape views of the proposed work and the relationship of those characteristics to the historical significance of the historic landmark or historic district.

E. Criteria for Review

1. The following criteria shall be given consideration when the Commission reviews historic sites/landmarks:
   a. The historical value of the landscape or streetscape;
   b. The historical value of a building, structure, site, object, improvement or district and its relationship to property of the surrounding area;
   c. The general compatibility of the proposed use to the historical value of the surrounding historic district. In regard to an application for new construction, alterations, additions or replacements affecting a historic site or an improvement within a historic district, and in addition to the criteria set forth in §148-22D above, the following factors shall be considered in relation to its setting and context, including:
      i. Height.
      ii. Massing.
      iii. Proportion of the width and height of the building’s facades.
      iv. Proportion of openings within the building.
      v. Rhythm of spacing of buildings on streets.
      vi. Rhythm of solids to voids on facades fronting on public places.
      vii. Relationship of materials and texture.
      viii. Construction in a range of design and style options which are consistent with neighboring buildings in the historic district;
d. The general compatibility of the exterior design, arrangement, texture and materials proposed to be used with the historical value of the surrounding area. In carrying out its design review under these guidelines, the following criteria shall be utilized:
   i. All exterior elevations, including the roof, must be maintained and new construction must be compatible with existing structures, districts and surrounding areas.
   ii. In-kind or similarly compatible building materials must be utilized.
2. For non-contributing structures/sites, only the criteria in §148-22E1d shall be considered by the Commission.

§148-23 Demolitions and Relocations

A. Criteria
   1. In regard to an application to demolish or relocate an historic landmark or an historic district resource, the following matters shall be considered:
      a. Its importance to the City and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
      b. Its status with regard to the New Jersey and National Registers of Historic Places; i.e., whether it is individually listed or eligible to be listed; whether it is a part of a registered or eligible historic district, and whether, within that district, it is a key, contributing or noncontributing building.
      c. Its current and potential use for those purposes currently permitted by the zoning ordinance or for the use proposed.
      d. The probable impact of its removal upon the ambiance of the historic landmark or historic district.
      e. Whether the site contains any extant archaeological resources.
      f. Whether the historic landmark represents the last or best remaining example of its kind in the City that possesses research potential or public education values.
      g. Whether the historic landmark can be preserved by protecting its location from disturbance.
      h. Whether redesign of the development proposal to avoid impact can result in the preservation of the building or structure in question.
      i. The structural soundness and integrity of the building, structure, site, object or improvement and the economic feasibility of restoring or rehabilitating same so as to comply with the requirements of the applicable construction codes.
      j. The compelling reasons for not retaining the building, structure, site, object or improvement at its present location, the proximity of the proposed new location and its accessibility to residents of the municipality, and the probability of significant damage to the building, structure, site, object or improvement as a result of the relocation.
      k. The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this article and whether the proposed new location is visually compatible in accordance with the standards set forth herein.

B. Procedure
   1. In the event that the Commission determines that preventing demolition is not feasible and recommends that the demolition of a listed or contributing historic landmark be approved, the following steps shall be taken:
The applicant shall be responsible for preparing and submitting to the Commission a completed set of drawings and photographs of the historic landmark that meet the standard established by the Historic American Buildings Survey (HABS), as administered through the United States Department of the Interior.

i. The photographs are to be taken by a professional photographer, shall be eight-inch-by-ten-inch black and white prints made on archival quality photographic paper and be taken from large format (four-inch-by-five-inch minimum size) negatives.

ii. The drawings and photographs shall be submitted to the Commission for review and acceptance.

1. Prior to the City’s Department of Licensing and Inspection authorizing the demolition, the applicant shall have submitted two sets of drawing prints and digital copy of the drawings as well as two sets of eight-inch-by-ten-inch black and white photographic prints and the large-format negatives from which the prints were made.

m. These requirements may be waived by the Historic District Commission if the demolition involves a noncontributing building or structure within a designated historic district.

n. No assignment of the rights granted by a Certificate of Appropriateness to demolish shall be permitted.

