



General Assembly

January Session, 2013

Raised Bill No. 960

LCO No. 3482



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT AUTHORIZING THE ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) Any municipality
2 may, by ordinance, establish an historic preservation commission in
3 accordance with this section and for the following purposes:

4 (1) To strengthen the local economy by stabilizing and improving
5 property values and economic activity through the adaptive reuse of
6 historic structures;

7 (2) To create a mechanism by which to identify, preserve and
8 enhance distinctive areas, sites, structures, features and objects that
9 have historic, cultural, architectural and archaeological significance,
10 and to foster the preservation, appropriate use and wider public
11 knowledge and appreciation of such areas, sites, structures, features
12 and objects;

13 (3) To enhance the attractiveness of the municipality to homebuyers,

14 homeowners, residents, tourists, visitors, businesses and shoppers;

15 (4) To act as a resource for information, education and expertise to
16 those interested in the rehabilitation of an historic structure or
17 construction in an historic district;

18 (5) To foster civic pride in the municipality's history and
19 development patterns;

20 (6) To protect and enhance the character of the municipality;

21 (7) To apply design standards in a reasonable and flexible manner to
22 prevent the unnecessary loss of a municipality's historical features; and

23 (8) To ensure compatible construction and rehabilitation in historic
24 districts while not stifling change and development or forcing modern
25 recreations of historic styles.

26 The ordinance establishing the historic preservation commission shall
27 specify the number of persons who shall serve on the commission and
28 the method by which such persons shall be elected or appointed. Not
29 later than sixty days after the date the historic preservation
30 commission is established, such commission shall adopt rules of
31 procedure.

32 (b) (1) The historic preservation commission established by any
33 municipality is authorized to approve, modify or deny applications to
34 alter or destroy any building or structure located on any real property
35 within the municipality and listed on the National Register of Historic
36 Places, 16a USC 470 or the state register of historic places, as defined in
37 section 10-410 of the general statutes. Before exercising the powers
38 granted in this section, the historic preservation commission shall
39 adopt regulations establishing historic preservation standards and
40 guidelines that shall (A) provide for flexibility in materials and design
41 to promote economic feasibility, and (B) describe a variety of methods
42 and designs for preserving the historic architectural character of

43 buildings and neighborhoods. Such regulations may limit approval for
44 destruction of a building or structure on real property listed on the
45 National Register of Historic Places or the state register of historic
46 places to those instances in which the applicant establishes that there is
47 no economically feasible alternative to destruction, except that limits
48 on destruction shall not be applied to emergency demolition orders
49 issued by the building official due to a serious threat to public health
50 or safety. The historic preservation commission may appoint an
51 advisory committee to assist with the development of design
52 standards.

53 (2) Historic preservation regulations shall allow exceptions in the
54 event of economic hardship of the property owner. The burden of
55 proving such hardship shall be on the property owner. In determining
56 the existence of such hardship, the historic preservation commission
57 may consider any factors it considers relevant, including: (A) The cost
58 of implementing the applicable historic preservation
59 recommendations; (B) the economic circumstances of the property
60 owner; (C) the availability of other architecturally appropriate
61 alternatives to meet the applicable standards; (D) the relationship of
62 the cost of the applicable historic preservation recommendations to the
63 cost of a proposed renovation or improvement in its entirety; and (E)
64 the impact of the historic preservation recommendations on the
65 surrounding neighborhood and on the value of the property owner's
66 real property.

67 (3) A decision by the historic preservation commission to approve,
68 modify or deny an application shall set forth the reasons for such
69 decision. A copy of such decision shall be sent by certified mail to the
70 applicant within fifteen days after such decision is rendered and shall
71 be published by the commission in a newspaper having a general
72 circulation in the municipality.

73 (c) Any applicant aggrieved by a decision of an historic preservation
74 commission may appeal such decision to the Superior Court pursuant

75 to section 8-8 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section

Statement of Purpose:

To authorize municipalities to establish historic preservation commissions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]