

## ARTICLE XII. HISTORIC PRESERVATION COMMISSION\*

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**\*Editor's note:** Ord. No. 06-05, adopted May 23, 2005, added new provisions to the Code as Art. XII of this chapter. Ord. No. 06-05 furthermore stated that:  
"This ordinance shall take effect thirty (30) days after design guidelines are approved and adopted by the Court of Common Council. This ordinance shall terminate three years after it takes effect, unless it is extended or made permanent by action of the Court of Common Council."

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### Sec. 28-210. Findings.

The court of common council ("council") finds that there exists within the City of Hartford ("city"), many structures, parks, neighborhoods and other areas that have had historic, architectural and economic significance during Hartford's past and which can continue to contribute towards a healthy and thriving future for the city. The council finds that the city's ability to protect, preserve and effectively utilize its architectural and historical heritage and character for aesthetic and economic recovery will be enhanced by an historic preservation ordinance that establishes a mechanism to identify, preserve and enhance distinctive areas, sites, structures and objects that have historic, cultural, architectural and archeological significance. The council finds that the city derives much of its charm and unique appearance from its architecture and from its history, especially as a former center of manufacturing, finances and literature during the Victorian era. The council further finds that historic and architectural preservation is a means of promoting the general welfare of the city and its residents. In furtherance thereof and pursuant to its authority under the Charter of the City of Hartford and under the Home Rule Act, Connecticut General Statutes, section 7-148 the council has enacted this article. (Ord. No. 06-05, 5-23-05)

### Sec. 28-211. Purpose.

The purpose of this article is to promote the educational, cultural, economic, environmental, and general welfare of the city by:

- (a) Strengthening the city's economy by stabilizing and improving property values and economic activity through the adaptive reuse of historic structures;
- (b) Creating a mechanism to identify, preserve and enhance distinctive areas, sites, structures, features and objects that have historic, cultural, architectural and archeological significance;
- (c) Fostering appropriate use and wider public knowledge and appreciation of such areas, sites, structures, features and objects;
- (d) Protecting and enhancing the attractiveness of the city to homebuyers, homeowners, residents, tourists, visitors, businesses and shoppers;

- (e) Providing a resource for information, education and expertise to those interested in rehabilitation or construction in a historic district or of an historic structure;
- (f) Fostering civic pride in the city's history and development patterns;
- (g) Protecting and enhancing neighborhood character;
- (h) Fostering and encouraging preservation, restoration and rehabilitation that respects the historic, cultural, architectural and archeological significance of distinctive areas, sites, structures and objects; and
- (i) Applying design standards in a reasonable and flexible manner to prevent the unnecessary loss of a community's historical features and to ensure compatible construction and rehabilitation in historic districts while not stifling change and development or forcing modern re-creations of historic styles.

(Ord. No. 06-05, 5-23-05)

Sec. 28-212. Established, purposes and duties.

There is hereby established a historic preservation commission whose purpose and duty shall be to carry out the purpose and to administer the provisions of this article.

(Ord. No. 06-05, 5-23-05)

Sec. 28-213. Members.

The members of the historic preservation commission shall be the members of the historic property commission as appointed pursuant to section 28-170 of the Municipal Code.

(Ord. No. 06-05, 5-23-05)

Sec. 28-214. Chairperson; rules.

The historic preservation commission shall elect annually a chairperson, a vice-chairperson and a secretary from its members. The commission shall, within a period of sixty (60) days from the adoption of this ordinance, adopt rules of procedure that are consistent with and carry out the intent of this article. Said rules of procedures are subject to council approval.

(Ord. No. 06-05, 5-23-05)

Sec. 28-215. Conflict of interest.

No member of the historic preservation commission shall appear for or represent any person, firm, corporation or other entity in any matter pending before the council, or any city board or commission. No member shall participate in the meeting or decision of the commission upon any matter in which the member is directly or indirectly interested in either a personal or financial manner. In the event of such disqualification, such fact shall be entered in the records of the commission, and the chairman will appoint an alternate member to participate in the meeting or decision. Members shall be subject to the provision of the city code of ethics.

(Ord. No. 06-05, 5-23-05)

Sec. 28-216. Compensation.

