

SPONSORED BY MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-1999
Series of 2022

1844
Series of 2023

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 9 OF CHAPTER 16 OF THE NORTHGLENN MUNICIPAL CODE REGARDING HISTORIC PRESERVATION

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

Section 1. Article 9 of Chapter 16 of the Northglenn Municipal Code is repealed and reenacted to read as follows: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. The purpose of this Historic Preservation Ordinance is to:

- (a) Protect, preserve and enhance sites, structures, and districts of cultural, social, economic, political, architectural, or historic significance;
- (b) Promote economic development, civic pride, and the general welfare;
- (c) Enhance property values and stabilize historic neighborhoods;
- (d) Promote the historic character of the city to attract tourists and support local business;
- (e) Provide educational opportunities to increase public appreciation of the city's unique heritage; and
- (f) Create 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 be carefully considered.

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

- (a) Alteration means any addition or modification of any portion of the exterior of a property that changes the architectural style, arrangement, texture, or material of the property if such change, addition, or modification is visible from a public right of way.
- (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, site, or district.
- (c) Certificate of Exemption means a certificate issued by the Historic Preservation Commission authorizing alteration, construction, restoration, removal, relocation, 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, site, or district, as stated in this Article 9 of Chapter 16.
- (j) District means a group of sites, structures, objects or improvements and their surrounding environs that meet the criteria of this Article 9 of Chapter 16.
- (k) 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.
- (l) 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.
- (m) 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 9 of Chapter 16.
- (b) Appointment, Term, and Removal.
 - (1) The Commission shall consist of seven Commissioners, who shall be appointed by the City Council.
 - (2) Commissioners shall serve three-year staggered terms from the date of appointment.
 - (3) Terms shall be staggered so that two members serve one-year terms; two members serve two-year terms; and three members serve three-year terms.
 - (4) To the maximum extent practicable, at least forty percent 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.
 - (5) 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.
 - (6) 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.
 - (7) Commissioners may be removed for cause by the City Council.
 - (8) The Commission shall, by majority vote, elect one Commissioner to serve as chairperson to preside over the meetings, and one Commissioner to serve as vice-chairperson. The Commissioners so designated shall serve in these capacities for terms of one year, and may serve successive terms.
 - (9) A 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.

- (10) The City Council shall also appoint two alternate Commissioners who shall have the same qualifications provided for by this Section 16-9-4.
- (c) Meetings of the Commission.
- (1) 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. The Commission chairperson may call a meeting at any time.
 - (2) The Commission shall act only at meetings.
 - (3) No Commissioner shall vote on any matter that may materially or apparently affect the property, income, or business interest of that Commissioner.
 - (4) The chairperson, and in his absence the vice-chairperson, may administer oaths and compel the attendance of witnesses.
 - (5) 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.
 - (6) 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.
- (d) Powers and Duties. The Historic Preservation Commission shall have the powers and duties to:
- (1) Make recommendations on the adoption of historic preservation procedural regulations and design guidelines;
 - (2) 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;
 - (3) Keep a register of all properties, structures, and areas that have been historically designated;
 - (4) Review and make recommendations to City Council and make decisions on applications related to historic preservation as stated in this Article 9 of Chapter 16;

- (5) Advise and assist owners of designated properties on physical and financial aspects of preservation, renovation, restoration, and rehabilitation, including nomination to the National Register of Historic Places;
- (6) Develop and assist in public education programs;
- (7) Assist in obtaining financial assistance for projects and programs related to historic preservation;
- (8) Undertake any other action necessary or appropriate to the implementation of its powers and duties under this Article 9 OF Chapter 16; and
- (9) 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 16-9-5. Designation of Structures, Sites, and Districts.

- (a) Relationship to Rezoning Procedure. Notwithstanding any explicit language stating otherwise, the process in this § 16-9-5 shall apply to the designation of landmarks and historic districts.
- (b) Mapping. Designated structures, sites, and districts shall be mapped as historically designated on the official zoning map.
- (c) Nomination Submittal.
 - (1) To be eligible for designation, structures, sites, and districts shall be nominated.
 - (2) Nominations may be submitted by any resident, board, or commission of the City to the Commission and must be submitted on forms prepared by the Commission.
 - (3) Nominations shall include all information indicated on the designation application and will not be processed until complete.
 - (4) Unless every owner of record signs the nomination, a staff designee shall notify and forward a copy of the application to every owner of record and shall request consent of those owners to the designation.
 - (5) Nominations for designation of a historic district must include the written consent of at least 51 percent of the property owners within the proposed district.

