

**APPLICATION FOR APPROVAL OR PERMIT FROM
PLANNING AND ZONING COMMISSION
CERTIFICATE OF APPROPRIATENESS**

NAME OF APPLICANT: _____

DOING BUSINESS AS (if applicable): _____

LOCATION OF PROPERTY: _____

INDICATE INTEREST HELD IN PROPERTY: _____

GENERAL DESCRIPTION OF PROJECT WITH DRAWINGS AS APPROPRIATE TO APPLICATION:

ESTIMATED STARTING DATE _____ **ESTIMATED COMPLETION DATE** _____

**WHO WILL APPEAR AT EITHER PLANNING & ZONING OR HISTORIC PRESERVATION MEETING
(Person must have authority to agree to change in plan if required for commission approval):**

NAME _____
ADDRESS _____
TELEPHONE _____

SIGNATURE OF OWNER: _____ **DATE** _____

SIGNATURE OF APPLICANT: _____ **DATE** _____

Received by: _____ **Date:** _____

Cert. of Appropriateness No. _____

To be discussed at meeting on: _____ **Time:** _____

Notice provided by: Mail _____ Hand-delivered _____

P&Z/HPC: Approved _____

Modified _____ **Denied** _____ **Tabled** _____ **Interim** _____ **Date** _____

Building Permit No. _____ **Approved** _____ **Issue Date** _____

City of Wallace Planning and Zoning and Historic Preservation

Frequently Asked Questions

What is “Planning and Zoning”?

Usually grouped together, the general function of planning and zoning (P&Z) is to establish basic rules for what can be built where and what it can be used for, in order to prevent conflicts between uses (a new gas station in the middle of a quiet residential neighborhood, for example) and preserve quality of life and property values. By state law, all Idaho cities must have planning and zoning, although they are not required to have a separate P&Z commission. In some smaller cities, the city council acts as the P&Z commission. Planning and Zoning are governed by Title 13 of the Wallace municipal code.

What is “Historic Preservation”?

As far as we know, Wallace is the only city in the country to be entirely listed in the National Historic Register. The purpose of the Register and of Wallace’s unique inclusion in it are beyond the scope of this FAQ, but one of the federal requirements for such a listing is that the city have an Historic Preservation Commission (HPC) to write and enforce standards that maintain the historic character of the listed buildings. Local HPCs have considerable discretion as to the details of the standards, where they apply, penalties for non-compliance, etc., but to be an Historic District we must have an HPC which must work to maintain the historical integrity of the District. In Wallace, the P&Z and HPC commissions are combined, due to the relatively small number of applications. Historic Preservation is governed by Title 12 of the Wallace municipal code.

What do I need approval for?

When in doubt, ask. In general, you need HPC approval (called a “Certificate of Appropriateness”) for anything that will change the external appearance of a building in Wallace. Ordinary repair and maintenance do not require approval, so long as the result is to restore the building to the condition (including color and materials) that it was in before it deteriorated or was damaged. Our HPC does not regulate interiors in any way. Demolitions and new construction also require HPC approval.

What does it cost?

There is no charge for a Certificate of Appropriateness. The charge for a variance application is \$20. Building permits that involve new construction or exterior changes require a Certificate of Appropriateness, but the fee charged is for the building permit itself, not for the Certificate of Appropriateness.

How long do I have to wait?

By law, the Commission must hold a hearing within 45 days of the receipt of an application, and notice of the application must be published in the paper at least 5 working days prior to the hearing. The Wallace P&Z and HP commission holds a scheduled hearing on the first Wednesday of each month, with occasional changes due to holidays. If you’re in a hurry to start your project, the key thing to remember is to get

your application in prior to the last Wednesday of the month. Once your application is approved at the hearing, your building permit application will be submitted to the building inspector. At that point, it may take up to a week to get your permit.

To expedite simple projects, the HPC has created a list of “pre-approved” items. If your project falls within the pre-approval criteria, the city clerk or P&Z Chair can give you a Certificate of Appropriateness immediately, without waiting for a hearing. Note that these projects still require a Certificate; pre-approval just makes getting the Certificate easier.

What do I need to submit with my application?

