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.  

Duerksen, Christopher J., editor.  
(The Dennis article is included as an appendix).

National Center for Preservation Law.  

Roddewig, Richard J.  