**History Colorado Model CLG Preservation Ordinance – Limited**

**Section 1. General**

* + - 1. Purpose. The purpose of this ordinance is to enhance our community’s local resources and to promote public health, safety, and welfare of the city of [ ] (City) through:
				1. The protection and preservation of the City’s architecture, culture, and heritage as embodied in designated buildings, structures, sites, objects, and districts, by appropriate regulations and incentives;
				2. The enhancement of property values and the stabilization of historic neighborhoods; and
				3. The establishment of the City’s Historic Register listing designated buildings, structures, sites, objects, and districts.
			2. Intent. The intention of this ordinance is to create a reasonable balance between private property rights and the public interest in preserving the City’s unique historic character through the nomination of buildings, structures, sites, objects, and districts for preservation.

**Section 2. Historic Preservation Commission**

1. Creation. There is hereby established a Historic Preservation Commission, which shall be appointed by the council of the city (City Council), and hereinafter referred to as the “Commission.”
2. Composition. The Commission shall be composed of five voting members, all of whom have demonstrated interest in, competence with or knowledge of preservation.
3. Term of Office
	1. Members shall serve three year staggered terms from the date of their appointment; provided, however, that the initial appointment to the Commission shall consist of one appointment of a term of one year, two appointments of a term of two years, and two appointments of a term of three years.
	2. Members may continue to serve until their successors have been appointed.
4. Officers. The Commission shall, by majority vote, elect one of its members to serve as chairperson to preside over the Commission’s meetings, one member to serve as the vice-chairperson and one member to serve as Secretary. The members so designated shall serve in these capacities for terms of one year.
5. Quorum and Voting. A quorum for the Commission shall consist of a majority or 51% of the members. A quorum is necessary for the Commission to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.
6. Compensation. All members of the Commission shall serve without compensation except for such amounts determined appropriate, in advance, by the City Council to offset expenses incurred in the performance of their duties.
7. Powers and Duties. The Commission shall:
	1. Conduct surveys and create inventories of historic sites, properties, and areas for the purpose of defining those of Historic Significance.
	2. Review and determine qualifications of buildings, structures, sites, objects, and districts nominated for designation and recommend that the City Council designate by ordinance such buildings, structures, sites, objects, or districts qualifying for such designation.
	3. Recommend to the City Council the establishment of construction and Design Guidelines, consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, for review of proposals to alter, relocate, or demolish designated buildings, structures, sites, objects, or districts.
	4. Review and make recommendations on any application for alteration, relocation, or demolition of a designated building, structure, site, object, or district or planning and design project that may affect the character or integrity of the designated property or district.
	5. Participate in review of National Register of Historic Places nominations.
	6. Advise and assist owners on physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the City’s Historic Register, the Colorado State Register of Historic Properties, and the National Register of Historic Places.
	7. Develop and assist in public education programs on history, archaeology, and historic preservation.
	8. Advise the City Council on matters related to preserving the historic character of the City.
	9. Actively pursue financial assistance for preservation-related programs.
	10. Draft and recommend for adoption by the City Council such by-laws, operating policies, and other rules of procedure as the Commission may deem appropriate.
8. Meetings
	1. The Commission shall establish a regular meeting schedule with no less than four scheduled meetings per fiscal year.
	2. Minutes shall be kept of all Commission proceedings.
	3. All meetings of the Commission shall be open to the public.
9. Vacancies. Appointments to fill vacancies on the Commission shall be made by the City Council in the same manner as regular appointments.
10. Removal. Members of the Commission may be removed by the City Council with just cause.