2. If the Historic Preservation Commission disapproves an application for a Certificate of Appropriateness to demolish an historic landmark or a building, structure, site, object or improvement located in an historic district, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish same provided that all of the following requirements have been fully met:

a. Appeal to Zoning Board of Adjustment. The owner has applied for the necessary Certificate of Appropriateness and has received notice of the Commission’s denial of same from the Historic Administrative Officer and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.

b. Sale for Fair Market Value. Following Zoning Board affirmation of the Commission’s determination of denial, an owner who desires to further pursue demolition approval has, for a period of at least 180 days (the “offer period”), and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, structure, site, object or improvement and the land pertaining thereto to any person, entity, organization, government or political subdivision thereof which gives reasonable assurance that it is willing to preserve the building, structure, site, object or improvement and the land pertaining thereto.

c. Demolition Notice Posted and Publication.

i. Notice of any proposed demolition shall be posted on the exterior premises of the building, structure, site, object or improvement throughout the Offer Period in a location such that it is clearly readable. In addition, the applicant shall cause to be published in the official newspaper of the City a notice setting forth the following:

a) The applicant’s intent to demolish, including a description of the subject property (by block and lot as well as by physical location) and a description of the building, structure, site, object or improvement to be demolished; and

b) The applicant’s proposed use of the property following demolition; and

c) The anticipated time frame(s) associated with the demolition; and

d) A statement indicating that the applicant shall consider any and all bona fide offers to sell the property to any person who wishes to preserve the building, structure, site, object or improvement; and
e) The applicant’s name and address, along with a telephone number where the applicant may be reached during normal business hours by any interested person who wishes to discuss the proposed demolition and/or to make an offer to purchase the property as set forth above.

ii. The notice shall be published as follows:
   a) At least once within the first ten days of the Offer Period; and
   b) At least once within the period of time that is not less than ten nor more than 15 days prior to the expiration of the Offer Period; and
   c) At least once each 20 days between the above first and last notifications.

iii. At the conclusion of the Offer Period, if the applicant still wishes to demolish the subject building, structure, site, object or improvement, it shall, prior to performing the demolition, perform the following:
   a) Advise the Commission in writing of its intention to proceed with the demolition; and
   b) Certify in writing to its compliance with the provisions of the 180-day offer period; and
   c) Provide the Commission with a copy of the notice that appeared in the official newspaper of the township and a listing of all dates on which the said notice appeared in the newspaper; and

iv. File copies of the affidavits of publication relating to the newspaper noticing with the Commission.

v. Advise the Commission in writing as to whether any interested persons submitted an offer or offers to purchase the property, whether during the 180-day “offer period” or following the newspaper noticing referenced above, and set forth the terms and conditions relating to said offer(s) and the results of any negotiations pertaining thereto; and

vi. File copies of the affidavits of publication relating to the newspaper noticing with the Commission.

d. Offer Period. The period of time during which notice must be given in the manner hereinbefore set forth shall be known as the “Notice Period” which shall commence on the tenth day following the date of the notice of denial of the appeal from the zoning board of adjustment and such Notice Period shall run for a period of time of 180 days.

3. Expiration of Approval.
   a. In cases where demolition is permitted, the Certificate of Appropriateness shall be valid for one year from the date of Historic Preservation Commission approval of the application. The one year period shall not be extended.
   b. At the time of issuance of the Certificate of Appropriateness to demolish, the Historic Administrative Officer shall designate the period of time (within the one-year approval period) within which demolition must be completed.

4. The Commission may at any time during the Offer Period, if a significant change in circumstances occurs, approve a Certificate of Appropriateness to demolish, in which event, a permit from the Administrative Officer shall be issued within ten days thereafter.

§148-24 Effect of approval/denial of Certificate of Appropriateness

A. The work authorized by the Certificate of Appropriateness must be initiated within one year from the date that the certificate is granted.
   1. If a construction permit is required for such work, the Certificate of Appropriateness shall be valid for the life of the construction permit and any extensions thereof.
2. For the purposes of this section, a Certificate of Appropriateness shall be deemed invalid if the work ceases for a period of six months after commencement of work. Reasonable extensions may be granted by the Historic District Commission based upon appropriate persuasive evidence.

B. An applicant for a Certificate of Appropriateness who is dissatisfied with the actions of the Historic Administrative Officer or Commission in denying the Certificate of Appropriateness or in issuing the Certificate of Appropriateness with objectionable conditions may appeal that action to the City Zoning Board of Adjustment within 30 calendar days from the date of receiving the written decision.
   1. This right of appeal is limited to the applicant only.