The commission needs enough information to understand what is being proposed. This is especially important if you can't come to the hearing in person. For simple projects, a brief description on the application form (e.g. “Replace existing roof with green steel.”) is adequate. For projects where an off-the-shelf commercial product (a fancy door, or a bay window, perhaps) is a major part of it, a copy of the manufacturer's drawing or photo should be included. For new construction or remodeling that involves moving walls or roofs, plan and elevation views should be included. If the existing footprint of the building will be enlarged, a site plan showing adjacent property lines is also needed. These drawings are normally needed for building permit purposes anyway, and the same ones will suffice for P&Z and HPC purposes. The Commission is not concerned with structural or interior details, but only with external appearances. Hand-drawn sketches are acceptable so long as they include enough information to make the design clear. Be sure to note materials (e.g. “brick”, “lap siding”, “wood shingles”, etc) and colors somewhere on the plans or in the note. On complex projects, it's best to talk with the P&Z Chair prior to the meeting to ensure that the application is complete and that it's likely to be approvable. The Chair does not have the authority to decide unilaterally what is or isn't acceptable, however and you always have the right to present anything you want to the Commission.

How do I know where my property lines are?

The usual approach is to look around and guess, hopefully with the cooperation of your neighbor. Fence lines, curbs, or seams between different styles of concrete are clues. Utility poles are often placed at the intersection of lot lines with the street right-of-way. Ideally, but not as often as we'd like, a survey monument (capped re-bar, piece of drill steel, nail in asphalt, scribed mark on a rock, etc) can be found. The GIS photo-overlays obtainable from the county planning department are notoriously inaccurate and are essentially useless for determining property lines on the small scale needed within the city. If there's any doubt, or prospect of a dispute, a licensed surveyor should be hired to find and mark the corners properly. The P&Z commission and the building inspector assume that the applicant knows where their lines and easements are. Permits of any sort do not constitute government certification of the location of property lines. If you build your new garage a foot over onto your neighbor's property because you didn't know where the lines were, it will be a civil matter for the two of you to settle. Any potential disputes about property lines, including easements, should be brought to the attention of

the P&Z commission in writing or in person at the public hearing. If there is sufficient confusion, approval may be delayed until the matter can be resolved.

I'm moving my sign from my old building to my new one. Do I have to get it approved? My sign looks just like the sign someone else has that you already approved. Do I have to get mine approved anyway? Yes. The Certificate of Appropriateness is for modification to a building. In terms of signs, that means how historically appropriate the sign will look on that building in that part of town. A sign that may be acceptable near a freeway ramp may not be acceptable in the downtown core, for example. The fact that a sign, or a similar sign, has already been approved elsewhere is a good argument in favor of it being approved in a new location, but it still needs to be considered in its new context.

Do I have to come to the hearing?

When in doubt, ask. It's always in your interest to come to the hearing. If the project is simple and is clearly explained in the application, you probably don't need to be at the hearing. The Chair can present your application to the Commission. The Chair cannot, however, explain what you meant when your application is unclear, or enter into any negotiations on your behalf in the event that Commissioners require changes in order to grant approval. If the application is for new construction or a major remodel, or seems to be considerably out of line with everything else in the neighborhood or you know there will be opposition from other citizens, it's particularly important you be at the hearing. If the application is unclear or is not approvable as written, it will probably be tabled until the next regular meeting. You may also send someone else to represent you, understanding that you will be bound by any changes they agree to make.

What if I don't like a P&Z or HPC decision?

Whether your application was denied, or someone else's that you didn't want was approved, you have the right to appeal any Commission decision to the city council within 45 days.

Design guidelines:

General: New construction and additions should be of a similar style to the existing building. A new garage should match the house, for example. The exact construction method need not be the same, but the general appearance should be similar. Some ways to do this include using the same type of siding (or at least same width and color), the same roof pitch and eave/gable overhang, and the same roofing material. The idea is to make it look like it could have been built at the same time as the rest of the building or other structures on the property. If there are no other structures on the property or original structures have been drastically altered, new construction should be consistent with styles found during the historic period of 1890-1920 described in the Historic Preservation Code, Title 12.

Roof: Roof lines probably say more about the historic style of a building than any other single item. During the historic period, long gables and eaves were common, often

supported by roof brackets in the Craftsman or Victorian styles. The overhanging roof served a practical purpose that is still valid today -- protecting the exterior of the house from rain and snow. Wooden windowsills and window frames last much longer if most of the rain is kept off of them. Roofs were generally built with a steeper pitch than is common today, due to a need to shed snow and rain despite imperfect roofing materials. By using a steeply-pitched site-built (stick-framed) roof rather than prefabricated trusses, it's also possible to create usable attic space for storage or an extra room. A window in the gable end can be the finishing touch to make a new building or an addition look as if it was built during the historic period.

