

RULES OF PROCEDURE

CITY OF LOUISVILLE

HISTORIC PRESERVATION COMMISSION

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I. APPLICABILITY OF RULES; DEFINED TERMS

In addition to any other rules, laws, ordinances, resolutions or regulations which may be applicable, these rules shall govern all proceedings before the Historic Preservation Commission of the City of Louisville. Terms used herein that are defined in Section 15.36.020 of the Louisville Municipal Code (“City Code”) shall have the meaning ascribed in such section.

II. EFFECTIVE DATE

The effective date of these rules shall be August 8, 2005.

III. MEETINGS

A. Unless otherwise noticed, regular meetings of the Commission shall take place at 7 p.m. at the Louisville City Hall, on the 2nd Monday of each month. The notice and agenda for each Commission meeting shall be posted in accordance with the City Charter, and published on the City’s website, at least 72 hours prior to the meeting.

B. All meetings of the Commission shall be open to the public. If applicants or members of the public wish to submit written or photographic materials to the Commission, they are encouraged to submit them prior to the meeting (preferably by the Thursday before a regular meeting) to allow advance review by the Commission. Electronic submission of such materials is encouraged but not required.

C. Minutes shall be kept of all Commission proceedings, and a copy of the approved minutes of each meeting shall be sent to the Colorado State Historic Preservation Office. For any public hearing, the minutes shall reflect the action/decision of the Commission, as well as the findings of fact and the criteria that form the basis for the action/decision.

D. A quorum for the Commission shall consist of a majority of the regular membership (excluding vacant seats). A quorum is necessary for the Commission to hold a public hearing or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

E. Except as may otherwise be provided by these Rules, all action by the Commission relating to an application set for a public hearing shall be preceded by a formal motion stating the proposition to be determined by the Commission. Each such motion shall be seconded by another member of the Commission before submission of the proposition to a vote of the members.

F. Exhibits may be submitted to the Commission during any public hearing or meeting as allowed by the Commission.

G. Special Meetings

1. A special meeting may be called by City Staff on the request of the City Manager, City Council, or any four members of the Commission, and may be scheduled and held at any time on at least 72 hours written notice to each member of the Commission. A special meeting shall not be called unless:

a. Each person requesting the meeting has determined that the meeting is necessary in order to take action on an unforeseen matter requiring immediate attention; and

b. The basis for the determination described in Paragraph (a) is included in the notice of meeting.

2. The meeting notice shall be served personally or left at the member's usual place of residence, and if possible also by electronic mail. The notice need not be served if the member has waived the service requirement in writing.

3. The Commission shall not take action on any item of business at any special meeting, unless the item under consideration has been included in the notice of the meeting, or the item is reasonably related to the item stated in the notice.

IV. APPLICATIONS FOR DESIGNATION AS AN HISTORIC LANDMARK OR HISTORIC DISTRICT

A. If an application for landmark designation is submitted by someone other than the property owner, the City Manager or the Manager's designee shall randomly select a Commission member to meet with the property owner, as required by Section 15.36.060.A of the City Code. If the first randomly selected Commission member is not available within a reasonable time, the City Manager or the Manager's designee shall continue to randomly select members until one is available.

B. Once the application is complete, notice of the public hearing shall be given as required by Section 15.36.060.B of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. The Chairman shall call the hearing to order.

2. All Commission members shall disclose any conflicts of interest pursuant to the City's Code of Ethics, and shall not participate in any proceedings in which they have an interest, as defined by the Code. Commission members shall also disclose on the record any ex parte contacts they have had regarding the application.

3. The applicant shall be invited to make a presentation. The applicant shall provide accurate factual information sufficient for the Commission to determine whether the application meets the applicable criteria. The Commission may limit the time for the presentation. The Commission may ask questions of the applicant and witnesses

4. Any members of the public who wish to testify shall be invited to do so. Speakers shall state their names and addresses. The Commission may limit the time for each person's comments and may limit repetitive testimony.

5. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and determine if the applicable criteria as contained in Section 15.36.050 of the City Code are met. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose. However, the Commission's decision to approve, modify and approve, or disapprove the proposal, and the recommendation to City Council, must be made within the time limits set forth in Section 15.36.060.B of the City Code.