ARTICLE V: VIOLATIONS, PENALTIES AND INJUNCTIVE RELIEF

§148-25 Violations

A. If any person shall undertake any construction activity on an historic landmark or on a property located within an historic district without first having obtained a Certificate of Appropriateness as provided in this article, or where such construction activity is not in compliance with a Certificate of Appropriateness previously issued, such person shall be deemed to be in violation of this article.
   1. Notwithstanding the foregoing, it shall not be a violation of this Ordinance in circumstances where the Construction Official has issued a construction permit but has not advised the recipient of the construction permit to have first made application to the Commission.

B. After learning of the violation, the Historic Administrative Officer shall personally serve a notice describing the violation in detail upon the owner of the lot whereon the violation is occurring.
   1. If the owner cannot be personally served within the City with said notice, a copy thereof shall be posted on the site in question and a copy shall be sent by certified mail, return receipt requested, to the owner at his or her last known address as it appears on the municipal tax rolls.

C. Within ten days of receipt of the notice of violation, the violator shall be required to file an application for a Certificate of Appropriateness in the same manner as prescribed pursuant to §148-20 or §148-21, as appropriate, and the notice of violation shall advise the violator of such.

D. Upon receipt of the violator’s application, the Commission shall conduct a review of the said application and review in the same manner as prescribed for regular applications pursuant to §148-19 of this Chapter.

E. Upon the violator’s filing of an application for a Certificate of Appropriateness, the imposition of all enforcement action on behalf of the City shall be stayed until such time as:
   1. The Commission has rendered a decision on the violator’s application and the administrative officer has served notice thereof upon the applicant; and
   2. The violation is still deemed to be in existence; and
   3. No further appeal of the decision of the Commission and or MWRC relating to the said application is pending before the Zoning Board of Adjustment or any court; and
   4. All appeal periods relating to the said application have expired.

F. Outcomes
   1. If the Commission grants a Certificate of Appropriateness to the violator for the unauthorized work, then the violator shall no longer be deemed to be in violation of this article.
2. If the Commission grants a Certificate of Appropriateness to the violator subject to certain conditions, then the violator shall be deemed to have cured the violation only upon its timely satisfaction of the said conditions in accordance with the requirements of the Commission.

3. If the Commission denies a Certificate of Appropriateness to the violator for the unauthorized work, then the violation shall still exist, and the violator shall be subject to appropriate enforcement action as prescribed below.

G. If a violation involves ongoing unauthorized construction or demolition work, the administrative officer shall immediately issue a stop construction order in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq.

H. In the event that the violator fails to file a timely application for a Certificate of Appropriateness after having been served with a notice of violation as set forth above, or in the event that there is no longer any stay of enforcement activity in effect as set forth above and the violation is still deemed to be in existence, then the Historic Administrative Officer shall cause to be issued a summons and complaint, returnable in Municipal Court, charging violation of this article.

1. Each separate day that the violation exists shall be deemed to be a new and separate violation of this article.

§148-26 Penalties

A. Any person who commits a violation of this article shall, in the discretion of the municipal court judge, be subject to penalties as follows:

1. For each day up to 10 days: a fine of up to one thousand dollars ($1,000.00);

2. For each day between 11 and 25 days: a fine of up to one thousand two hundred ($1,200.00) dollars per violation or in the maximum amount then in effect pursuant to state statute; and

3. For each day beyond 25 days: imprisonment for a period not to exceed 90 days a fine pursuant to Section the above, or both, and/or be required to immediately correct, abate and/or restore the premises or property to its previous condition.

§148-27 Injunctive Relief

In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the Historic Administrative Officer shall cause to be instituted any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or site or to prevent any illegal act, conduct, business or use in or about such premises as follows:
A. If any person shall undertake any activity requiring a permit, report or Certificate of Appropriateness of the Commission without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval and be required to immediately correct, abate and/or restore the premises or property to its previous condition pending such approval. If the work is denied, he or she shall immediately restore the building, structure, object or site to its condition prior to any such activity. The Historic Administrative Officer is hereby authorized to seek injunctive relief regarding a stop action or restoration in the Superior Court not less than 10 days after the delivery of notice pursuant to subsection B below.

