

ORDINANCE NO. 2012-1

AN ORDINANCE AMENDING ORDINANCE 2010-4
ESTABLISHING THE HISTORIC PRESERVATION COMMISSION

WHEREAS, Ordinance 2010-4 established the Town of Saguache Historic Preservation Commission and established procedures for historic building designations by said commission; and

WHEREAS, the procedure for public hearing **and public meetings as set forth** in said ordinance **has proven to be cumbersome**;

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Saguache that **Section III, Designation of Historic Landmarks, Historic Districts and Contributing Structures**, Ordinance 2010-4 be amended **to read as follows**:

Section III. Designation of Historic Landmarks, Historic Districts and Contributing Structures.

Designation Authorized.

Pursuant to the procedures hereinafter set forth in this section, the Saguache Town Board of Trustees may, by ordinance:

designate as a historic landmark an individual property or other feature;

designate as a historic district, an area containing a number of properties or features having special historical or architectural value;

designate as a contributing structure within a historic district an individual property or other feature.

Each designating ordinance shall include a description of the characteristics of the historic landmark, historic district or contributing structure which justify its designation, a description of the particular features that should be preserved and a legal description of the location and boundaries of the landmark, district or contributing structure. The designating ordinance may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the landmark, district or contributing structure.

Procedures for Designating Landmarks, Districts and Contributing Structures for Preservation.

A nomination for designation may be made by filing of an application with the Town of Saguache Clerk by any owner(s) of a proposed landmark, district or

contributing structure, any resident of the Town of Saguache or any Historic Preservation Commission member. Such application shall be made on a form supplied by the Commission and shall include indication of whether the nomination is being made with or without the consent of the owner(s). The Town Clerk shall refer the application for nomination to the chairperson of the Historic Preservation Commission within five (5) business days upon receiving such application.

Application fees. The Commission shall recommend a fee schedule and submit the schedule to the Town Board for approval. Initial nomination fees are established at \$25 with the owner's consent and \$50 without the owner's consent. Amendments to such fees and additional fees shall be established by Resolution of the Town Board. The approved fee schedule shall be printed on the application form.

Commission review with owner's consent. The Commission shall contact by mail the applicants and owner(s) of the nominated landmark, district or contributing structure, outlining the reasons and effects of such designation. The letter shall include the process that will be followed in considering the nomination. The Commission shall also notify the Town of Saguache Planning Commission.

The Commission shall review the application for conformance with the established criteria for designation and with the purposes of the section. The Commission shall recommend either approval, approval with modification(s), or disapproval of the proposal to the Town Board, which shall take final action on the proposal within sixty (60) days of receipt of the recommendation from the Commission.

The Commission shall forward with its recommendation the findings of fact that constitute the basis for its recommendation. Such findings of fact shall also become part of the Commission's minutes.

Commission review without owner's consent. It is the intent of the Commission and the Town Board to work with property owners on the designation process whenever possible. In cases where a nomination is made without the consent of the owner(s), the Commission and Board shall use the following criteria in addition to the nomination standards listed for "Commission review with owner's consent," above:

The property has overwhelming historic importance to the community. The term overwhelming significance shall, for purposes of this ordinance, encompass:

Possessing such unusual or uncommon significance that the property's potential demolition or major alteration would diminish the character and sense of place in the community of Saguache.

Possessing superior or outstanding examples of the architectural, social or geographic historic significance criteria outlined in the standards and criteria. The term "superior" shall mean excellence of its kind and the term "outstanding" shall mean marked by eminence and distinction.

If the owner of the property nominated for designation does not consent to the nomination, the Commission shall hold a public hearing on the proposal not more than sixty (60) days after the filing of the application.

At least fifteen (15) days prior to the hearing date, the Commission shall post the property in the application indicating that a landmark or historic district designation has been applied for and the date and place of the hearing; and send written notice of the hearing by certified mail to the owner(s) of record, as reflected by the records of the County Assessor, of all property included in the proposed designation. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. **At least 10 days prior to said meeting, public notice shall be given by publication.**

Within thirty (30) days after conclusion of the public hearing, unless otherwise mutually agreed by the Commission, the applicant and the owner(s),) the Commission shall recommend either approval, approval with modification(s), or disapproval of the proposal to the Town Board.

Within thirty (30) days after the date of any referral by the Commission to the Town Board, the Town Board shall consider the recommendations of the commission and, if the commission recommends approval, may thereafter enact an ordinance designating historical status.

THE TOWN BOARD FINDS THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY OF THE TOWN AND PRESERVATION OF THE SAFETY OF THE PUBLIC.

Read in full, approved and adopted this 19th day of March, 2012.

Milton Jones, Mayor

Theresa Garcia, Town Clerk

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the 19th day of March, 2012, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on _____.

Therese Garcia, Town Clerk