6. The Commission's recommendation shall be reviewed by City Council as provided in Section 15.36.060.C of the City Code.

V. LANDMARK ALTERATION CERTIFICATES

A. When the Building Division forwards an application for a permit to carry out new construction, alteration, removal or demolition of a building or other designated feature of a landmark site or in an historic district, as required by Section 15.36.100.B of the City Code, or the Commission receives an application for a landmark alteration certificate, a person designated by the City Manager and two randomly selected members of the Commission shall review the certificate as required in Sections 15.36.110 & 120 of the City Code. If one or both of the Commission members are unable to participate in the review within seven days, the city staff designee shall continue to randomly select names until two members of the Commission are available.

B. If a public hearing is required, notice of the hearing shall be given as required by Section 15.36.110.D of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. The Chairman shall call the hearing to order.

2. All Commission members shall disclose any conflicts of interest pursuant to the City's Code of Ethics, and shall not participate in any proceedings in which they have an interest, as defined by the Code. Commission members shall also disclose on the record any ex parte contacts they have had regarding the application.

3. The applicant shall be invited to make a presentation. The applicant shall provide accurate factual information sufficient for the Commission to determine whether the application meets the applicable criteria. The Commission may limit the time for the presentation. The Commission may ask questions of the applicant and witnesses.

4. Any members of the public who wish to testify shall be invited to do so. Each speaker shall state their name and address. The Commission may limit the time for each person's comments and may limit repetitive testimony.

5. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and decide the matter according to the criteria set forth in Sections 15.36.110.E & F, 15.36.120, 15.36.150 and 15.36.180 of the City Code, as applicable. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose. However, the Commission's decision to approve, modify and approve, or disapprove the proposal must be made within the time limits set forth in Section 15.36.140 of the City Code.

6. If appropriate, the Commission shall issue a landmark alteration certificate as soon as is practicable after the Commission's findings are entered.

7. The decision of the Commission may be appealed to City Council as provided for by Section 15.36.160 of the City Code.

VI. EXEMPTIONS FROM AN ALTERATION CERTIFICATE

A. If the applicant is unable to meet the requirements for an alteration certificate, whether or not the applicant has sought an alteration certificate previously, the applicant may request an exemption from the alteration certificate requirement. The request must be in the form provided by the Commission.

B. Notice of the public hearing shall be given as required by Section 15.36.110.D of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. The Chairman shall call the hearing to order.

2. All Commission members shall disclose any conflicts of interest pursuant to the City's Code of Ethics, and shall not participate in any proceedings in which they have an interest, as defined by the Code. Commission members shall also disclose on the record any ex parte contacts they have had regarding the application.

3. The applicant shall be invited to make a presentation. The applicant shall provide accurate factual information sufficient for the Commission to determine whether the application meets the applicable criteria. The Commission may limit the time for the presentation. The Commission may ask questions of the applicant and witnesses.

4. Any members of the public who wish to testify shall be invited to do so. Each speaker shall state their name and address. The Commission may limit the time for each person's comments and may limit repetitive testimony.

5. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and decide the matter according to the criteria set forth in Section 15.36.130 of the City Code. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose. However, the Commission's decision to approve, modify and approve, or disapprove the proposal, must be made within the time limits set forth in Section 15.36.140 of the City Code.

6. If appropriate, the Commission shall issue an exemption certificate as soon as practical after the Commission's findings are entered.

7. The decision of the Commission may be appealed to City Council as provided for by Section 15.36.160 of the City Code.

VII. NEGLECT OF LANDMARKED PROPERTIES

If the owner of any landmarked property allows that property to suffer from neglect, as provided for in Section 15.36.190 of the City Code, the Commission shall discuss the matter at a public meeting. If the Commission determines that further investigation is necessary, the Commission shall appoint one or more members of the Commission or City staff to investigate the matter and report any findings at the next meeting on of the Commission. If appropriate, the Commission shall thereafter send a notice to the property owner, as provided for in Section 15.36.190.C of the City Code.

VIII. APPLICATIONS FOR PERMITS TO DEMOLISH OR RELOCATE NON-LANDMARKED PROPERTIES OVER FIFTY YEARS OLD

A. A City staff member and two randomly selected members of the Commission shall review all permit applications for demolition, relocation or removal of buildings that are over fifty years old within fourteen days after the Building Division accepts a completed permit application, as provided by Section 15.36.200 of the City Code. If one or both of the Commission members are unable to participate in the review within fourteen days, the city staff member shall continue to randomly select names until two members of the Commission are available.