B. In the event of the threat of imminent action or demolition for which the necessary approvals have not been granted and which action would permanently and adversely change a landmark or any building, structure, object or site located within a landmark district, the Historic Administrative Officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.

ARTICLE VII PREVENTITIVE MAINTENANCE, NOTICE OF VIOLATIONS

148-28 Maintenance

A. It is a high priority of the City Council of Atlantic City to encourage preventative maintenance to ensure the continued useful life of the City’s historic Buildings, structures, objects and sites.

B. In the event that any historic landmark or any building, structure, object or site located within a historic district deteriorates to the point that, in the best estimate of the Historic Administrative Officer, the cost of correcting the outstanding code violations equals more than 25% of the cost of replacing the entire building, structure, object or site on which the violation occurs, the Administrative Officer shall:

1. Serve personally or by certified mail, return receipt requested, a notice on the owner of the property listing the violations, the estimate for their abatement and the replacement cost of the improvements and

2. Stating that, if the owner does not take all necessary remedial action within 60 days or such extensions as the Historic Administrative Officer may enter upon the property and arrange the abatement such violations and cause the cost thereof to become a lien on the property.

C. Upon receipt of such notice, the owner may, within 20 days after such receipt, notify the Historic Administrative Officer of his or her intentions to have a hearing as to the allegations and estimates set forth in the notice.

1. Such hearing shall be conducted by the Historic Preservation Commission and shall, so far as possible, be a formal adversary proceeding in which the Historic Administrative Officer shall establish the matters alleged in the notice by a preponderance of the evidence.

2. If a hearing is requested, the Administrative Officer will, within 10 days following the hearing, serve on the owner an opinion, in writing, setting forth his or her conclusions and the reasons therefor.

D. If the owner does not request a hearing, the findings of the Historic Administrative Officer set forth in the notice issued in §148-27 shall be binding, and the Historic Administrative Officer may take such necessary action as granted by the provisions of this article.
If the owner does not comply with the findings of the Historic Administrative Officer, the Historic Administrative Officer may enter onto the premises and, by use of municipal labor or outside contractors, or both, perform such work as is necessary to abate all violations.

3. The Historic Administrative Officer shall then certify to the City Council the cost of such work performed, plus all administrative, clerical, architectural, engineering and legal costs and overhead attributable thereto, and shall present the same to the City Council.

4. City Council may by resolution vote to cause the sum so certified to become a lien upon the property, payable with the next quarter's property taxes and, if not then paid, bearing interest at the same rate as delinquent taxes, and/or become subject to tax foreclosure in accordance with the state statutes governing the same.

ARTICLE VII: INTERPRETIVE STATEMENT

A. Nothing contained within this article shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or municipal ordinances or regulations.

B. In the event of any inconsistency, ambiguity or overlapping of requirements between the provisions of this article and any other requirements enforced by the municipality, the more restrictive shall apply, to the effect that state and/or federal legislation has not preempted the municipality's power to enforce more stringent standards.

C. These article requirements should not be viewed as requiring or prohibiting the use of any particular architectural style. The purpose is to honor and preserve the City’s past in a manner that keeps it compatible with and relevant to the present. To that end, new construction in or near an historic building, structure, object or site should not necessarily duplicate the style of the past but should be compatible with and not detract from the historic building, structure, site, object, neighborhood and its environment.
<table>
<thead>
<tr>
<th>COUNCIL MEMBER</th>
<th>AYE</th>
<th>NAY</th>
<th>N.V</th>
<th>A.B.</th>
<th>MOT.</th>
<th>SEC.</th>
<th>COUNCIL MEMBER</th>
<th>AYE</th>
<th>NAY</th>
<th>N.V</th>
<th>A.B.</th>
<th>MOT.</th>
<th>SEC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHENG</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MARSH</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DELGADO</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>RANDOLPH</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FAUNTLEROY</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>SHABAZZ</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KURTZ</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TIBBITT</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SMALL, PRESIDENT</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

X-Indicates Vote  NV-Not Voting  AB-Absent  MOT-Motion  SEC-Second

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on SEPTEMBER 18, 2019.
APPENDIX A
CERTIFICATE OF APPROPRIATENESS APPLICATION

Atlantic City Historic Preservation Commission
ADDRESS
PHONE NUMBER
Hours: 8:30 AM – 4:30 PM M-F

