

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1853  
Series of 2015

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Series of 2015

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 9 OF CHAPTER 16 OF THE NORTHGLENN MUNICIPAL CODE REGARDING THE DESIGNATIONS OF HISTORICAL STRUCTURES AND SITES WITHIN THE CITY OF NORTHGLENN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City of Northglenn Municipal Code is amended by the repealing and reenacting of Article 9 of Chapter 16 to read as follows:

## ARTICLE 9

### HISTORIC PRESERVATION

**Section 16-9-1. Title.** This ordinance shall be known and cited as the Northglenn Historic Preservation Ordinance.

**Section 16-9-2. Purpose and Declaration of Policy.**

- (a) It is hereby declared as a matter of public policy that the protection, preservation and enhancement of sites and structures of cultural, historical and architectural significance, located within the City, is a public necessity, and is required in the interest of the economic development, civic pride, and general welfare of the people of the City of Northglenn.
- (b) The purpose of this Article is to promote the public health, safety and welfare through:
  - (1) The designation, preservation, protection, enhancement and perpetuation of those structures which reflect outstanding elements of the City's cultural, social, economic, political, architectural, historic or other heritage;
  - (2) The enhancement of property values and the stabilization of historic neighborhoods;
  - (3) The promotion of civic pride in the beauty and accomplishments of the past as represented in the City's landmarks and historic areas;

- (4) The protection and enhancement of the City's attractiveness to tourists, visitors, home buyers and shoppers, thereby supporting local business, commerce, and industry;
  - (5) The promotion of good urban design and the perpetuation of open space; and
  - (6) The provision of educational opportunities to increase public appreciation of the City's unique heritage.
- (c) The intent of this Article is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the City's unique heritage and historic character by ensuring that demolition or alteration of properties with historical significance shall be carefully considered.

**Section 16-9-3. Definitions.** Unless specifically defined below, words and phrases in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

- (a) *Alteration* means any proposed modification to a designated historic site or structure, which could have an effect on the character of the historic resources relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade.
- (b) *Alteration Certificate* means a certificate issued by the Historic Preservation Commission indicating its approval of plans for the alteration, construction, restoration, removal or demolition of a designed structure or site.
- (c) *Certificate of Exemption* means a certificate issued by the Historic Preservation Commission authorizing alteration, construction, restoration, removal or demolition of a structure even though an Alteration Certificate has previously been denied.
- (d) *Commission* means the Northglenn Historic Preservation Commission.
- (e) *Commissioner* means a member of the Historic Preservation Commission.
- (f) *Compatible* shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.
- (g) *Construction* means the act or process of adding an addition to an existing structure, the remodeling of an existing structure, or the erection of a new structure.

- (h) *Demolition* means any act or process that destroys in part or in whole a structure or site.
- (i) *Design Guidelines* means a standard of appropriate activity that will preserve the historic character of a structure or site.
- (j) *Exterior Architectural Feature* means the architectural style, design, general arrangement and components of the outer surfaces of a structure, including but not limited to the color, texture, materials, type, size and style of all windows, doors, roofs, lights, siding, signs and other fixtures appurtenant to the structure.
- (k) *Site* means a location of a significant event, historic occupation or activity where the location itself maintains historical or architectural value and significance to the community regardless of the value of any existing building or structure.
- (l) *Structure* means anything constructed or erected, the use of which requires permanent or near permanent location on or in the ground, or attachment to something having permanent location on the ground.

**Section 16-9-4. Historic Preservation Commission Established.**

- (a) There is hereby created a Historic Preservation Commission which shall have principal responsibility for matters of historic preservation as set forth in this Article.
- (b) The Commission shall consist of seven (7) Commissioners, who shall be appointed by the City Council.
- (c) The Commissioners shall serve three (3) year staggered terms from the date of appointment. To stagger the initial terms of membership, the original Commission shall consist of: two (2) members to serve one (1) year terms; two (2) members to serve two (2) year terms; and three (3) members to serve three (3) year terms. At least forty percent (40%) of the Commissioners shall be professional in preservation-related disciplines, such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography or cultural anthropology. If the required number of professional members cannot be found to serve on the Commission, this requirement may be waived until the next vacancy occurs, at which time the City shall again diligently seek professional representation. In the case of a lack of professional appointees, the Commission may, with Council approval, be allowed to retain professional consultants to advise the Commission as necessary to fulfill its duties.