**Section 3. Establishment of City Register and Designation Criteria**

1. The City Council hereby establishes [Name of Municipality or County] Register of Historic Places (the “City’s Historic Register”).
	1. Buildings, structures, sites, objects, hereinafter referred to as “property or properties,” or districts may be listed in the City’s Historic Register only if such property or district has been so designated pursuant to this ordinance.
	2. All properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the City’s Historic Register but are not designated until approval, pursuant to this ordinance, is obtained.
2. Eligibility Criteria
	1. Properties or districts shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
		1. Association with events that have made a significant contribution to history;
		2. Connection with persons significant in history;
		3. Distinctive characteristics of a type, period, method of construction, or artisan;
		4. Geographic importance; and/or
		5. Possibility to yield important information related to prehistory or history.
	2. A property or district may be exempted from the age standard if the City Council finds it to be exceptionally important in other criteria.
3. Integrity Criteria

All properties and districts shall be evaluated for their physical Integrity using the following criteria:

* 1. Location
	2. Design
	3. Setting
	4. Materials
	5. Workmanship
	6. Feeling
	7. Association
1. Historic Districts
	1. A district is a geographically definable area including a concentration, linkage, or continuity of properties within a specified period of significance. A district is related by a pattern of either physical elements or social activities. “Historic Significance” is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).
	2. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in property type, density, or Integrity.
	3. Properties that do not contribute to the Historic Significance of the district may be included within the district boundaries.

**Section 4. Designation Procedure**

1. Nomination and Application
	1. Applications shall be submitted to the [Community Development Department, Planning Department, City Clerk] for consideration on a form provided by the Commission.
	2. A nomination for listing in the City’s Historic Register may be made:
		1. By the owner or owners of the property or properties to be designated;
		2. By a member or members of the Commission; and/or
		3. By a member or members of City Council.
	3. Where nominated by someone other than the property owner or less than all of the property owners in a district nominated for designation, the City or at least one member of the Commission shall contact the owner or owners of such property or properties nominated for designation in writing, outlining the reasons and effects of designation on the City’s Historic Register within 30 days of receipt of nomination.
	4. Applications determined incomplete shall be returned to the applicant within 30 days with a request for additional information.
		1. Applications for an individual property nomination shall not be complete without written consent of all owners of the property.
		2. Applications for a district nomination shall not be complete if more than 25% of the property owners within the proposed district oppose the nomination in writing or through ballot prepared and administered by the City.
2. Designation Hearing
	1. Within 45 days after an application is determined complete, or within a time frame agreed upon by the applicant and the City, a public hearing shall be held by the Commission.
		1. The Secretary shall provide notice of the date, time, and location of the public hearing to the applicant, the owner or owners of record, the owners of adjacent properties and, if known, to other persons having a legal or equitable interest in the properties or district nominated for designation at least 10 days prior to the hearing.
		2. A legal notice indicating the nature of the hearing, the property involved, and the time, date, and place of the scheduled public hearing, shall be published in the City’s publication of record at least 10 days prior to the hearing.
		3. The notice shall be posted at the property’s physical location at least 10 days prior to the hearing.
	2. A hearing may be continued. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 30 days without the express consent of the applicant.
	3. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation.
	4. Transcripts of the hearings are not required; however, the Commission’s records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an owner or holder of some interest in the property or district nominated for designation, or represents such owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing.
3. Commission Review
	1. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this ordinance.
	2. The Commission shall recommend:
		1. Approval;
		2. Approval with conditions; or
		3. Denial of the application.

The Commission shall set forth in writing its findings of fact which constitute the basis of its recommendation.