Name of Applicant: ______________________________________________________

Doing Business As (If Applicable): __________________________________________

Address of Applicant: ____________________________________________________

Telephone: __________________________ Email: ______________________________

Location of Property (If available include street address): Block: __________ Lot: __________
________________________________________________________________________

Relationship of Applicant to Property (Lessee, Contractor, Owner): __________

Are All Property Taxes Paid Up-To-Date? Date last paid: Sewer: _____ Water: _____ Taxes: ______

Property Owner’s Name (Print): _____________________________________________

Property Owner’s Name (Sign): _____________________________ Date: _____

• Attach separate page with general description of each modification/improvement proposed
• Attach Photos of the Existing conditions.
• For Major Application, attach Historic Preservation Application Checklist

Date Received: _______________ Date Complete: _______________

Classification: Major__________ Minor ____________

Determination: Denied ______ Approved_______ Conditional Approval ______________

Historic Administrative Officer (Sign): __________________________________________

Comments: ____________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________
### APPENDIX B
**HISTORIC PRESERVATION COMMISSION MAJOR APPLICATION CHECKLIST**

<table>
<thead>
<tr>
<th>ALL HISTORIC DISTRICT COMMISSION APPLICATIONS SHALL INCLUDE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Property information, including zone of property and block/lot.</td>
</tr>
<tr>
<td>2. Applicant and owner contact information.</td>
</tr>
<tr>
<td>3. Application fee and escrow fee (if required) paid to Atlantic City</td>
</tr>
<tr>
<td>4. Applicant’s verification signature and owner’s authorization signature.</td>
</tr>
<tr>
<td>5. Photographs showing existing condition of the entire building façade; and</td>
</tr>
<tr>
<td>6. Close-up photographs showing details of the area of work.</td>
</tr>
<tr>
<td>7. Digital copy of all plans submitted by Applicant.</td>
</tr>
</tbody>
</table>

### SIGNAGE AND AWNING APPLICATIONS must also include the following:

| 1. Photo montage with sign or awning drawn or photo-manipulated/ photoshopped in the exact location proposed. |
| 2. Proposed sign material noted (i.e., wood, acrylic, PVC) or awning fabric sample and measured drawings showing height and width dimensions of proposed sign or awning. |
| 3. Section drawing showing side view and projection of proposed sign or awning from the building façade and method of installation of sign or awning onto storefront or sign band. Note the storefront material (for brick buildings, signs should be attached in the mortar); and |
| 4. Dimensions and size calculations of proposed signage. |

### LIGHTING APPLICATIONS must also include the following:

| 1. Detail photographs of area of attachment; |
| 2. Manufacturer’s information/cut sheets of type of fixture to be used. |
| 3. Photomontage of proposed lighting, showing where it attaches to the building; and |
| 4. Details showing dimensions of proposed light fixtures including the distance the lights will project from the facade, height above the street or sidewalk, any supports or framing; location of electrical conduits, and how the light fixtures will be mounted to the exterior wall. |