(a) The members of the historic preservation commission shall serve without compensation but shall be reimbursed for their necessary and reasonable expenses in the performance of their duties.

(b) The council may make appropriations to cover the reasonable expenses of the commission.

(Ord. No. 06-05, 5-23-05)

Sec. 28-217. Meetings.

The historic preservation commission shall meet at least once per month in a location determined by the members. A quorum shall consist of a majority of the membership. The commission shall keep records of its meetings and activities and shall, no less than annually, apprise the council of its activities, progress and recommendations.

(Ord. No. 06-05, 5-23-05)

Sec. 28-218. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

(a) *National Register* means the National Register of Historic Places, as maintained by the Secretary of the Interior pursuant to 16 U.S.C. § 1640a.

(b) *State Register* means the State Register of Historic Places, as maintained by the Connecticut Commission on Culture and Tourism pursuant to Connecticut General Statutes section 10-320b.

(c) *Historic district* means an area designated as a historic district on the National Register or the State Register.

(d) *Local historic district* means a historic district established pursuant to Chapter 97a of the Connecticut General Statutes.

(e) *Local historic property* means a historic property designated pursuant to Chapter 97a of the Connecticut General Statutes.

(f) *Protected property* means (1) a property which is individually listed on the National Register or the State Register other than a local historic property and (2) an area, and all sites, structures, features and objects within such area which is part of a historic district.

(g) *Commission* means the historic preservation commission, as established pursuant to this article.

(h) *Historic preservation council* means the state agency of that name established pursuant to Connecticut General Statutes section 10-321b.

(i) *Connecticut Commission on Culture and Tourism* means the state agency of that name established under section 210 of Public Act 03-6 of the June 30, 2003 Special

Session of the General Assembly as amended under section 30 of Public Act 04-2 of the May 2004 Special Session.

(j) *Secretary of the Interior's Standards* means the standards for rehabilitation established by the United States Secretary of the Interior.  
(Ord. No. 06-05, 5-23-05)

Sec. 28-219. Review by historic preservation commission.

(a) No person or entity may, without first applying and obtaining the approval of the commission, file an application for a demolition permit pursuant to section 9-12 of the Municipal Code, for a building permit pursuant to section 9-15 of the Municipal Code for (1) any demolition of any protected property or part thereof that is listed on the National or State Register of Historic Places, or, in regard to the National Register, for which a National Register application has been approved for study by the State Historic Preservation Office, (2) any alteration of any such protected property or part thereof if that alteration is visible from a street other than a street which faces only the back of the building, or (3) any construction of a new structure in a historic district.

(b) The commission shall adopt the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, shall develop rules of procedure and shall publish design guidelines to assist applicants in satisfying these standards. The design guidelines shall provide for flexibility in materials and design to promote economic feasibility. The design guidelines shall describe a variety of methods and designs for preserving the historic architectural character of buildings and neighborhoods. The commission shall make reasonable efforts to guide owners in preserving historic architectural character in a cost-effective manner.

(c) The commission's procedures shall make provision for the consideration of economic hardship, including but not limited to consideration of the cost of historic preservation recommendations, the economic circumstances of the applicant, the availability of other architecturally appropriate alternatives, the relationship of the cost of historic preservation recommendations to the cost of the proposed project as a whole, and the impact of the historic preservation recommendations on the historic district as a whole and on the value of the property. The rules of procedure shall delineate submission requirements for at least four (4) types of hardship applications: (1) a provision for owner-occupied principal residences where exemption is granted based on demonstrated factors, such as age, ability to pay, and length of time living in the neighborhood; (2) a provision for non-owner occupied residential buildings containing six (6) or fewer dwelling units; (3) a provision for all other buildings, including commercial and industrial buildings; and (4) a provision for building demolition where there is no feasible and prudent alternative to demolition. If the applicant objects to compliance with this article because compliance will increase the cost of the alteration subject to review by the commission under this article by more than twenty (20) percent, the applicant shall provide the commission with at least two (2) realistic comparable professional estimates showing the difference in cost between the applicant's proposed alteration and alteration with the modifications requested by the commission. If the commission finds that such

difference exceeds twenty (20) percent, the commission shall work with the applicant to find an alternative which will not increase the cost of the alteration by more than twenty (20) percent. The commission shall not require alterations which add more than twenty (20) percent to the cost of the alteration that is subject to review. To assist in the development of design guidelines the commission shall appoint an advisory committee with which it shall consult. The advisory committee shall include, but shall not be limited to, residents, design professionals, city planning, economic development and building code staff, developers, builders, preservation advocates including representatives of the Hartford Preservation Alliance, and such other persons or representatives as the commission may deem appropriate. The advisory committee shall present its recommendations to the commission within six (6) months of its first meeting. The commission shall hold at least one (1) public hearing on the design guidelines prior to voting on its adoption. The commission's procedures and design guidelines shall be subject to council approval prior to implementation. Any commission decision that denies an application or requires a modification of the alteration(s) and/or plan(s) shall state the reason(s) for denial, shall state what modification of the alteration(s) and/or plan(s) would result in approval of the application and shall refer to the relevant section(s) in the design guidelines in which the applicant can find appropriate guidance.

(d) The commission shall meet at least once a month. Any application for commission approval shall, at the latest, be placed on the agenda of the next commission meeting which occurs more than seven (7) days after receipt of the application. The commission may define one (1) or more classes of minor alterations to be delegated to the development services department ("department") for approval or rejection, based upon the applicable design standards. A copy of each approval or rejection by the department shall be transmitted to each member of the commission by the department. Any approval or rejection by the department shall become effective ten (10) days after its issuance. If within such ten-day period the applicant or the chairperson of the commission requests that the commission review the action of the development services department, the department's action shall not take effect and the application shall be placed on the next commission agenda for action by the commission. any application submitted pursuant to this article that is not acted upon by the commission within forty-five (45) days after its filing shall be deemed granted, provided that nothing in this section shall preclude the commission and an applicant from agreeing to a longer time period for the completion of commission action upon an application.

(e) Demolition of a protected property shall be approved by the commission only if the applicant establishes, to the satisfaction of the commission, that (1) there is no economically feasible alternative to demolition or (2) the property, through no fault of any owner of the property after the effective date of this chapter, does not contribute to the architectural or historic character of the district and its demolition will not detract from the architectural or historic character of the district.

(f) This article shall not apply to any structure which has been ordered demolished by the department of licenses and inspections or its successor on an emergency basis because it represents so immediate a hazard to public safety that demolition cannot be

deferred and the structure cannot be protected, secured, or stabilized by reasonable measures specified by the department of licenses and inspections. Furthermore, this article shall not apply to any repair which has been ordered by the department of licenses and inspections or its successor on an emergency basis because the condition represents so immediate a hazard to public safety or structure integrity that repair cannot be deferred and that the structure cannot be protected, secured, or stabilized by reasonable temporary measures specified by the department of licenses and inspections.

(Ord. No. 06-05, 5-23-05)

#### Sec. 28-220. Challenges to final decisions.

There shall be a board of preservation appeals which shall be comprised of one (1) person appointed by the mayor, one (1) person appointed by the court of common council who is not a member of the court of common council, and one (1) person appointed by the historic preservation commission who is not a member of the historic preservation commission. Any person aggrieved by a final decision of the commission, in regard to an application for approval filed pursuant to this article, may appeal such decision to the board of preservation appeals within fifteen (15) days of receipt of the commission's decision. The board shall adopt rules and procedures for the aforesaid appeal right within sixty (60) days of its appointment. Any decision by the board shall be based upon the same standards as are to be applied by the commission under this article. Any decision by the board shall include a statement of the reasons for the decision.

(Ord. No. 06-05, 5-23-05)

#### Sec. 28-221. Policy of municipal departments and agencies.

It shall be the policy of the City of Hartford and its departments and agencies to give priority to the preservation of the city's historic architecture and character. All departments and agencies of the city, including but not limited to those dealing with planning, zoning, health, and safety, shall consider historic and architectural significance and preservation when making decisions concerning whether and how properties should be rehabilitated, mothballed, or demolished, including decisions concerning to whom dispositions of property will be made. Demolition shall be treated as an alternative of last resort and shall be utilized only when other reasonable alternatives do not exist.

(Ord. No. 06-05, 5-23-05)