* 1. If the Commission approves an application or approves an application with conditions, the Commission shall forward the application with a copy of its report and findings of approval to the City Council.
	2. If the Commission denies an application, the Commission must notify, in writing, the City Council and the applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.
	3. The Commission may issue an order continuing the nomination process if the Commission finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 30 days without the express consent of the applicant.
1. City Council Proceedings
	1. Within 30 days after receipt of the Commission’s approval of an application, the City Council shall hold a public hearing to consider adopting by ordinance those properties qualifying for designation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities assigned therein to the Secretary.
	2. The City Council shall review the application for conformance with this ordinance.
	3. The City Council shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the Commission’s recommendations.
	4. The City shall provide a copy of the results of the City Council’s final action to the applicant/applicants, all owners of record, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing to receive the same.
2. Recording of Designation. Within 30 days of the effective date of an ordinance designating a property or district for preservation, the City shall record the ordinance with the clerk and recorder of [name of county] County.
3. Records. The City shall maintain a current record of all designated properties and districts and pending designations.
4. Appeal of Commission’s Denial of Application
	1. Applicant(s) and/or owner(s) shall have the right to appeal such decision to the City Council by filing a written notice within 15 days after the date of receipt of the Commission’s denial. Such written notice shall specify the factual and legal basis for the appeal.
	2. Within 45 days after an appeal is received by the City Clerk, or within a time frame agreed upon by the Applicant(s) and/or owner(s) and the City, a public hearing shall be held by the City Council.
	3. Notice of the City Council’s consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities of the Secretary.
	4. The City Council may consider only the notice of appeal, the Commission’s reasons for denial of the application, and the comments related thereto made during the Commission hearing.
	5. If the City Council finds the Commission’s denial of the application was based on incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Commission, and if the correct or newly discovered information

could, in the opinion of the City Council, change the Commission’s denial of said application, then the entire matter shall be remanded by the City Council to the Commission for its consideration.

* 1. The decision of the City Council shall be final.
1. Amendment of Designation
	1. Designation of a property or district may be amended to add features or properties to such property or district under the procedures prescribed hereinabove.
	2. Upon the Commission’s decision to amend a designation, the Commission shall promptly notify the owners of the property and the City shall cause to be prepared a resolution including the legal description of the affected property or district stating notice of the amendment, and schedule the resolution for City Council review. Upon adoption by the City Council, the resolution shall be recorded.
2. Revocation of Designation
	1. If a designated property or district has been altered to a degree that it no longer retains its historic integrity, the owner may apply to the Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the City Council in the absence of the owner’s application to do so. The revocation application shall be reviewed under the same procedures described hereinabove.
	2. Upon the Commission’s decision to revoke a designation, the Commission shall promptly notify the owners of the property and the City shall cause to be prepared a resolution including the legal description of the affected property stating notice of the revocation, and schedule the resolution for City Council review. Upon adoption by the City Council, the resolution shall be recorded.

**Section 5. Alteration, Relocation, or Demolition of Listed Properties and Districts**

1. Requirements
	1. Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any designated property or property within a district (including non-contributing properties), the property owner(s) must first submit the proposed work to the Commission under this Section, as well as apply for any other permits required by municipal code.
	2. The City shall review any building permit application received to determine whether the property is a listed designated property or located in a designated district and if so, if the applicant has completed review by the Commission as required by this Section.
	3. No person shall receive a building permit to construct, alter, remove or demolish any property or other feature on a site, or element of a district nominated for designation after an application has been filed to initiate the designation of such property or district. No such building permit shall be approved while proceedings are pending on such designation.
2. Application
	1. A request for alteration, relocation, or demolition shall be initiated by the property owner(s) or their representative. Such application shall be submitted to the City for consideration on a form provided by the Commission. The application should include without limitation and as applicable, a description of the type of work proposed and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail.
	2. If the City determines the application is complete, the City shall refer the application to the Commission. If the City determines the application is incomplete, the applicant shall be advised of the reasons in writing within 30 days of submittal.
3. Alteration, Relocation, or Demolition Hearing. Within 45 days after an application is determined complete by the City, or within a time frame agreed upon by the applicant and the City, a public hearing shall be held by the Commission. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 4, Subsections 2(a) – (d).
4. Review Criteria. Compliance with any design guidelines adopted by the City and the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*.
5. Commission Review. The alteration, relocation, and demolition review process seeks to encourage maintenance, rehabilitation, additions, and construction in keeping with the *Standards* listed in Section 5, Subsection (4). However, the Commission shall only have the power to advise and make comments on the compliance of an application to these *Standards*. The Commission shall notify the applicant, the [Planning or Community Development] Director, the building official, and any other person who has requested in writing to receive the same within 30 days that the review has been satisfactorily completed.