Siding: During the historic period, home siding was usually milled wood boards or wood shingles of various profiles. Stucco was occasionally used, sometimes as an accent. Modern materials made of fiber-cement, metal, or vinyl if designed to simulate horizontal wooden plank siding can approximate the appearance of historical wood siding materials. Masonry, usually brick, is a common historic material that can still be used today. Metal-sided buildings are discouraged in the R0, R1, and GC zones.

Pre-approved items:

The following designs, materials, and colors are on the "pre-approved" list. That means that you can obtain a Certificate of Appropriateness immediately upon submission of an Application, if the City Clerk or P&Z Chair determines that the proposal falls within the pre-approval guidelines.

Paint: Any paint color on either of the two pre-approved color charts (available at City Hall). The paint does not have to be of the brand denoted by the chart, but merely has to be the same color.

Siding: Any type of horizontal siding, including wood, metal, vinyl, or fiber-cement ("Hardi-plank"), or wood or fiber-cement shingles. Vertical siding, including grooved plywood ("T-111"), ribbed or corrugated metal, or board-and-batten, are not pre-approved.

Roofing: Any wood or composition shingles, or metal roofing from the approved roofing chart. Almost all practical roofing materials are pre-approved.

Windows: Vertical slider windows, which may be single- or double-hung, with vinyl or wood frames, fitting their original wall openings. If windows will be of a different size or location than the originals, a hearing is required.

Fences: Fences made of vertical wooden boards of any size and spacing, provided the fence is no more than 4' high in the front yard or 6' high in the back yard and is painted a pre-approved color or left unpainted. Fence posts may be metal. Vinyl fences and all-metal fences, including wrought-iron and chain link, require a hearing.

Definitions:

Conditional use: Legal permission to use property for a purpose not listed in the “permitted uses” for that zone, but listed in the “conditional uses”. Title 13.6 lists conditional uses for each zone. Only listed conditional uses can be approved via a “conditional use permit”. There is a \$20 fee for the application.

Eave: The lower edge of a roof, parallel to the ground.

Easement: A recorded legal right for someone other than the owner of a property to use some portion of that property for some specific use. Typical easements are for “ingress and egress” to some adjoining property or the location of utility pipes or wires. Since new construction could easily impact existing easements, it’s important to be aware of them.

Fire wall: Although not strictly a P&Z matter, building codes require a “One hour fire wall” if a building wall is within 5 feet of a side property line. Among other things, this wall must not have any windows in it. A P&Z variance for side-yard setback does not negate this building code requirement.

Gable: The edge of a roof not parallel to the ground, often considered the “open” end.

Parapet: The portion of a wall that extends above the surface of a roof. In Wallace, most of the downtown buildings with “flat” roofs have masonry parapets around them.

Peak: The highest point or line of a roof, generally connecting the high points of two gable ends.

Permitted use: A use that is always allowed within a given zone. Title 13.6 lists permitted uses for each zone.

Rezone: A legal change in the zoning for a particular parcel. Rezones are generally hard to get, and “spot zoning” (changing the zoning of one parcel to something different from everything that surrounds it) is never allowed. There is a \$50 fee for the application.

Setback: The distance between the outside of the wall of a building and the nearest property line or street. In Wallace, setbacks in residential zones are generally 5 feet on the sides, 0 feet in the back, and 25 feet in the front. The front line is commonly the edge of the sidewalk furthest from the street. In commercial zones, there is generally no setback, even for houses that happen to be in that zone.

Variance: Legal permission to construct something not strictly in accordance with the planning and zoning rules. In Wallace, variances usually relate to setbacks. Variances are not automatic. The variance application explains what you need to show in order to be granted a variance. There is a \$20 fee for the application.

Zone: A group of properties, usually contiguous, in which a defined set of uses is permitted. Typical zones would be “commercial”, “industrial”, or “residential”. The city clerk can tell you what zone your property is in.

Title 13.3 gives many more definitions, including definitions of each type of permitted and conditional use.