

HISTORIC PRESERVATION SERIES



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Basic Components of a Historic Preservation Ordinance

A historic preservation ordinance establishes a community historic preservation program. The ordinance establishes a commission and outlines procedures for designating local landmarks and protecting historic properties and archaeological sites.

Preservation ordinances reflect the unique circumstances within each community. They have, however, several basic components:

Introduction and purpose: Establishes the need, benefits, and purposes of protecting historic resources, and points to the economic, social aesthetic, and cultural benefits.

Definitions: Explains key terms used in the ordinance such as landmark, historic district, alteration and demolition stay.

Authorization of preservation commission: Describes the composition and qualifications of commission members, length of terms, appointment process, and role of the commission.

Power and duties of preservation commission: Specifies the powers and duties of the commission. These generally include:

- Compiling and updating a historic building survey.
- Establishing operating rules.
- Designating landmarks and districts according to criteria set forth in ordinance.
- Reviewing demolition permits and instituting demolition stays.
- Reviewing requests to alter or modify designated historic properties.
- Performing environmental review of all new plans and ordinances pertaining to historic resources as prescribed by state and federal laws.
- Making recommendations to the assembly on matters of funding, studying, and programmatic suggestions for historic preservation.
- Developing a historic preservation plan.
- Promoting historic preservation.
- Advising owners of historic properties.
- Performing other historic preservation related functions as appropriate.

Designation procedures: Sets forth criteria to be used for bestowing historic designations and procedures to be followed, including applying for historic designation, providing public notices, and holding public hearings.

Design Criteria: Defines design standards and guidelines for rehabilitation, usually following *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (1995).

Permits: Establishes permit and approval procedures for design review of projects impacting designated historic properties, including demolition.

Appeals: Provides a legal appeals process for any interested party appealing a decision of the Preservation Commission.

Enforcement and penalties: Provides for methods of enforcement of the ordinance.

Sources for additional information:

Dennis, Stephen.

Recommended Model Provision for a Preservation Ordinance, with Annotations. Washington, D.C.: National Trust for Historic Preservation, 1980.

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A Handbook on Historic Preservation Law. Washington, D.C.: The Conservation Foundation, 1983. (The Dennis article is included as an appendix).

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"Notes on Revising a Preservation Ordinance," in *Preservation Law Update*, 1990-16 (May 2, 1990).

Roddewig, Richard J.

Preparing a Historic Preservation Ordinance. Planning Advisory Service Report No. 374. Chicago, Illinois: American Planning Association, 1983.