

ARTICLE 2-66 Historic Preservation Commission

Sec. 2-66-10. Establishment; membership.

- (a) The City Council hereby creates an Historic Preservation Commission, which shall have principal responsibility for matters of historic preservation set forth in this Article and Section 10.03, Historic Preservation, of the *Land Use & Development Code* (LUDC), as amended from time to time, and all other ordinances, rules, regulations, policies, and procedures of the City related to preservation of cultural resources.
- (b) Except as provided in Paragraph (1) below, the Historic Preservation Commission shall consist of ~~seven (7)~~five (5) members. Members shall be residents of the City for at least one (1) year prior to their appointment and shall have a demonstrated interest or expertise in preservation-related disciplines, including but not limited to history, architecture, landscape architecture, architectural history, historic archaeology, urban planning, American studies, American civilization, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, finance, or law. The City Manager, or his or her designee, shall serve as a nonvoting member of the Historic Preservation Commission. In addition to the ~~five (5)~~seven (7) voting members and two (2) alternate members, the Mayor and City Council may appoint an Emeritus member in order to provide additional expertise, historical knowledge, and valuable input to the Commission. Similarly, a Youth Commission member may also be appointed by the Mayor and City Council to serve on the Commission at any time. A quorum of the Historic Preservation Commission shall be at least three (3) ~~four (4)~~ voting members.
 - (1) No fewer than ~~three (3)~~two (2) members of the Historic Preservation Commission shall be professionals, as described in Appendix 1, Historic Preservation Professional Qualifications, of the Colorado Certified Local Government Handbook, as may be amended from time to time.
 - a. The City Council shall, as much as is possible, appoint members to the Historic Preservation Commission who meet the qualifications for a historic preservation professional as described in Appendix 1, Historic Preservation Professional Qualifications of the Colorado Certified Local Government Handbook, as may be amended from time to time. Other suitable candidates for the historic preservation professional positions may be appointed to the Commission at the discretion of the City Council.
 - b. Professional members shall be exempt from the term limitation requirement referenced in Subsection (e). However, each member must still be appointed by the City Council for each consecutive term.
 - c. The City Council may appoint no more than three (3) members to the Historic Preservation Commission who reside outside of the City limits. Members who reside outside of the City limits may be appointed, if necessary, to fulfill historic preservation professional vacancies.
- (c) The City Council may appoint, in addition to the ~~five (5)~~seven (7) voting members of the Historic Preservation Commission, two (2) alternate members of the Commission for terms of four (4) years. The initial terms of the alternates shall be two (2) years and thereafter the terms of alternates shall be four (4) years. For the purposes of this provision, a term shall include the balance of an unexpired term by an alternate appointed to fill a vacancy if such unexpired term exceeds twenty-four (24) months.
 - (1) The alternates shall attend and participate in meetings of the Commission.
 - (2) Alternates shall not serve more than two (2) successive terms.

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- (3) The appointment and service of alternates shall be in accordance with the following subsections of this Section 2-66-10:
- a. Subsection (b) related to residency and expertise;
 - b. Subsection (d) requiring diligent efforts to expand and increase their expertise, professional development, and required attendance; and
 - c. Subsection (f) related to removal of members and filling of unexpired terms.
- (d) The commitment to maintain and enhance high standards of credibility, integrity, professionalism, ethics, and expertise is of paramount importance for every member of the Historic Preservation Commission. The City Council, public officials, citizens, City staff, and fellow colleagues depend and rely upon the expertise and integrity of the Historic Preservation Commission. In order to maintain the credibility required for those persons appointed to decision-making bodies, such as the Historic Preservation Commission, members of the Historic Preservation Commission shall make diligent efforts to expand and increase their expertise and professional development and to attend and participate in all regularly scheduled Commission meetings.
- (1) Professional development and training. Each member of the Historic Preservation Commission, at least once during their appointed term, shall attend an historic preservation conference or attend some form of formal continued professional development and training. Every effort should be made to attend a professional development event within the first year of the member's term.
 - a. Eligible professional development subjects will focus on contemporary skills and knowledge in the practices, theories, tools, techniques, and legal issues in the fields of historic preservation, urban planning, architectural history, archaeology, and history.
 - b. Failure of a member to attend at least one (1) eligible professional development program will disqualify that person from being eligible for reappointment to the Historic Preservation Commission.
 - (2) Attendance policy. Each member of the Historic Preservation Commission shall attend no less than seventy-five percent (75%) of all the scheduled Historic Preservation Commission meetings.
 - a. Failure of a member to attend at least seventy-five percent (75%) of the regularly scheduled Historic Preservation Commission meetings will disqualify that person from being eligible for re-appointment to the Historic Preservation Commission.
 - b. The City Council, at its own discretion, may elect to waive the attendance policy for Historic Preservation Commission members in the case of illness or some other extenuating circumstance.
- (e) The Mayor and City Council shall appoint the members of the Historic Preservation Commission. The terms of the members of the Historic Preservation Commission shall be four (4) years. Members shall not serve more than two (2) successive terms, except as otherwise noted for professional members in Subsection (b) (1) b. For the purposes of this provision, a term shall include the balance of an unexpired term served by a person appointed to fill a vacancy if such unexpired term exceeds twenty-four (24) months.
- (f) Members of the Historic Preservation Commission may be removed by the City Council, with or without cause. If a vacancy occurs on the Historic Preservation Commission, it shall be filled by the City Council for the remaining unexpired portion of the term.

