

Sec. 17-32#. -CC1 community character protection district.

(a) Creation of overlay district and application of measures for community character protection.

(1) The -CC1 overlay district is intended to minimize the possibility that demolition and construction activity within a residential community would drastically negatively affect the existing character of that community. (2) The -CC1 designation and the associated measures for community character protection are not intended to be utilized as a stand-alone zoning district classification, but as a set of regulations which are overlaid and supplemental to the regulations of the existing zoning district.

(3) The -CC1 district shall apply to property zoned or used residentially.

(b) *Limits to demolition.*

(1) The city shall not issue a demolition or relocation permit for any structure 50 years old or more within any geographic area to which this overlay applies without prior review and approval by the design development review commission (DDRC) unless the structure is deemed "noncontributing" in accordance with subsection 17-655(a)(2) by city staff. City staff may review and approve the demolition or relocation of a structure deemed "noncontributing" in accordance with subsection 17-655(a)(2).

(2) The age of a structure shall be established by the records maintained by the Richland County Assessor's Office. If the age of the structure cannot be established by the records maintained by the Richland County Assessor's Office, the applicant for a demolition or relocation permit shall present other documentation to the city to establish the age of the structure.

(3) Where prior review and approval by the DDRC is required, the applicant for a demolition or relocation permit shall submit an application for certificate of design approval to the DDRC.

(4) The property upon which the structure is located shall be posted with notice of the application to demolish or relocate at least fifteen days prior to the consideration of the application by the DDRC.

(5) For applications to demolish a structure, the DDRC shall apply the criteria for review of requests for demolition permits as set forth in subsection 17-674(e).

(6) For applications to relocate a structure, the DDRC shall apply the Guidelines for Relocation as published by the DDRC.

(7) If an application for a demolition or relocation is denied, the applicant may appeal to city council pursuant to section 17-677.

(8) The following demolitions are exempt from this section:

a. Partial demolitions where city staff determines that the portion of structure to be demolished does not contribute to the design integrity of the structure or the character of the structure.

b. Demolitions ordered by the city to remedy a life or safety issue.

c. Demolitions ordered by the city as a conclusion of a property maintenance or housing code case.

d. Demolition requested within an application to rezone the property to PUD and the application for a PUD is approved by city council.

(9) Demolition or relocation without a permit or certificate of design approval as required by the provisions of this ordinance shall be unlawful. Any person demolishing or relocating without a permit or certificate of design approval as required by the provisions of this section shall be subject to the penalties provided for in section 17-656.

(c) *Limits upon new construction and subdivisions.*

(1) *Side yard setbacks.* Within any geographic area to which this overlay applies, the side yard setbacks for a newly subdivided residential lot shall be the mean side yard setback for all improved residential lots within a 750-foot radius, except that:

a. Side yard setbacks for newly subdivided residential lots subdivided from a corner lot shall be determined pursuant to subsections (2), (3) or (4) below.

b. Side yard setbacks shall not reduce the width of a building pad upon a newly subdivided residential lot to less than 30 feet in width.

c. Side yard setbacks upon a newly subdivided residential lot shall not be less than five feet unless reduced by an approved PUD or variance.

(2) *Subdivisions of improved corner lots.* Within any geographic area to which this overlay applies, the following shall apply to an application to subdivide a new residential lot from an improved corner lot:

a. If the application for subdivision seeks to orient a structure perpendicular to the existing structure located upon the "remaining" corner lot, no new lot line shall be closer to the existing structure than 30 feet. Covered or enclosed landings, porches, or patios incidental to the structure and less than 75 square feet gross floor area may encroach into this thirty-foot setback. (See Figure 1)

c. Side yard setbacks shall be established pursuant to subsection (1) above.