- (d) All Commissioners shall serve without compensation, except for such amounts determined appropriate by the City Council to offset expenses incurred in performance of their duties.
- (e) Commissioners may be removed for cause by the City Council.
- (f) The Commission shall, by majority vote, elect one (1) Commissioner to serve as chairperson to preside over the meetings, and one (1) Commissioner to serve as vice-chairperson. The Commissioners so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms.
- (g) The Commission shall, by majority vote, elect an individual to serve as secretary. The secretary shall take minutes of each meeting, be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Commission to its members, and give notice as provided by law of all public hearings conducted by the Commission. The secretary shall also be responsible for transmitting minutes and any other required reporting to the State Historic Preservation Office.
- (h) The City Council shall also appoint two (2) alternate Commissioners who shall have the same qualifications provided for by this Section 16-9-4.

**Section 16-9-5. Meetings of the Commission.**

- (a) The Commission shall hold at least one regularly scheduled meeting per month, unless there is no business to come before the Commission, or the Commission is unable to obtain a quorum to conduct business. Meetings shall be scheduled by resolution of the Commission at the beginning of each calendar year. The Commission chairperson may call a meeting at any time.
- (b) The Commission shall act only at meetings.
- (c) No Commissioner shall vote on any matter that may materially or apparently affect the property, income, or business interest of that Commissioner.
- (d) The chairperson, and in his absence the vice-chairperson, may administer oaths and compel the attendance of witnesses.
- (e) All meetings of the Commission shall be open to the public. Minutes shall be kept of all Commission proceedings, and sent to the State Historic Preservation Office upon approval.
- (f) A quorum for the Commission shall consist of a majority of the regular membership, excluding vacant seats. A quorum is necessary for the Commission to hold a public hearing or take official action. A tie vote shall be deemed a denial of the motion or recommended action.

**Section 16-9-6. Powers and Duties of the Commission.**

- (a) To adopt its own procedural regulations.
- (b) To conduct an ongoing survey to identify properties, structures and areas that are culturally, architecturally and/or historically significant to the City, county, state or nation.
- (c) To keep a register of all properties, structures, and areas that have been designated as structures or sites.
- (d) To hold public hearings for reviewing applications for construction, alteration, restoration, removal or demolition affecting proposed or designated structures or sites.
- (e) To issue or deny Alteration Certificates and Certificates of Exemption.
- (f) To adopt criteria and specific design guidelines for review of historic resources and for review of proposals to alter, restore, demolish or move designated structures and/or resources.
- (g) To review structures, resources and areas nominated for designation as a structure or site, and recommend that the City Council make such designations by ordinance.
- (h) To advise and assist owners of designated structures or sites on physical and financial aspects of preservation, renovation, restoration and rehabilitation, including nomination to the National Register of Historic Places.
- (i) To develop and assist in public education programs, including but not limited to walking tours, brochures, lectures and conferences.
- (j) To advise the City Council on matters related to preserving the overall historic character of the City.
- (k) To actively pursue financial assistance for historic preservation programs.
- (l) To administer on behalf of the City any property or full or partial interest in real property, including easements, that the City may own or accept as a gift or otherwise, upon authorization and approval of the City Council.
- (m) To testify before all boards and commissions, including the Planning Commission and the Board of Adjustment, on any matter affecting a designated structure or site.

- (n) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this Article.
- (o) To prepare an Annual Report of the Commission's activities for the State Historic Preservation Office, including at a minimum the number and types of cases reviewed and their dispositions, new designations made, progress on survey activities, education activities, and credentials of new commission members and staff, if any.

**Section 16-9-7. Designation of Structures and Sites.** Pursuant to the procedures set forth herein, the City Council may, by ordinance:

- (a) Designate an individual structure or other feature, or an integrated group of structures and features, on a single lot or site having cultural, architectural or historical significance; and
- (b) Each such designating ordinance shall include a description of the characteristics of the structure or site which justify its designation, and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the structure or site.
- (c) The designating ordinance may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the structure or site.
- (d) Any designation of a structure or site shall be in furtherance of and in conformance with the purposes and criteria set forth in this Article.
- (e) The property included in a designated structure or site shall be subject to the controls and standards set forth in this Article, and eligible for such incentive programs as may be developed by the Commission.