Sec. 2-66-20. Powers and duties.

- (a) The Historic Preservation Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's

unique historic character. It shall have the following powers, duties, and rule-making authority, subject to approval by the City Council:

- (1) Advise the City Council on matters related to preserving the cultural resources and historic character of the City.
- (2) Recommend to the City Council policies, procedures, criteria, guidelines, and standards for the conduct of surveys and inventories of the cultural resources of the City, including identification of historic sites, structures, buildings, and districts.
- (3) Recommend to the City Council policies, procedures, criteria, guidelines, and standards to implement the identification, designation, and preservation purposes of LUDC Section 10.03, Historic Preservation, of this Code and all other ordinances, rules, regulations, policies, and procedures of the City related to historic preservation.
- (4) Recommend to the City Council policies, procedures, criteria, guidelines, and standards for granting or denying applications for Certificates of Appropriateness to alter, construct, repair, move or demolish designated historic sites, structures, or buildings.
- (5) Continue the process for the survey and inventory of cultural resources, including buildings, sites, structures and districts within the City for designation of Historic landmarks or Historic districts. All surveys shall be conducted in accordance with the policies, procedures, criteria, guidelines, and standards approved by the City Council and the Historic Survey Manual produced by the State Historic Preservation Officer. Surveys and inventories of cultural resources shall be for the purpose of defining those of historic significance and setting the priorities for determination of the importance of identified cultural resources.
 - a. The Historic Preservation Commission shall prepare a City Historic Properties Watch List. The Watch List shall include a list of properties that are older than fifty (50) years old. The Historic Preservation Commission shall then conduct a cultural resources survey to determine the historic significance, if any, each structure possesses.
 - b. Each structure shall be evaluated as to its historic significance and placed in a City Historic Properties Priority Matrix. The Priority Matrix shall include a list of those properties that, based upon the findings of the cultural resources survey, have been determined to possess some level of historic significance. This matrix shall identify basic levels of priority and rank the properties accordingly.
- (6) Review cultural resources nominated for designation as a historic landmark or historic district and recommend that the City Council either approve, approve with conditions, or deny the nomination for designation.
- (7) Review and make decisions on applications for Certificates of Appropriateness (COA) related to alterations, construction, repair, moving and/or demolition to a designated historic landmark or historic district.
- (8) Advise and assist owners of cultural resources and historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places and the Colorado State Register of Historic Properties.
- (9) Develop and assist in public education programs, including but not limited to walking tours, brochures, marker programs for historic properties, lectures, and conferences.
- (10) Actively pursue financial assistance for preservation-related programs.

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- (11) Make recommendations to the City Manager concerning the utilization of grants from federal, state, or local agencies, private groups, and individuals, and the utilization of budgetary appropriations to promote the preservation of significant cultural resources.
 - (12) Perform all actions and functions as authorized or directed by LUDC Section 10.03, Historic Preservation, of this Code and all other ordinances, rules, regulations, policies, and procedures of the City related to historic preservation.
 - (13) Such other and further duties and responsibilities as may be directed by resolution or ordinance of the City Council.

Sec. 2-66-30. Officers; procedures; bylaws.

- (a) The Historic Preservation Commission shall elect annually from its membership a chairperson and such other officers as may be required.
- (b) Rules of procedure and bylaws shall be adopted by the Historic Preservation Commission, provided that the rules of procedure and bylaws shall not be inconsistent with the City Charter, this Code or other policies established by the City Council.
- (c) The Historic Preservation Commission may appoint committees and committee members it deems necessary from both within and outside its membership.
 - (1) There shall be a COA/Demolition Review Committee of the Historic Preservation Commission consisting of the chair of the Commission, one (1) member of the Commission selected by the chair, the Historic Preservation Administrator, and the City Manager or his or her designee.

Sec. 2-66-40. Meetings records.

- (a) The Historic Preservation Commission shall adopt a regular meeting schedule, provided that in no event shall it fail to meet at least four (4) times in a calendar year.
- (b) The Historic Preservation Commission shall conduct all meetings in accordance with Section 24-6-402, C.R.S., Open Meetings Law.
- (c) The Historic Preservation Commission shall maintain records of all matters coming before it, including minutes of its meetings. Such records shall be open records in accordance with Section 24-72-201, et seq., C.R.S., as amended.
- (d) Opportunity shall be provided for all interested parties to express their opinions and provide evidence regarding proposed designation or designations of landmarks and/or historic districts. However, nothing contained herein shall be construed to prevent the Historic Preservation Commission from establishing reasonable rules to govern the proceeding of the hearings or from establishing reasonable limits on the lengths of individual presentations.