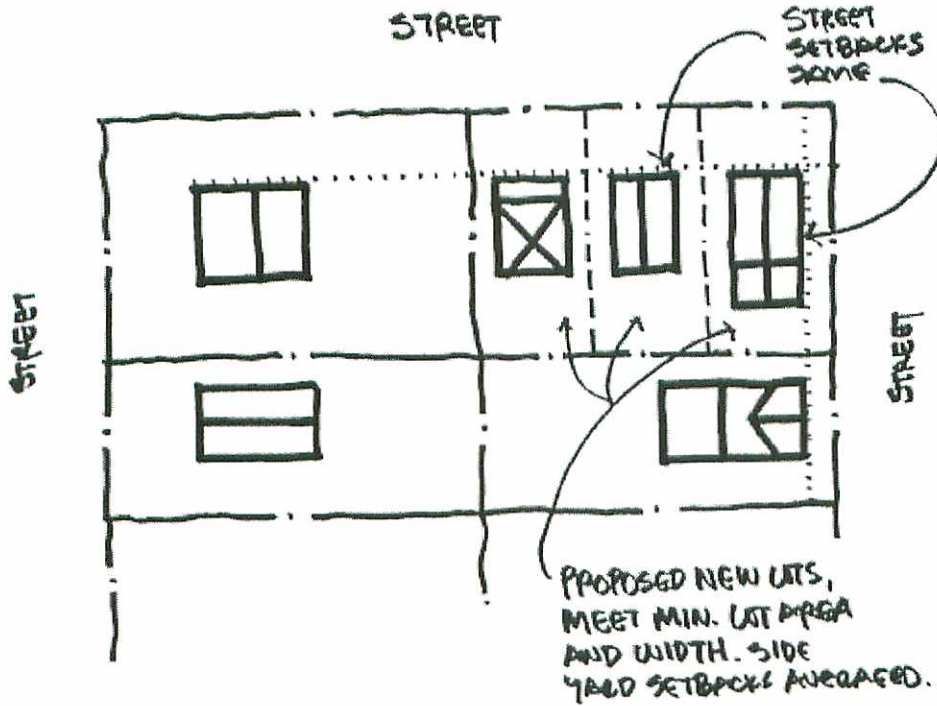


Figure 3

(4) *Subdivisions of corner lots, generally.* The zoning administrator may require a different orientation or setback than that required by this ordinance or by section 17-275, 17-276, or 17-278 if a different orientation or setback would further the intent of these measures, or where such orientation would preserve a grand and/or significant tree. The applicant for subdivision may appeal this determination to the board of zoning appeals as an appeal from an administrative decision of the zoning administrator.

(5) *Height considerations.* Within any geographic area to which this overlay applies, any structure constructed upon a newly subdivided residential lot which is contiguous to a lot upon which a structure 1½ stories high or less exists shall be no higher than a line drawn at a 45-degree angle from a point eight feet above the common lot line or than the maximum allowance within the underlying zoning district, whichever is less. These provisions shall not apply to chimneys and other unoccupied appurtenances attached to the structure. (See Figure 4)

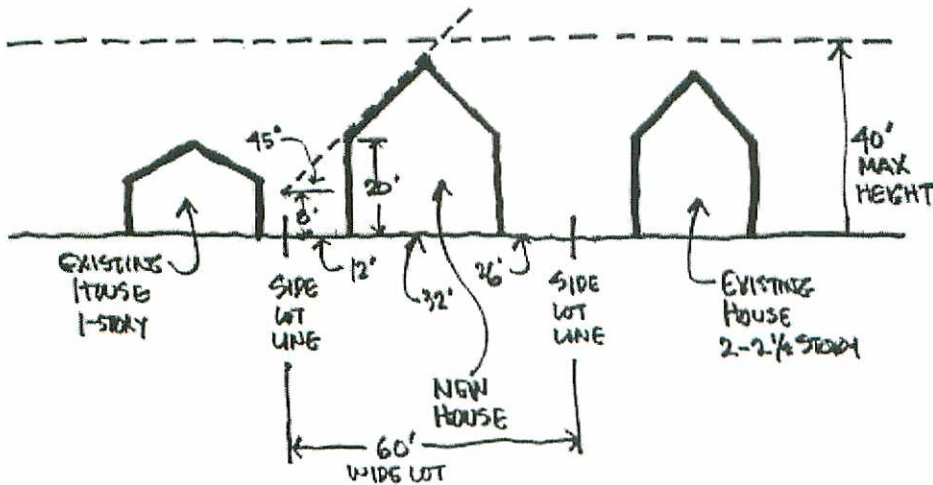


Figure 4