**Section 16-9-8. Procedures for Designating Historical Structures and Sites.**

- (a) Nomination for designations shall be made to the Commission on forms prepared by it and may be submitted by the Commission or a citizen. Nominations for historic structures or sites must contain the approval of all current owners of record.
- (b) Upon nomination, the Commission shall contact the owner(s) of record of all affected property or properties, either in person or in writing, outlining the reasons and effects of designation as a historic resource.
- (c) Once an application is complete, the Commission shall hold a public hearing on the nomination no more than sixty (60) days after the filing of a complete

application as determined by the City Manager or designee. Notice of the date, time, place and general subject matter of such hearing shall be published at least once in a newspaper of general circulation in the City, not less than fifteen (15) days prior to the hearing. In addition, the Commission shall post notice of the hearing on the nominated property, structure(s) or area(s) at least fifteen (15) days prior to the hearing. Finally, written notice shall be sent by first class mail at least fifteen (15) days prior to the hearing to all property owners, as determined from county records, whose property would be affected by the proposed designation.

- (d) At the public hearing, the Commission shall hear evidence in support of or against the proposed designation and review the application for conformance with the established criteria for designation and with the purposes of this section.
- (e) Within thirty (30) days after the public hearing, the Commission shall recommend approval, modification and approval or denial of the application for designation. If recommended for approval, the Commission shall refer the application to the City Council.
- (f) Within thirty (30) days after the referral from the Commission, the City Council shall hold a public hearing on the proposed designation. Notice of the date, time, place and general subject matter of such hearing shall be published at least once in a newspaper of general circulation in the City, not less than fifteen (15) days prior to the hearing. In addition, notice of the hearing shall be posted on the nominated property, structure(s) or area(s) at least fifteen (15) days prior to the hearing.
- (g) At the public hearing, the City Council shall hear evidence in support of or against the proposed designation and review the application for conformance with the established criteria for designation and with the purposes of this section.
- (h) Within thirty (30) days of the public hearing, the City Council shall approve, modify and approve or deny the proposed designation. If the designation is approved, the City Council shall adopt a designating ordinance.
- (i) Within fifteen (15) days of the effective date of the designating ordinance, the Commission shall record with the county clerk and recorder a certified copy of the ordinance.
- (j) If the Commission determines that a particular property or area does not meet the criteria for designation as a structure or site, the affected property owner may appeal the Commission's decision by filing a written appeal with the City Council within thirty (30) days of the Commission's decision.

**Section 16-9-9. Criteria for Designation – Structures and Sites.** The Commission and City Council will consider the following criteria in reviewing nominations of properties for designation.

- (a) Structures. Structures must be at least fifty (50) years old and meet one (1) or more of the following criteria for architectural, cultural, geographic or environmental significance. A structure can be exempted from the age standard if the Council finds it to be exceptionally important in other criteria.
  
- (b) Architectural, Cultural, Geographic or Environmental Criteria. Historic structures or sites shall meet one (1) or more of the following criteria in order to be considered for designation:
  - (1) Architectural:
    - (A) Exemplifies specific elements of an architectural style or period;
    - (B) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
    - (C) Demonstrates superior craftsmanship or high artistic value;
    - (D) Represents an innovation in construction, materials or design;
    - (E) Represents a built environment of a group of people in an era of history;
    - (F) Exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or
    - (G) Is a significant historic remodel.
  
  - (2) Cultural:
    - (A) Is the site of a historic event that had an effect upon society;
    - (B) Exemplifies cultural, political, economic or ethnic heritage of the City; or
    - (C) Is associated with a notable person or the work of a notable person.
  
  - (3) Geographic/Environmental:
    - (A) Enhances the sense of identity of the City; or

- (B) Is an established and familiar natural setting or visual feature of the City.
- (c) Prehistoric and Historic Archaeological Structures or Sites. Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:
  - (1) Architectural:
    - (A) Exhibits distinctive characteristics of a type, period or manner of construction; or
    - (B) Is a unique example of a structure.
  - (2) Cultural:
    - (A) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
    - (B) Is associated with an important event in the area's development;
    - (C) Is associated with a notable person(s) or the work of a notable person(s);
    - (D) Is a typical example or is associated with a particular ethnic or other community group; or
    - (E) Is a unique example of an event in local history.
  - (3) Geographic/Environmental:
    - (A) Is geographically or regionally important.
- (d) General Criteria. Each property will also be evaluated based on physical integrity using the following criteria. A property need not meet all the following criteria:
  - (1) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation;
  - (2) Retains original design features, materials and/or character;
  - (3) Is in the original location or same historic context if it has been moved;
  - (4) Has been accurately reconstructed or restored.