### WINDOW APPLICATIONS must also include the following:

<p>| 1. Photographs of each existing window to be altered. |
| 2. Note if the replacement proposed is of the entire window frame or sash only. |
| 3. Photo or drawing showing as-built/existing windows to be replaced, including a cross-section of existing window as-built, showing head, jamb and sill. |
| 4. Details showing proposed windows, including a cross-section of proposed window showing |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>head, jamb and sill (manufacturer’s cut sheets are acceptable if they show dimensions).</td>
</tr>
<tr>
<td>5.</td>
<td>Documentation about the original windows, photographs or typical windows for the historic period (if available and only necessary if the existing are not historic windows); and</td>
</tr>
<tr>
<td>6.</td>
<td>Conditions statement describing the type and extent of deterioration justifying the window removal.</td>
</tr>
<tr>
<td><strong>APPLICATIONS FOR NEW STOREFRONTS, FAÇADE ALTERATIONS/RESTORATIONS OR NEW CONSTRUCTION/ADDITIONS</strong> must also include the following:</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>For new construction:</td>
</tr>
<tr>
<td>2.</td>
<td>Photographs of the existing structure, with “detail” photos of the specific facades and architectural features (doors, windows, railings, siding, roofing, paving, etc.) that are to be altered or repaired; If the proposed project is within any historic district, applicants must include photographs of adjacent structures and the existing streetscape taken from across the street.</td>
</tr>
<tr>
<td>3.</td>
<td>Existing exterior elevation drawings.</td>
</tr>
<tr>
<td>4.</td>
<td>Scaled construction drawings showing proposed alterations of the relevant façade(s) and architectural features. If the proposed project is located within a historic district, applicants must include a streetscape elevation and/or a color rendering showing the new development in the context of neighboring buildings, structures, and sites. Three-dimensional models are optional.</td>
</tr>
<tr>
<td>5.</td>
<td>Photo montage, renderings, and color elevation drawings of the proposed façade(s).</td>
</tr>
<tr>
<td>6.</td>
<td>Descriptions of the materials, size, and spacing of architectural features that are to be altered or repaired, their present condition, and the reasons for their proposed alteration or repair.</td>
</tr>
<tr>
<td>7.</td>
<td>Detailed specifications, cut sheets, manufacturer’s product information, and mock-up boards for all proposed exterior materials and color palettes, including dimensions, compositions, application methods, and recommended uses; samples of the proposed materials may be required.</td>
</tr>
<tr>
<td>8.</td>
<td>Specifications, cut sheets, and manufacturer’s product information for all exterior lighting proposed.</td>
</tr>
<tr>
<td>9.</td>
<td>Specifications for any proposed masonry patching, brick repointing, mortar analysis, brick replacement, and façade cleaning.</td>
</tr>
<tr>
<td>10.</td>
<td>Specifications, cut sheets, and manufacturer’s product information for any proposed exterior coatings, waterproofing measures, or chemical solutions to be applied.</td>
</tr>
<tr>
<td>11.</td>
<td>Scaffolding drawings (if applicable).</td>
</tr>
<tr>
<td><strong>RELOCATION OF EXISTING STRUCTURES</strong> must also include the following:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Appendix B: Historic Preservation Major Application Checklist</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>1.</td>
<td>Photographs of the existing structure and adjacent buildings, and the proposed relocation site and its adjacent buildings.</td>
</tr>
<tr>
<td>2.</td>
<td>Statement of the need / purposes for the proposed relocation, and any alternatives to relocation that were considered by the applicant.</td>
</tr>
<tr>
<td>3.</td>
<td>Estimated damage to the structure or loss of any of its architectural elements that may result from the proposed relocation (if any alterations are proposed to the structure after relocation, applicant must meet the requirements of the sections above).</td>
</tr>
<tr>
<td>4.</td>
<td>Description of the relocation process and timeframe, including moving the building intact; numbering and disassembling; and storage security before reassembly; and</td>
</tr>
<tr>
<td>5.</td>
<td>Site plan for the existing structure, as well as the site plan for the structure on the proposed relocation site.</td>
</tr>
</tbody>
</table>

**DEMOLITION OF STRUCTURES** must also include the following:

<table>
<thead>
<tr>
<th></th>
<th>Appendix B: Historic Preservation Major Application Checklist</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Complete photography record of all exterior elevations, interior spaces, and important details of all existing structures and any adjacent properties.</td>
</tr>
<tr>
<td>2.</td>
<td>Statement of the need/purposes for the proposed demolition.</td>
</tr>
<tr>
<td>3.</td>
<td>In any instance where there is a claim of no other alternative to demolition, the applicant shall provide written documentation of good faith attempts to sell the building at a reasonable and comparable amount or to offer it without charge to purchasers willing to move the building to another location and preserve, rehabilitate, relocate, or restore the building. A reasonable and comparable sales price shall be indicated by providing evidence such as recent appraisals, comparable values of properties similar to the building proposed to be demolished or other evidence the commission deems acceptable.</td>
</tr>
<tr>
<td>4.</td>
<td>Written and pictorial record of the building’s history and architectural features for archival purposes, including, without limitation, the dates of original construction of the building or structure to be demolished, original documents, maps, drawings, photographs, the square footage or dimensions of the building or structure to be demolished, a brief description of the materials, configuration and use of the existing building or structure, significant events and occupants associated with the history of the building or property, architectural features, and a description of the building through photographs, plans, and maps.</td>
</tr>
</tbody>
</table>