B. If a public hearing is required, pursuant to Section 15.36.200.E of the City Code, notice of the hearing shall be given as required by Section 15.36.110.F of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. The Chairman shall call the hearing to order.

2. All Commission members shall disclose any conflicts of interest pursuant to the City's Code of Ethics, and shall not participate in any proceedings in which they have an interest, as defined by the Code. Commission members shall also disclose on the record any ex parte contacts they have had regarding the application.

3. The applicant shall be invited to make a presentation. The applicant shall provide accurate factual information sufficient for the Commission to determine whether the application meets the applicable criteria. The Commission may limit the time for the presentation. The Commission may ask questions of the applicant and witnesses.

4. Any members of the public who wish to testify shall be invited to do so. Each speaker shall state their name and address. The Commission may limit the time for each person's comments and may limit repetitive testimony.

5. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and decide the matter according to the criteria set forth in Section 15.36.200.G of the City Code. If the Commission determines that more evidence is

necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose.

6. If the Commission finds that the building to be demolished, relocated or removed does not have historical significance under Section 15.36.200.G of the City Code, it shall notify the Building Division as soon as possible. If the Commission finds that the building does have historical significance, it shall suspend the application for a period not to exceed 180 days from the date the permit application was accepted by the Building Division, to take measures as provided in Sections 15.36.200.I, J & L of the City Code.

IX. REVOCATION OF DESIGNATION

A. If an owner applies for revocation of a landmark designation pursuant to Section 15.36.210.A of the City Code, the Commission shall hold a public hearing.

B. Notice of the public hearing shall be given as required by Section 15.36.060.B of the City Code.

C. A record of the hearing shall be kept by electronic device. The hearing shall proceed in the following order:

1. The Chairman shall call the hearing to order.

2. All Commission members shall disclose any conflicts of interest pursuant to the City's Code of Ethics, and shall not participate in any proceedings in which they have an interest, as defined by the Code. Commission members shall also disclose on the record any ex parte contacts they have had regarding the application.

3. The applicant shall be invited to make a presentation. The Commission may limit the time for the presentation. The Commission may ask questions of the applicant and witnesses.

4. Any members of the public who wish to testify shall be invited to do so. Each speaker shall state their name and address. The Commission may limit the time for each person's comments and may limit repetitive testimony.

5. After all members of the public who wish to do so have spoken and the applicant has been given the opportunity to respond to the public comments, the Chairman shall close the public hearing. The Commission shall then discuss the application and determine whether without the demolished building or feature the site as a whole no longer meets the purposes and standards of landmark designation. If the Commission determines that more evidence is necessary, or that additional time is needed to prepare written findings and a decision, the hearing shall be continued for this purpose.

6. Upon a final decision to revoke a designation, the Commission shall propose a resolution to City Council, pursuant to Section 15.36.210.C of the City Code.

X. RULES OF EVIDENCE - GENERAL

In any proceeding governed by these Rules, the Commission shall not be required to observe formal rules of evidence. The Commission, in its discretion, may limit the presentation of evidence so as to prevent repetitive and cumulative evidence or examination. Questions concerning the competency of witnesses to testify, the materiality, relevancy, or competency of witness testimony, and other evidentiary matters will be determined by the Commission as said questions arise.

XI. CONFLICT OF LAW

Where any conflict exists between any provisions of these Rules and any City ordinance or resolution applicable to the Commission, such ordinance or resolution shall control over the provisions of these Rules and these Rules shall be deemed to have been amended to conform to such ordinance or resolution. It is the intent of the Commission that these Rules be interpreted so as to achieve a just and reasonable result and to not conflict with other ordinances and resolutions applicable to the Commission, including but not limited to Chapters 2.66 and 5.36 of the City Code and Resolution No. 34, Series 2002, as in effect from time to time.

Approved this 8th day of August 2005.

HISTORIC PRESERVATION COMMISSION
CITY OF LOUISVILLE, COLORADO

By: _____
Michael A. Koertje, Chairman