



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 12/28/2022      **In control:** City Council

**On agenda:** 1/17/2023      **Final action:** 1/17/2023

**Title:** Pass the ordinance amending Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) regarding the Designation of Landmarks and owner consent - PZC 22-1-113

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Revised Ordinance January 2023, 2. Pages from June 21 2022 CC Minutes (14), 3. 12.01.2022 DRAFT HPC Meeting Minutes, 4. PZC Meeting Minutes 12-7-22 DRAFT, 5. Public Comments 12.06.22

Date	Ver.	Action By	Action	Result
1/17/2023	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance amending Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) regarding the Designation of Landmarks and owner consent - PZC 22-1-113

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

**BOARD/COMMISSION REVIEW:**

The Historic Preservation Commission (HPC) reviewed PZC 22-1-113 at their December 1, 2022 meeting and recommended approval of the proposed amendment, with minor modifications (vote 8-0). The Planning and Zoning Commission (PZC) conducted a public hearing on the proposed amendment on December 7, 2022 and recommended approval as presented (vote 7-0). Staff concurs.

**BACKGROUND:**

Under New Business at its February 15, 2022 meeting, the City Council discussed the local landmarking process, property owner rights, incentives, and possible changes to the existing landmarking procedures. At the conclusion of the discussion, City Council directed staff to prepare a report regarding these items, including research regarding best practices in historic preservation.

A report regarding the items noted above was presented to the City Council on June 21, 2022. At the conclusion of the City Council's discussion (meeting minutes attached), the City Council directed staff to prepare an amendment to Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) requiring property owner consent in order for a landmark application to be filed. Council additionally requested that a process be created to allow City Council to consider whether an individual landmark

application should be allowed to be submitted without owner consent.

### **HPC Review**

Staff presented the proposed amendments to the Historic Preservation Commission (HPC) at their December 1, 2022 meeting. There were four public speakers at this meeting who noted their overall support for the proposed amendment. Two of these speakers noted minor corrections needed to the proposed ordinance (reference numbers, etc.), as well requested that the ordinance specifically note that a property owner can submit a landmark application for their property.

Following the public speakers, HPC discussed the proposed amendments and sought clarification on specific components being proposed. The Commissioners noted their overall support for the proposed changes finding that they provide a good compromise between the various interests involved in preservation discussions. Additional minor modifications were recommended to the proposed ordinance language.

At the conclusion of their discussion, the HPC made a motion to approve the proposed amendments to Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) with the inclusion of the minor modifications discussed during the meeting (approved, vote 8-0). The draft HPC meeting minutes are attached for reference.

Note: the draft ordinance attached to this agenda item includes the revisions recommended by the HPC on 12/1/2022.

### **PZC Review**

On December 7, 2022, the PZC conducted the public hearing regarding the proposed amendments to Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance). Following two public speakers, the PZC made a motion to approved PZC 22-1-113 as presented (approved, vote 7-0).

### **DISCUSSION:**

City Council conducted the first reading of the proposed amendment to Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) on December 20, 2022. Council requested that the ordinance be amended to incorporate the following changes:

- Include a stipulation that landmark applications be made in good faith so as to avoid the use of the ordinance provisions to block future legitimate applications.
- Amend the following required timeframes:
  - o Decrease the time period for a landmark applicant to notify the City Council of their Request to Submit a Landmark Application without Owner Consent *from 45 days to 14 days*.
  - o Decrease the time period for the City Council to raise the Request to Submit a Landmark Application without Owner Consent under New Business *from 45 days to the first or second regular Council meeting* after the request is received.
  - o Decrease the time period for which City Council approval of a Request to Submit a Landmark Application without Owner Consent is valid *from 60 days to 45 days*.

The revised draft ordinance, which incorporates the revisions recommended on December 20, is attached for City Council's review (new provisions are underlined; deleted provisions are ~~stricken~~ in the attached).

Staff recommends adoption of the proposed ordinance on January 17, 2023.

**FISCAL IMPACT:**

N/A