**Section 16-9-10. Alteration Certificate Required.**

- (a) No persons shall cause or permit to be caused on a designated structure or feature, any construction, alteration, restoration, removal or demolition of a structure or other designated feature without first obtaining an Alteration Certificate for the proposed work from the Commission.
- (b) The building department shall not issue a building permit for work on designated structures or features until an Alteration Certificate or Exemption Certificate has been obtained by the property owner.
- (c) An application for any construction, alteration, or demolition of a structure or other designated feature of a site must be filed with the Commission on a form provided by the Commission.
- (d) The Commission shall consider the application and determine whether the proposal preserves the criteria for which the structure or site was designated, or adds to the architectural, cultural or historical significance of the structure or site. The Commission shall make its review pursuant to the procedures in Section 16-9-8.
- (e) Criteria to Review Alteration Certificate Application. In reviewing a proposed alteration, the Commission shall consider the project in terms such as design, finish, material, scale, mass and height and if the alteration is compatible with the designation. The Commission will use the following criteria to determine compatibility of a proposed alteration:
  - (1) The effect upon the general historical and architectural character of the structure and property;
  - (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
  - (3) The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to the existing structure and the site;
  - (4) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
  - (5) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the Exterior Architectural Features of the structure upon which such work is done;

- (6) The condition of existing improvements and whether they are a hazard to public health and safety;
  - (7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property;
  - (8) The ability to comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings, a section of the Secretary of the Interior's Standards for Historic Preservation Projects, of the Department of the Interior Regulations (36 C.F.R. Part 67, Historic Preservation Certificates), as may be amended from time to time; and
  - (9) Guidance provided by the National Park Service Historic Preservation Briefs, as the same may exist from time to time.
- (f) If an Alteration Certificate is approved, the designated property will retain its historic designation.
  - (g) If an Alteration Certificate is denied, the affected property owner may appeal the Commission's decision by filing a written appeal with the City Council within thirty (30) days of the Commission's decision.

**Section 16-9-11. Certificate of Exemption.**

- (a) If an Alteration Certification is denied or the property owner cannot comply with the recommendations from the Commission for changes necessary for the issuance of an Alteration Certificate, the owner may make application for a Certificate of Exemption.
- (b) Application for a Certificate of Exemption shall be made on a form prepared by the Commission. The Commission shall schedule a public hearing and provide notice as outlined in Section 16-9-8.
- (c) The Commission shall consider the following factors in determining whether to issue a Certificate of Exemption:
  - (1) The cost of the proposed construction, alteration, restoration, or demolition, and the estimated additional cost, if any, of complying with the recommendations of the Commission for changes necessary for the issuance of an Alteration Certificate;
  - (2) A report from a licensed engineer or architect concerning the structural soundness of any structures on the property and their suitability for rehabilitation;

- (3) The estimated market value of the property in its current condition, after completion of the proposed work, after any changes in the proposed work recommended by the Commission, and in the case of a demolition, after renovation of the property for other uses;
  - (4) The amount paid for the property, the date of purchase, the party from whom the property was purchased, and the relationship, if any, between the applicant and the person from whom the property was purchased;
  - (5) If the property is income-producing, the annual gross income and itemized operating and maintenance expenses from the property for the previous two (2) years;
  - (6) The remaining balance on any mortgage or other financing secured by the property;
  - (7) Any appraisals of property value obtained by the applicant or property owner within the previous two (2) years;
  - (8) Any listing of the property for sale or rent, price asked and offers received, if any, during the previous two (2) years;
  - (9) The real estate taxes on the property for the previous two (2) years; and
  - (10) Any other information that may be relevant for the Commission's consideration of the application.
- (d) The Commission shall review the evidence and testimony presented and issue written findings and conclusions within forty-five (45) days of receipt of the application. If a Certificate of Exemption is granted, the applicant may proceed with the construction, alteration, restoration, removal or demolition without further delay imposed by this Article.
  - (e) If a Certificate of Exemption is denied, the affected property owner may appeal the Commission's decision by filing a written appeal with the City Council within thirty (30) days of the Commission's decision.

**Section 16-9-12. Revocation, Enforcement and Penalties.**

- (a) If a structure or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so. The procedure for revoking a designation under this Section shall be the procedure outlined in Section 16-9-8.
- (b) Revocation of the designation shall be the only enforcement and penalty recourse for a violation of this Section.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_,  
2015.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2015.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney