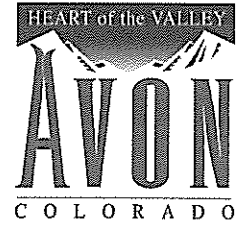



Memo



To: Planning and Zoning Commissioners

Thru: Matthew R. Gennett, Planning Manager

From: Matt Pielsticker, Planner II 

Date: February 19, 2008 Meeting

Re: Ordinance No. 08-02 (Historic Preservation)

Amendments & Additions to Avon Municipal Code - Title 17: Zoning

Introduction:

Please find draft Ordinance No. 08-02 attached to this Memorandum for your review and consideration. The Ordinance would amend Title 17: Zoning, by adding a new Chapter (17.50), titled *Historic Preservation Designated*. The Ordinance would also define the terms "Historic Preservation Committee" and "Historic Landmark."

The Ordinance was reviewed at your February 5, 2008 meeting. While no public input was received at the meeting, several comments and questions were received from the Commission, including the following:

- The Ordinance contains language that could lead to a "taking".
- An owner does not have any input or approval for their site or structure to be designated. Further, just compensation is necessary for owners.
- The purpose and intent statements are questionable; specifically, to protect the "Health, Safety, and Welfare..."
- Where does the 50-year timeframe come from?
- The intent of the Ordinance is genuine; however, the current Ordinance is not supportable.
- Perhaps 'Cultural Heritage Preservation' is a more appropriate title than 'Historic Preservation.'
- The Cultural Heritage section may be too subjective.

The Ordinance outlines the procedures in which sites or structures in the Town could be eligible for "Historic Landmark" designation, which is based upon the review of historic and architectural significance. Incentives for Historic Landmark designation and preservation are outlined in Chapter 17.50.040.

In the event the Historic Advisory Committee and Town Council were to designate a site/structure as a Historic Landmark, the Ordinance continues to outline criteria to be used when evaluating the alteration of Landmarks; criteria for relocation of structures; and the criteria for removal of Landmarks.

The attached Ordinance was drafted by the Historic Preservation Committee, and reviews and edits were performed by the Town Attorney and legal subcommittee. Their changes are reflected in the attached draft Ordinance. No changes were made to the Ordinance since the first Planning and Zoning Commission review, and there was a unanimous action to table in order to allow for Committee member(s) input. Please find a Memorandum from John Dunn, Town Attorney, addressing issues raised at your last meeting.

Historic Committee Background:

The Town Council expressed a value in historic preservation and stewardship of historic sites when the Historic Preservation Advisory Committee was established in 2005. The Historic Preservation Committee was formed by Resolution No. 05-13 on May 10, 2005, and serves as an advisory Committee for the purpose of promoting historical preservation in the Town. Town Council Resolution No. 05-13 is attached for reference.

The Committee meets quarterly and is charged with recognizing and recommending historic landmark structures and properties to the Town Council. When the Committee was formed, a "Heritage Fund" was created to fund their operation.

Revision Process:

According to the Avon Municipal Code Section 2.16.110 (2)), one of the duties held by the Planning and Zoning Commission is to:

"Review and recommend to the Town Council desirable or necessary modifications to the zoning ordinance, with appropriate regulations, which may be specifically provided or required by ordinance of the Town."

Initiation and amendment procedures are outlined in Title 17. Per Section 17.28.020 of the Municipal Code, amendments to the text of the zoning code may be initiated by the Planning and Zoning Commission. In order to amend the Zoning Code, the Planning and Zoning Commission must first hold a public hearing.

Recommendation:

Staff recommends that you hold a public hearing at the February 19, 2008 meeting, solicit input from the Committee, and deliberate on any possible changes. Once public comment is received and further evaluation takes place, staff will prepare a resolution for your endorsement and recommendation to Town Council at your March 4, 2008 meeting.

Attachments:

- Memorandum From John Dunn, Town Attorney, dated February 19, 2008
- Ordinance 08-02
- Town Council Resolution 05-14