- (6) Applications shall be submitted to the Planning and Development Department.
- (d) Public Hearing.
 - (1) After a complete nomination application is processed, a public hearing shall be held with the Commission at the next available Commission meeting after a 15-days' notice period.
 - (2) A public hearing shall be scheduled at the next available City Council meeting after the Commissions' decision.
 - (3) Hearings and notice shall be held and provided in accordance with the requirements in § 11-6-3 of the Unified Development Ordinance. Written notice shall be provided to all property owners within 300 feet of the proposed designation.
 - (e) Review and Decision.
 - (1) The Commission shall make a recommendation to approve, approve with conditions, or deny the designation, or continue the hearing to a future Commission meeting, which continuance may include a request for any additional information deemed necessary to make a decision to approve or deny the application.
 - (2) The City Council shall approve, approve with conditions, or deny the designation, or continue the hearing to a future City Council meeting, which continuance may include a request for any additional information deemed necessary to make a decision to approve or deny the application.
 - (f) Review Criteria.
 - (1) The designation of sites and structures and any interior portion thereof shall be at least 50 years old and average at least 50 years in age in the case of districts and meet at least one of the following criteria:
 - (A) The structure and any interior portion thereof, site, or district is associated with architectural, geographic, environmental, cultural, artistic, social, ethnic, or political heritage.
 - (B) It includes the site of a significant historic event.
 - (C) It is identified with a person who significantly contributed to the cultural, artistic, social, ethnic, or political heritage.
 - (D) It portrays a historic era characterized by a distinctive architectural style.

- (E) It is identified as the work of an architect or master builder whose individual work has influenced the development of Northglenn, Adams County, Weld County, the State of Colorado, or the United States.
 - (F) It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation.
- (2) In addition to the requirements in § 16-9-5(f)(1), when designation of a structure is without the consent of the property owner or with less than 51 percent of the consent of the property owners in a district, the following additional criteria shall apply.
- (A) The proposed designation has extraordinary historic significance;
 - (B) The proposed designation will not create the need for a Certificate of Exemption under § 16-9-8;
 - (C) The benefit of designation outweighs any diminution on the market value of the proposed designation; and
 - (D) The designation does not include any interior portions of the structure.
- (g) Appeals. Appeals shall follow the applicable appeal procedures in § 11-6-3(h) of the Unified Development Ordinance. Relevantly, a party aggrieved or adversely affected by any final decision by the City Council may seek review of the decision in the courts in accordance with applicable State law.
- (h) Limitation on Resubmittal of applications. If an application for designation is denied, applications shall not be considered on a new application that is the same or substantially the same for one year from the date of the denial.
- (i) Designation Recording. The designation ordinance shall be recorded by the City Clerk in the Office of the County Clerk and Recorder in the county in which the property is located.
- (j) Removal of a Designation. To amend or rescind a designation, an applicant must demonstrate that the designation no longer meets the criteria in this § 16-9-5.

Section 16-9-6. Standards for Designated Properties.

- (a) To the maximum extent practicable by the nature of the district, structure, or site as determined by the Director of Planning and Development, the Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings, a section of the Secretary of the Interior Standards for Historic Preservation, revised in 1990 as part of Department of the Interior regulations (36 C.F.R. Part 67, Historic Preservation

Certifications), as amended, shall be hereby adopted by the City as it relates to the required standards for designated properties, excepting any standards relating to aesthetic color schemes.

- (b) The Director of Planning and Development may grant a waiver of any requirement in subsection a upon the property owner sufficiently demonstrating that the property is in a designated district but does not contribute to the historic characteristics of the district and would not meet the designation criteria as an individual property. Such decision shall be made in writing and sent to the property owner and the Historic Preservation Commission.
- (c) An applicant may submit or staff may recommend alternative design standards with any application for designation. Upon a determination that such alternative standards better meet the purposes of this Article, the Historic Preservation Commission may approve such alternative design standards in place of those requirements in subsection a.
- (c) Maintenance Requirements.
 - (1) The City intends to preserve from deliberate or inadvertent neglect designated properties and any interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion.
 - (2) No owner, lessee, or occupant of any historically designated property shall fail to prevent significant deterioration of the exterior of the structure or special feature beyond the condition of the structure on the effective date of the designating ordinance.

Section 16-9-7. Alteration Certificate Required.

- (a) Applicability.
 - (1) No persons shall cause or permit to be caused on a designated structure or feature, any construction, alteration, restoration, relocation, removal, or demolition visible from a public right-of-way on a designated property without first obtaining an Alteration Certificate.
 - (2) The Building Department shall not issue a building permit for work on designated properties until an Alteration Certificate or Exemption Certificate has been obtained by the property owner.
 - (3) If an Alteration Certificate is approved, the designated property shall retain its historic designation.
- (b) Application Submittal. Applications for a major or minor alteration certificate shall be filed with the Planning and Development Department.

- (c) Minor Alteration Certificate.
 - (1) Applications proposing minor adjustments to a designated property shall be approved by the Director of Planning and Development in accordance with this section.
 - (2) A Minor Alteration Certificate, as determined by the Director of Planning and Development, includes activity that goes beyond maintenance of a designated property, but does not constitute a major change to the designated property, including:
 - (A) The replacement of surface materials such as roofing, siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design;
 - (B) The installation, removal or replacement of a fence, awning, roofing material or dumpster enclosure;
 - (C) The reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing; and
 - (D) Those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a designated property, or as deemed to be minor upon petition to and determination by the Director of Planning and Development.
 - (3) Any change to a designated property that is not maintenance or minor, as determined by the Director of Planning and Development, shall require a Major Alteration Certificate.
- (d) Major Alteration Certificate.
 - (1) The Commission shall review and make a decision at a public hearing scheduled on the next available Commission meeting following a 15-days' notice period after the submittal of a complete application.
 - (2) The Commission shall approve, approve with conditions, or deny the application, or continue the hearing to a future Commission meeting, which continuance may include a request for any additional information deemed necessary to make a decision to approve or deny the application.
- (e) General Review Criteria. In reviewing a Major Alteration Certificate, the Commission shall consider the design, finish, material, scale, mass, and height of the proposal and if the alteration is compatible with the designation. The Commission shall 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) Additional Criteria for Demolition. In addition to the applicable requirements in § 16-9-7(e), when an Alteration Certificate includes demolition of part or the entire designated structure, the following additional criteria shall be met:
- (1) The structure or portion of the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;
 - (2) The structure or portion of the structure being demolished cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and

