

**CHAPTER 16 – TIMNATH LAND USE CODE**

**ARTICLE 11 – HISTORIC PRESERVATION**

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<b>16.11.1 Intent</b>
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It is hereby declared to be a matter of public policy that the protection, enhancement, perpetuation and use of structures, land and districts of historical, architectural or geographic significance, located within the Town, is in the public interest. (Ord. 10-2002)

<b>16.11.2 Definitions</b>
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- A. “Alter” or “Alteration” means the act or process of changing one or more of the exterior architectural features of a designated structure or district.
  
- B. “District” means any structure(s), improvement(s), or group of structures or improvements and the surrounding environs.
  
- C. “Site” means a structure, parcel of land, or district. (Ord. 10-2002)

<b>16.11.3 Commission Established</b>
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- A. The Town Planning Commission shall serve as the Timnath Historic Preservation Commission (the “Commission”).
  
- B. Powers and duties.
  - 1. The Commission shall review from time-to-time the criteria for designation of historic sites as set forth in this Code, and shall make recommendations to the Board of Trustees for amendments.
  
  - 2. The Commission shall prepare application forms, and shall review applications for designation of sites as being historic pursuant to this Code, and shall make recommendations to the Board of Trustees as to whether they should designate the site described in the application for such designation. (Ord. 10-2002)

<b>16.11.4 Standards for designation of sites for preservation</b>
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In order to qualify for designation as an historic site pursuant to this Code, the Commission must determine that it has historic significance due to one or more of the following factors:

1. It has character, interest or value, as part of the historical development, heritage or culture of the community, state, or nation.
2. Its location is a site of a significant historic event.
3. Its identification with a person or persons who significantly contributed to the culture and development of the Town.
4. Its exemplification of the cultural, economic, social, or historic heritage of the Town.
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
6. Its embodiment of distinguishing characteristics of an architectural type or specimen.
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the Town.
8. Its embodiment of the elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation.
9. Its relationship to other distinctive areas that are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.
10. Its unique location or singular physical characteristic representing an established familiar visual feature of a neighborhood or of the Town. (Ord. 10-2002)

<b>16.11.5      Designation of Historic sites</b>
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- A. Recommendations for designation of historic sites. Pursuant to the procedures set forth in this Code, the Commission may make written recommendation to the Board of Trustees that a site be designated as an historic site for preservation, meeting the criteria set forth in this Code. Each such recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the site. The recommendation may indicate alterations that would have a significant impact on, or be potentially detrimental to, the historic features of the site. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Code.
- B. Procedures for designating historic sites.

1. Applications. Applications for designation of historic sites must be made to the Town staff on forms provided by the Town. Applications shall be made only by the owners of one hundred percent of the site for which the application is submitted.
2. Staff review. The Town staff shall review applications for designation of historic sites for content and for completeness. The staff shall, within thirty days of receipt, forward complete applications and staff recommendations to the Commission.
3. Commission review. The Commission shall consider and act upon applications at regularly scheduled or special meetings within thirty days of receipt of staff recommendations. The Commission shall approve, approve with conditions, or disapprove applications, and shall immediately forward notice of their decisions to the Town Board. In the event of failure of the Commission to act in a timely manner, the Town Board may proceed without a Commission recommendation.
4. Town Board action. Within thirty (30) days of action by the Planning Commission, the Town Board shall by resolution approve or modify and approve, or shall disapprove the proposed historic designation.
5. Withdrawal of applications. Prior to action on applications by the Town Board, applicants may withdraw applications by submitting a written request to the Town Clerk.
6. Recording. The resolution designating a site as a local historic landmark shall be recorded in the records of the County Clerk. (Ord. 10-2002)

<b>16.11.6      Limitation on resubmission and reconsideration</b>
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Whenever the Town Board disapproves an application for historic designation, or whenever an owner withdraws an application, no person shall submit an application for the same site within one year of the disapproval or withdrawal. (Ord. 10-2002)

<b>16.11.7      Amendment of designation</b>
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Designation of an historic site may be amended to add features or property to the site according to the application process described in this Code for new designations. (Ord. 10-2002)

<b>16.11.8      Alteration of a designated historic landmark</b>
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All modifications to designated historic landmarks shall be done in conformance with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* as published by the U.S. Department of the Interior, National Park Service.

(Ord. 10-2002)

<b>16.11.9            Notification of intent to alter a designated historic landmark</b>
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Any owner filing an application for designation of a site shall, as a part of the application, agree that any time after a site is designated as an historic site to notify the Town Clerk of the owner's intention to alter, demolish, move or remove the site and provide plans for the work at least thirty (30) days prior to beginning such work. This notification requirement shall run with the land and shall bind successors and assigns. The Clerk shall, upon receipt, forward the notification and plans to the Commission for review. The Commission shall review the plans and may advise the owner on the potential affect of the plans on the historic designation. The Commission may forward a recommendation to the Town Board that, based on the plans, the historic designation be modified or revoked. (Ord. 10-2002)

<b>16.11.10            Revocation of designation</b>
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The Town Board may by resolution revoke or modify the designation of a site, after fifteen (15) days notice to the owner and after public hearing, if any of the following conditions exist:

- A.**    If any owner of a designated site fails to provide notification as required in this Code, or if alterations to the site will significantly alter the historic character of the site;
- B.**    If an owner of a designated historic site submits a written request to the Town for revocation of a historic designation;
- C.**    If the Commission makes a recommendation for modification or revocation based on an owner's written intent to alter a designated historic site; or
- D.**    If modifications are made to an historic landmark that are found by the Commission to not be in accordance with the standards specified in this Code. (Ord. 10-2002)

**Secs 11.11—XX Reserved.**