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Date: 9/18/20

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 15.50, HISTORIC DESIGN GUIDELINES, OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING."

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE WYOMING:

Section 1. That various sections of Chapter 15.50, Historic Design Guidelines, of Title 15, Buildings and Construction, of the Code of the City of Cheyenne, Wyoming, are hereby amended as set out in this ordinance.

15.50.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

"Certificate of appropriateness" means a form issued by the ~~Cheyenne planning office~~ **Preservation Board** which indicates its approval of an applicant's proposed alteration, improvement or new construction. The certificate, along with a raised certificate seal placed on the approved architectural drawing, rendering or formal plan submitted by the applicant, will be required by the ~~city's building department city~~ before approving any building permit.

"Preservation ~~b~~Board" ~~or "board"~~ means those duly appointed members of the Cheyenne historic preservation board, as set out in Chapter 2.64, Historic Preservation Board, of the Cheyenne City Code.

15.50.050 Certificate of appropriateness required.

A. Prior to submission of an application for any building permit, as required by Title 15 of the Cheyenne City Code, for new construction, significant alteration or improvements for any property located within the designated protective area, the property owner or designated representative (applicant) will obtain a certificate of appropriateness from the ~~planning office~~ **Preservation Board**.

B. Prior to commencing any significant alteration to an existing property located within the designated protective area for which a building permit is not required and yet the alteration will drastically change the architectural appearance of the property, the property owner or designated representative must also obtain a certificate of appropriateness from the ~~planning office~~ **Preservation Board**.

C. An applicant must submit to the ~~planning office~~ **Planning and Development Department** an architectural drawing, rendering, or formal plan of a type that would be suitable for applying for a building permit. The submission ~~may must also~~ contain ~~whatever~~ supporting documentation ~~deemed appropriate and which would provide~~ that demonstrates compatibility with the neighborhood providing an explanation of the intent and extent of the work to be performed. Within twenty-one (21) days of receipt of a complete application, the Planning and Development Department shall schedule a public hearing before the Preservation Board to review the proposal in accordance with the Preservation Board's Rules and Regulations, Chapter VI, Public Hearings. After close of the public hearing, the Preservation Board shall review the application for compliance with the Design Guideline criteria set forth in Section 15.50.040 and shall either approve, approve with conditions, deny, or postpone action on the application.

~~D. The planning office's review of an applicant's request for a certificate of appropriateness will be in the form of an informal review meeting at which the property owner, designated representative or any interested party may attend.~~

~~E: D.~~ In addition to the written information required, applicants may also provide oral comments or other information considered relevant to the ~~planning office's~~ **Preservation Board's** decision at the ~~informal review meeting~~ **scheduled public hearing**. The ~~planning office~~ **Preservation Board** has the authority to seek or request further information pertaining to the applicant's request.

~~F. E.~~ If a building permit is required, the ~~planning-office's~~ Preservation Board's approval or disapproval of a request will be provided to the ~~city's chief building official~~ city, within five (5) working days of the review. Approval will result in issuance of a certificate of appropriateness signed by the ~~planning-services director~~ Preservation Board Chair and the placement of a raised seal on the architectural drawing, rendering or formal plan as submitted to the ~~planning-office~~. Denial of a request will result in a letter issued by the ~~planning-office~~ Preservation Board to the applicant stating the reasons for disapproval and any recommended changes to the proposed design which would facilitate approval.

1. The ~~city's chief building official~~ city will not issue any permit required without approval by the ~~planning-office~~ Preservation Board.

~~G. F.~~ In instances where additional information is required by the ~~planning-office~~ Preservation Board in order for it to render its approval or disapproval, the ~~planning-office~~ Preservation Board may continue its review process up to twenty (20) working days; however, unless previously agreed to by the applicant in writing, no more than thirty (30) days may pass between written receipt of an applicant's request and the ~~planning-office's~~ Preservation Board's decision.

~~H. G.~~ Should an applicant's request be denied by the ~~planning-office~~ Preservation Board, the property owner or designated representative has the right of appeal as specified in Section 15.50.070 of this chapter.

15.50.070 Appeal.

A. A property owner or designated representative (applicant) whose request for a certificate of appropriateness is not approved by the ~~planning-office~~ Preservation Board may appeal to the ~~historic preservation board~~ Board of Adjustment within ~~fourteen (14)~~ fifteen (15) days of the date of notification in accordance with the Board of Adjustment's Rules and Regulations. The notice of appeal must be filed in the Planning and Development Department and copies of the notice must be served on the Preservation Board.

B. The written request for appeal must address the applicant's concerns and reasons why he or she feels the design meets the stated requirements. The ~~historic preservation board~~ Board of Adjustment will convene a contested case hearing in accordance with the Wyoming Administrative Procedures Act, Wyo. Stat. Section 16-3-101, *et seq.* The hearing will address all issues as presented by the applicant and ~~planning-office~~ Planning and Development Department. ~~The historic preservation board will render its decision within a reasonable time of the closing of the hearing.~~ The decision of the Board of Adjustment constitutes final agency action on the permit application. A finding in favor of the applicant will cause the issuance of a certificate of appropriateness.

C. Following issuance of the ~~historic preservation board's~~ Board of Adjustment's decision, an applicant may seek further remedy through the judicial system pursuant to Wyo. Stat. Section 16-3-114.

Section 2. That this ordinance shall be in full force and effect upon its approval and publication.

FIRST READING:

SECOND READING:

THIRD AND FINAL READING:

Marian J. Orr, Mayor

(SEAL)

ATTEST:

Kristina F. Jones, City Clerk

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