- (3) The designated structure or portion of the structure being demolished will be replaced with a structure that meets the standards in this Article 9 of Chapter 16.
- (g) Additional Criteria for Relocation. In addition to the applicable requirements in § 16-9-7(e), when an Alteration Certificate includes the relocation of a designated structure, the following additional criteria shall be met:
- (1) The property cannot be preserved, restored, rehabbed, or reused on its current site for any reasonable, beneficial use;
 - (2) A structural report submitted by a licensed structural engineer as part of the application for the Alteration Certificate adequately demonstrates the structural soundness of the designated structure proposed for relocation;
 - (3) The designated structure can be relocated without significant damage to its physical integrity; and
 - (4) All other City codes and ordinances are and will be in compliance at both sites after the relocation is complete.
- (h) Appeals.
- (1) 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 days of the Commission's decision.
 - (2) A public hearing shall be scheduled at the next available City Council meeting after the Commission's decision.
 - (3) The City Council shall approve, approve with conditions, or deny the designation, or continue the hearing to a future City Council meeting, which continuance may include a request for any additional information deemed necessary to make a decision to approve or deny the application.
- (i) Reimbursement. costs associated with City staff's review of a demolition or relocation study shall be reimbursed by the applicant.

Section 16-9-8. Certificate of Exemption.

- (a) Applicability. After the denial of an appeal for an Alteration Certificate, the owner may apply for a Certificate of Exemption.
- (b) Application submittal. Applications for certificates of exemption must be filed with the Commission on a form provided by the Commission.
- (c) Review and Decision.

- (1) The Commission shall review and make a decision at a public hearing scheduled on the next available Commission meeting following a 15-days' notice period after the submittal of a complete application.
 - (2) The Commission shall approve, approve with conditions, or deny the application, or continue the hearing to a future Commission meeting, which continuance may include a request for any additional information deemed necessary to make a decision to approve or deny the application.
 - (3) The Commission shall review the evidence and testimony presented and issue written findings and conclusions within forty-five (45) days of the hearing. If a Certificate of Exemption is granted, the applicant may proceed with the construction, alteration, restoration, removal, or demolition without further delay imposed.
- (d) Review Criteria. The Commission shall apply the following criteria in determining whether to issue a Certificate of Exemption:
- (1) The property cannot be put to any reasonable beneficial use, or the owner will suffer a substantial economic loss without the Certificate of Exemption being sought;
 - (2) The applicant is not responsible in any way for the hardship created to which the Certificate of Exemption seeks to alleviate; and
 - (3) In the case of a proposed demolition, it is not economically feasible to rehabilitate, reuse, or replace the existing structure to meet the standards in this Article 9 of Chapter 16.
- (e) Appeals.
- (1) 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 days of the Commission's decision.
 - (2) A public hearing shall be scheduled at the next available City Council meeting after the Commissions' decision.
 - (3) The City Council shall approve, approve with conditions, or deny the designation, or continue the hearing to a future City Council meeting, which continuance may include a request for any additional information deemed necessary to make a decision to approve or deny the application.


Section 16-9-9. Enforcement and Penalties.

- (a) No person shall violate or permit to be violated any of the requirements of this section or the terms of a certificate issued under this Article 9 of Chapter 16.

(b) Violations of this section are punishable as provided in the Northglenn Municipal Code §§ 1-1-10 and 11-1-6 and are subject to the following additional penalties upon a determination by the Director of Planning and Development that such violation resulted in significant harm to the historic character of the property:

- (1) Alterations to a designation without an approved certificate under this Article 9 of Chapter 16 shall result in a one-year moratorium on all building permits for the subject property; and
- (2) Moving or demolishing a designated structure without an approved certificate under this Article 9 of Chapter 16 will result in a five-year moratorium on all building permits for the structure and for the property at the structure's original location.

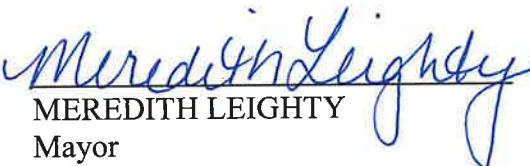
INTRODUCED, READ AND ORDERED POSTED this 12th day of December, 2022.


MEREDITH LEIGHTY
Mayor


ATTEST:


JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this 9th day of January, 2023.


MEREDITH LEIGHTY
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney