



**Planning, Development & Transportation**

**Community Development & Neighborhood Services**

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**LANDMARK PRESERVATION COMMISSION  
WORK SESSION**

281 N. College Avenue - First Floor 281 Conference Room

**AGENDA**

February 26, 2014

5:00 p.m. Commission's Dinner

5:30 p.m. Call Work Session to Order and Roll Call

Discussion: Historic Preservation Program Improvements, Phase 2 Code Revisions

Discussion: 2014 Commission Work Plan

Other Business

Adjourn

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## ARTICLE I. IN GENERAL

### Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

*Adverse effect* shall mean that a project or undertaking may alter, directly or indirectly, any of the characteristics that qualify a property for designation, either individually or as a contributing element of a district, in a manner that would diminish the property's exterior integrity. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be removed in distance, or be cumulative.

*Alteration* shall mean any act or process which changes one (1) or more of the exterior characteristics of a designated site, structure, object, or district or a site, structure, object or district eligible for designation.

*Characteristics* shall mean the visible and tangible attributes of a site, structure, object or district, including but not limited to the architectural design, style, general arrangement and components of all the outer surfaces of a site, object, structure or improvement, including but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to said site, object, structure or improvement.

*Commission* shall mean the Landmark Preservation Commission created in § 2-276.

*Compatible* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

*Construction* shall mean the erection of any on-site improvements on any parcel of ground located within a designated or eligible district or on a designated or eligible site, whether the site is presently improved or unimproved, or the erection of a new significant or accessory structure on such property.

*Context* shall mean the interrelated conditions in which a site, structure, object or district exists. The context of an area is the sum of the existing buildings and

spaces, and the pattern of physical development in the area. It can also be a measurement of the scarcity or profusion of a particular resource type.

*Contributing to a district* shall mean a site, structure or object eligible for designation, or formally designated, that has significance and that has experienced some alterations which, while not seriously damaging the exterior integrity of the property, have altered the appearance enough to be ~~noted~~ readily observed. These sites, structures, or objects retain enough exterior integrity to contribute to the significant characteristics of the district.

*Demolition* shall mean any act or process that destroys in part or in whole an eligible or designated site, structure or object, or a site, structure or object within an eligible or designated district.

*Determination of eligibility* shall mean a decision by the Director and the chair of the Commission, or the Commission, that a site, structure, object or district meets one (1) or more of the standards for designation as a Fort Collins landmark, which determination shall be valid for ~~one (1) year~~ five (5) years. The determination of eligibility for the National Register of Historic Places and/or State Register of Historic Places Properties shall be according to the processes and procedures of the Colorado Historical Society.

*Director* shall mean the Director of Community Development and Neighborhood Services or his or her designee.

*District* shall mean a geographically definable area possessing a significant concentration, linkage, or continuity of sites, structures, or objects and their surrounding environs united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

*Eligibility* shall mean a resource's ability to meet one (1) or more of the standards for designation as a Fort Collins landmark, or the criteria for designation on the National Register of Historic Places and/or State Register of Historic Places Properties. There are three (3) levels of eligibility for Fort Collins landmark designation: individual, contributing to a district, and noncontributing/not eligible.

*Improvement* shall mean any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including improvements on public property.

*Individual landmark* shall mean a site, structure or object eligible for designation, or formally designated, that has significance and ~~which substantially retains its~~ exterior integrity. The property may have minor alterations but these alterations will not have substantially compromised the site's, structure's or object's exterior integrity.

*Landmark or landmark district* shall mean any site, structure, object or improvement and its surrounding environs or a group of sites, structures, objects or improvements or both and their surrounding environs:

- (1) Which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation;
- (2) Wherein any event of major historic significance with a measurable effect upon society took place;
- (3) Which is closely identified with a person or group of persons who have had some measurable influence on society;
- (4) Wherein the broad cultural, political, economic or social heritage of the community is exemplified;
- (5) Which faithfully portrays the environment of a group of people in an era of history characterized by a distinctive architectural style or which embodies those distinguishing characteristics of an architectural-type specimen or which is the work of an architect or master builder whose individual work has influenced the development of the City;
- (6) Which, because of being a part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based upon a historic, cultural or architectural significance;
- (7) Which, due to unique location or singular physical characteristic, represents an established, familiar and significant visual feature of the neighborhood, community or City;
- (8) Officially designated as a Fort Collins landmark or Fort Collins landmark district pursuant to the provisions of this Chapter.

*Major alteration* shall mean work **which has the potential to substantially affecting** more than one (1) aspect of exterior integrity.

*Minor alteration* shall mean work **which has the potential to substantially affecting** no more than one (1) aspect of exterior integrity.

*Noncontributing/not eligible* shall mean a site, structure or object which does not possess sufficient significance and/or exterior integrity ~~necessary~~ for designation, and is considered noncontributing to a district, or not eligible to be designated as an individual landmark.

*Object* shall mean a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable.

~~*Relocation* shall mean moving all or part of a structure or object to a different location.~~

*Repair and maintenance* shall mean work done on a site, structure or object in order to correct any deterioration, decay or damage to any part thereof in order to

restore the same as nearly as practical to its condition prior to such deterioration, decay or damage.

*Resource* shall mean any site, structure or object that is part of or constitutes a property.

~~*Significance* shall mean the importance of a property as defined by the standards for designation as a Fort Collins landmark or landmark district. The determination of significance for the National or State Registers of Historic Places shall be in accordance with the processes and procedures of the Colorado Historical Society.~~

*Significant structure* shall mean a house, commercial/industrial building, barn, stable, granary, carriage house, chicken house or similar structure.

*Site* shall mean the location of a significant event, a prehistoric or historic occupation or activity, or a structure or object whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

*Structure* shall mean that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

~~*Working day* shall mean any day except Saturday, Sunday and any national, state or local holiday (or day of observation) during which the Department of Community Development and Neighborhood Services is not open for regular business.~~

(Code 1972, § 69-3; Ord. No. 78, 1988, § 4, 6-7-88; Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 186, 2002, § 1, 1-7-03; Ord. No. 132, 2009, §§ 1, 2, 12-15-09; Ord. No. 067, 2012, §§ 1—6, 8-21-12)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 14-2. Declaration of policy.**

(a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of sites, structures, objects and districts of historical, architectural or geographic significance, located within the City, are a public necessity and are required in the interest of the prosperity, civic pride and general welfare of the people.

(b) It is the opinion of the City Council that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural

and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets.

(Code 1972, § 69-2(A), (C); Ord. No. 186, 2002, § 2, 1-7-03)

**Sec. 14-3. Purpose.**

The purposes of this Section are to:

- (1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
- (2) Foster civic pride in the beauty and accomplishments of the past;
- (3) Stabilize or improve aesthetic and economic vitality and values of such sites, structures, objects and districts;
- (4) Protect and enhance the City's attraction to tourists and visitors;
- (5) Promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City;
- (6) Promote good urban design;
- (7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

(Code 1972, § 69-2(B))

**Sec. 14-4. Staff.**

The staff of the Commission shall consist of a secretary and such other staff as may be authorized by the City. The secretary shall be the custodian of the records of the Commission, shall handle official correspondence and shall generally supervise the clerical and technical work of the Commission. The Director shall act as secretary and staff liaison to the Commission.

(Code 1972, § 69-5; Ord. No. 186, 2002, § 3, 1-7-03; Ord. No. 132, 2009, § 3, 12-15-09; Ord. No. 067, 2012, § 13, 8-21-12)

~~Cross reference – Community Planning and Environmental Services, § 2-521.~~

**Sec. 14-5. Standards for determining the eligibility for designation of sites, structures, objects and districts for preservation designation as Fort Collins Landmarks or Landmark Districts.**

Properties eligible for designation must possess both significance and exterior integrity. In making a determination of eligibility, the context of the area surrounding the property shall be considered.

(1) *Significance* is the importance of a site, structure, object or district to the history, architecture, archeology, engineering, or culture of our community, state or nation. *Significance* is achieved through meeting one or more of four standards recognized by the U.S. Department of Interior, National Park Service. These standards define how properties are significant for their association with events or persons, in design or construction, or for their information potential.

(2) Standards for determining significance:

a. *Event*. Properties may be determined to be significant if they are associated with events that have made a recognizable contribution to the broad patterns of our history. A property can be associated with either (or both) of two types of events:

1. A specific event marking an important moment in Fort Collins prehistory or history; and/or
2. A pattern of events or a historic trend that made a recognizable contribution to the development of our community, state, or the nation.

b. *Person/Group*. Properties may be determined to be significant if they are associated with the lives of a person or groups of persons recognizable in our past whose specific contributions to our history can be identified and documented.

c. *Design/Construction*. Properties may be determined to be significant if they embody the identifiable characteristics of a type, period, or method of construction; or represent the work of a craftsman or architect whose work is distinguishable from others by its characteristic style and quality; or possess high artistic values or design concepts; or be a part of a recognizable and distinguishable group of properties. This Standard applies to such disciplines as formal and vernacular architecture, landscape architecture, engineering, and artwork, by either an individual or a group. A property can be significant not only for the way it was originally constructed or crafted, but also for the way it was adapted at a later period, or for the way it illustrates changing tastes, attitudes, and/or uses over a period of time. Examples are residential buildings which

represent the socio-economic classes within a community, but which frequently are vernacular in nature and do not have high artistic values.

d. *Information potential.* Properties may be determined to be significant if they have yielded, or may be likely to yield, information important in prehistory or history.

(3) *Exterior integrity* is the ability of a site, structure, object or district to be able to convey its significance. The exterior integrity of a resource is based on the degree to which it retains all or some of seven (7) aspects or qualities established by the U.S. Department of Interior, National Park Service: *location, design, setting, materials, workmanship, feeling, and association*. All seven (7) qualities do not need to be present for a site, structure, object or district to be eligible as long as the overall sense of past time and place is evident.

(4) Standards for determining exterior integrity:

a. *Location* is the place where the historic property was constructed or the place where the historic event occurred.

b. *Design* is the combination of elements that create the form, plan space, structure, and style of a property.

c. *Setting* is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place. It involves how, not just where, the property is situated and its relationship to the surrounding features and open space.

d. *Materials* are the physical elements that form a historic property.

e. *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, or site.

f. *Feeling* is a property's expression of the aesthetic or historic sense of a particular period or time. It results from the presence of physical features that, taken together, convey the property's historic character.

g. *Association* is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires

the presence of physical features that convey a property's historic character.

(5) *Context.* Context is the interrelated conditions in which a site, structure, object or district exists – its surroundings. The context of an area is the sum of the existing buildings and spaces, and the pattern of physical development in the area. The area required for evaluating a resource's context is dependent on the type and location of the resource. A house located in the middle of a residential block could be evaluated in the context of the buildings on both sides of the block, while a house located on a corner may require a different contextual area. Upon the submittal of an application necessitating a determination of eligibility for designation as a Fort Collins Landmark or Landmark District, the Director of Community Development and Neighborhood Services and/or the chair of the Commission shall determine the minimum area required for evaluating context, and such information, including photographs and other documents, as required for the determination.

**Sec. 14-6. Process for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins Landmarks or Landmark Districts.**

(a) *Application.* Application for determining the eligibility of a site, structure, object or district for designation as a Fort Collins Landmark or Landmark District may be made by any citizen or owner of property in the City on forms prescribed by the City. Said application shall be filed with the Director. Within fifteen (15) days of the filing of such application, the Director and the chair of the Commission (or a designated member of the Commission appointed by the chair) shall determine the site, structure, object or district's current level of eligibility (individual, contributing to a district or not eligible) for designation as a Fort Collins landmark, which determination shall be valid for five (5) years. The Director shall promptly publish the determination in a newspaper of general circulation in the City, and cause a sign to be posted on or near the structure proposed for demolition or alteration stating that the building or structure is undergoing historic review. Said sign shall be at least four (4) square feet in size, readable from a point of public access and shall state that more information may be obtained from the Director.

(b) *Appeal of determination.* Any determination made by the Director and the chair of the Commission, or his or her designee, regarding the structure's level of eligibility may be appealed to the Commission by any citizen or owner of property in the City. Such appeal shall be set forth in writing and filed with the Director within fourteen (14) days of the date of the Director's decision. The appeal shall include a Colorado Cultural Resource Survey Architectural Inventory Form, prepared by an expert in historic preservation acceptable to the Director and the applicant, with the cost of such form to be paid by the applicant. Such form need not be filed with the appeal but must be filed at least ten (10) days prior to the hearing of the appeal. The Commission shall schedule a date for hearing the appeal before the Commission as expeditiously

as possible. Not less than ten (10) days prior to the date of the hearing, the Commission shall provide the appellant with written notice of the date, time and place of the hearing of the appeal, which notice shall be deposited in the U.S. Mail, and shall publish in a newspaper of general circulation in the City notice of the hearing. The fact that any notice required under this Subsection has not been received shall not affect the validity of any hearing or determination by the Commission. In addition, the Commission shall cause a sign to be posted on or near the structure stating that the building or structure is undergoing historic review. Said sign shall be at least four (4) square feet in size, readable from a point of public access and shall state that more information may be obtained from the Director.

(Code 1972, § 69-6; Ord. No. 186, 2002, § 4, 1-7-03)

**Cross reference**—Buildings and building regulations, Ch. 5.

#### **Sec. 14-67. Waiver of conditions.**

Upon a showing of substantial hardship or to protect against an arbitrary result, the Commission may waive such conditions and requirements as are set forth in this Chapter provided that the spirit and purpose of the Chapter are not significantly eroded, and that in making its decision, the Commission shall grant the waiver only if it finds that the request for the waiver meets one or both of the following criteria:

(1): By reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, provided that such difficulties or hardship are not caused by the act or omission of the applicant; and/or

(2): The proposal as submitted will not diverge from the conditions and requirements of this Chapter except in nominal and inconsequential ways, and will continue to advance the purposes of this Chapter.

Any finding made under subparagraph (1) or (2) above shall be supported by specific findings showing how the proposal, as submitted, meets the requirements and criteria of said subparagraph (1) or (2).

(Code 1§972, § 69-9(H); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 186, 2002, § 22, 1-7-03; Ord. No. 067, 2012, § 7, 8-21-12)

#### **Sec. 14-8. Extension of time limits.**

Any time limit set forth in this Chapter may be extended by mutual consent of the Commission and the applicant, or the Commission, the Department of Community Development and Neighborhood Services and the applicant, whichever is applicable.

(Code 1972, § 69-10; Ord. No. 78, 1988, § 15, 6-7-88; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 24, 1-7-03; Ord. No. 132, 2009, § 11, 12-15-09)

**Sec. 14-9. Violations and penalties.**

Any person violating any provision of this Chapter shall be subject to the penalty provided in § 1-15. In case any improvement is erected, constructed, reconstructed, altered, added to or demolished in violation of this Chapter, the City or any proper person may institute an appropriate action or proceeding to prevent such unlawful action. The imposition of any penalty hereunder shall not preclude the City or any proper person from instituting any proper action or proceeding to require compliance with the provisions of this Chapter and with administrative orders and determinations made hereunder.

(Code 1972, § 69-13; Ord. No. 69, 1989, § 2, 6-20-89; Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 186, 2002, § 28, 1-7-03)

**Cross reference**—General penalty, § 1-15.

**Sec. 14-10. Appeal of decisions**

Final decisions of the Commission, except decisions made under Section 14-21(a) of the Article, shall be subject to the right of appeal to the City Council as set forth in § 2-46 et seq. Any action taken in reliance upon any decision of the commission that is subject to appeal under the provisions of this Chapter shall be totally at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action taken during said period of time.

(Code 1972, § 69-9(I); Ord. No. 78, 1988, § 14, 6-7-88; Ord. No. 89, 1989, §§ 2, 3, 6-20-89; Ord. No. 186, 2002, § 23, 1-7-03)

**Sec. 14-11. Severability.**

It is hereby declared to be the legislative intent that the several provisions of this Chapter shall be severable in accordance with the provisions set forth below:

(1) If any provision of this Chapter is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision which is expressly stated in the decision to be invalid. Such decision shall not affect, impair or nullify this Chapter as a whole or any other part, but the rest of this Chapter shall continue in full force and effect;

(2) If the application of any provision of this Chapter to any lot, structure or other improvement or a tract of land is declared to be invalid by a decision of any court of

competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that lot, structure or other improvement or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Chapter as a whole or the application of any provision to any other lot, structure or other improvement or tract of land.

(Code 1972, § 69-14; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 186, 2002, § 29, 1-7-03)

Secs. 14-7~~12~~—14-20. Reserved.

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## ARTICLE II. DESIGNATION PROCEDURE

### Sec. 14-21. Initiation of procedure.

(a) Application. Application for landmark designation may be made by motion of the Commission or upon application of the owner of the property sought to be designated, or of any three (3) or more ~~unrelated~~ citizens of the City. All applications submitted in accordance with this Section shall include a description of the property proposed for designation and a detailed outline of the reasons why such property should be designated and why the boundaries of the property should be determined as described in the application. Upon receipt of an application, the Commission shall make a motion stating whether the site, structure, object or district meets the criteria of a landmark or landmark district, and, if so, directing staff to investigate the benefits to the City of landmark designation. If the owner is not the applicant, the Commission shall contact the owner or owners of such landmark or landmark district outlining the reasons and effects of designation as a landmark and, if possible, shall secure the owner's consent to such designation. If the Commission is unable to personally contact such owner, it shall be sufficient to send a written request for the consent to designation of such property by certified or registered mail, return receipt requested, addressed to the owner of the property as shown on the most recent records of the County Assessor at the address shown on such records.

(b) Owner consent. If the owner consents in writing to such designation, the Commission, upon the affirmative vote of a majority of the members present, may adopt a resolution recommending to the City Council the designation of the landmark or landmark district without the necessity of notice and without the review by the Department of Community Development and Neighborhood Services required by § 14-26 below.

### Sec. 14-24~~22~~. Interim control.

No building permit shall be issued by the Department of Community Development and Neighborhood Services for alteration, construction, or demolition of a site, structure or object under consideration for landmark designation or any site, structure or object within a district under consideration for landmark district designation from the date of the hearing of the Commission at which the Commission approves a motion directing staff to investigate the benefits to the City of landmark designation until final disposition of the designation by the City Council unless such alteration, construction, or demolition is **approved by a motion of the Commission as not having an adverse effect on the property's eligibility for designation, or is** authorized by resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay in issuance of a building permit due to the provisions of this Section be for more than one hundred eighty (180) days.

(Code 1972, § 69-7(D); Ord. No. 78, 1988, § 8, 6-7-88; Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 186, 2002, § 8, 1-7-03; Ord. No. 030, 2012, § 33, 4-17-12)

**Sec. 14-23. Resolution hearing.**

If an owner does not consent to designation of the property within fifteen (15) days from the date of receipt of the request for consent to designation, the Commission shall hold a resolution hearing, at a specified time, date and place, following the giving of notice as described in § 14-25. Upon the affirmative vote of at least six (6) of its members the Commission may proceed by officially adopting a resolution stating that the preliminary investigation by the Commission indicates that the described property is eligible for designation as a landmark or landmark district, and the reason the Commission feels that it should proceed without the consent of the owner to such designation. The Commission shall proceed to schedule a public hearing on the question of designation, hereinafter called a designation hearing, at a specified time, date and place following the giving of notice as described in § 14-25. The fact that any notice required under this Subsection has not been received shall not affect the validity of any hearing or determination by the Commission.

(Code 1972, § 69-7(A); Ord. No. 78, 1988, § 5, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 5, 1-7-03; Ord. No. 132, 2009, § 4, 12-15-09; Ord. No. 067, 2012, § 8, 8-21-12)

**Sec. 14-254. Designation Hearing.**

(a) Following the giving of notice as described in § 14-25 the Commission shall hold a **designation hearing**. At least ~~five (5)~~ **six (6)** members of the Commission shall conduct the hearing. If at least ~~five (5)~~ **six (6)** members are not present, the members present may adjourn the meeting to another date within two (2) weeks. If at least ~~five (5)~~ **six (6)** members are not present at such adjourned meeting, the hearing shall be canceled and the designation procedure terminated. If any hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current

session is to be adjourned. Such information shall be promptly forwarded, by regular mail, to the owners of record as established and addressed pursuant to § 14-225.

(b) Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Commission from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations. The hearings shall be recorded and minutes provided to each City Council member. Written presentations, including the report of the Department of Community Development and Neighborhood Services **as described in Sec. 14-26**, shall be included in the record of the hearing.

(Code 1972, § 69-7(E); Ord. No. 78, 1988, § 9, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 9, 1-7-03; Ord. No. 132, 2009, § 7, 12-15-09)

**Sec. 14-225. Notice of hearing.**

Notice of ~~designation~~ hearings shall be given as follows:

(1) Written notice of the time, date, place and subject of the hearing shall be sent by registered or certified mail not less than thirty (30) days prior to the hearing to all owners of record on the date of the resolution who own the real property being proposed for designation as a landmark or landmark district. Such notice shall be deemed delivered upon the passage of five (5) days from the deposit of the notice in the mail. **The fact that any notice required under this Subsection has not been received shall not affect the validity of any hearing or determination by the Commission.**

(2) Signs indicating that ~~recommendation~~ for landmark designation is being considered by the Commission shall be posted by the Commission for a period of not less than fifteen (15) days immediately preceding the **applicable** hearing on all property proposed for landmark designation and/or on the boundaries of all areas proposed for landmark district designations. Such signs shall be prominently displayed and easily readable from abutting public ways.

(3) A legal notice indicating the nature of the hearings, the property involved and the time, date and place of the scheduled public hearing shall be published in a local newspaper of general circulation one (1) time at least fifteen (15) days prior to the hearing.

(4) Written notice of the proposed landmark designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date and place of the hearing, shall be given to the Director not later than thirty (30) days prior to the hearing.

(Code 1972, § 69-7(B); Ord. No. 78, 1988, § 6, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 6, 1-7-03; Ord. No. 132, 2009, § 5, 12-15-09; Ord. No. 067, 2012, § 13, 8-21-12)

**Sec. 14-236. Department of Community Development and Neighborhood Services review.**

(a) The Department of Community Development and Neighborhood Services shall review the proposed designation with respect to:

- (1) Its relationship to the zoning ordinance of the City and the Comprehensive Plan of the City;
- (2) The effect of the designation upon the surrounding neighborhood;
- (3) Such other planning considerations as may be relevant.

(b) The Department of Community Development and Neighborhood Services may recommend approval, rejection or modification of the proposed designation and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Commission in written form at or prior to the **designation** hearing.

(Code 1972, § 69-7(C); Ord. No. 78, 1988, § 7, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 7, 1-7-03; Ord. No. 132, 2009, § 6, 12-15-09)

~~**Cross reference**—Community Planning and Environmental Services, § 2-521.~~

**Sec. 14-267. Findings and recommendations of the Commission.**

The Commission shall act officially on each proposed designation within thirty-five (35) days of the **designation** hearing. The Commission may approve, reject or modify any proposal, but no proposal may be extended beyond the boundaries of the land described in the original resolution unless the initiation and hearing procedures ~~is~~ **are** repeated for the enlarged boundaries. The Commission shall set forth in its records the findings of fact which constitute the basis for its decision. If the Commission fails to act within the thirty-five-day period, the designation shall be deemed to have been rejected and the designation procedure shall thereby be terminated.

(Code 1972, § 69-7(F); Ord. No. 78, 1988, § 10, 6-7-88; Ord. No. 186, 2002, § 10, 1-7-03)

**Sec. 14-278. Transmittal to City Council.**

(a) Within fifteen (15) days after reaching its decision, the Commission shall transmit to the City Council its recommendation on the designation of a landmark or landmark

district, including the description of the property involved and the findings upon which the recommendation was based.

(b) If more than one (1) property is involved in the designation procedure, the Commission may approve in part and terminate in part. Each part shall then be treated as a separate action. In no event may any property be added to the area described in the initiation resolution without instituting a new designation procedure.

(Code 1972, § 69-7(G); Ord. No. 78, 1988, § 11, 6-7-88; Ord. No. 186, 2002, § 11, 1-7-03)

**Sec. 14-289. City Council action.**

Upon receipt of the recommendations transmitted by the Commission, the City Council may by ordinance designate property as a landmark or landmark district. Due consideration shall be given to the written view of owners of affected property, and in its discretion the City Council may hold public hearings on any proposed landmark or landmark district designation. If the City Council does not so designate a property, ~~then the~~ **any permit then in effect** to alter or demolish the structure on the property may be approved without the necessity of compliance with Article IV of this Chapter.

(Code 1972, § 69-7(H); Ord. No. 78, 1988, § 12, 6-7-88; Ord. No. 186, 2002, § 12, 1-7-03; Ord. No. 067, 2012, § 9, 8-21-12)

**Sec. 14-2930. Recording with County Clerk.**

Within fifteen (15) days of the effective date of an ordinance designating property as a landmark or landmark district, the City shall record among the real estate records of the County Clerk and Recorder either:

- (1) A certified copy of the ordinance designating the specified property as a landmark or landmark district; or
- (2) A notice stating that the specified property has been designated as a landmark or landmark district and citing the ordinance and the effective date of the ordinance which made the designation effective. The notice may also contain a brief summary of the effects of such designation as set forth in this Chapter.

(Code 1972, § 69-7(I))

**Sec. 14-301. Final notification to owner.**

Within ~~ten (10)~~ **fourteen (14)** days after the recording of the ordinance or the notice of designation of property as a landmark or landmark district, the secretary of the Commission shall send to the owner of each property so designated a letter outlining the

reasons for such designation and the obligations and restrictions created by such designation. Such letter shall also contain a request that the owner or his or her successors or assigns notify the secretary of the Commission prior to:

(1) Preparation of plans for the reconstruction or alteration of the exterior of improvements located on such property;

(2) Preparation of plans for the construction, alteration, ~~relocation~~ or demolition of improvements on such property.

(Code 1972, § 69-7(J); Ord. No. 78, 1988, § 13, 6-7-88; Ord. No. 186, 2002, § 13, 1-7-03)

**Sec. 14-31~~2~~. Amendment or rescission of designation.**

A landmark and landmark district designation may be amended or rescinded in the same manner as the original designation was made.

(Code 1972, § 69-8)

**Sec. 14-58~~33~~. Notification of state or national designation.**

The Director shall promptly notify the Commission of any known national or state designations which occur within the City.

(Code 1972, § 69-12; Ord. No. 78, 1988, § 16, 6-7-88; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 130, 2002, § 21, 9-17-02; Ord. No. 186, 2002, § 27, 1-7-03; Ord. No. 132, 2009, § 12, 12-15-09; Ord. No. 067, 2012, § 13, 8-21-12)

**Secs. 14-32~~4~~—14-45. Reserved.**

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**ARTICLE III. CONSTRUCTION, ALTERATIONS, ~~AND~~ DEMOLITIONS AND RELOCATIONS**

**Sec. 14-46. Work requiring building permit.**

(a) Action on an application for a building permit, including any permit for the demolition **or alteration** of a structure or object, shall be deferred by the Director of Building and Zoning except as provided in § 14-52~~4~~ until the application is accompanied by a report of acceptability from the Commission for the proposed work when the proposed work involves any of the following:

- (1) Alteration or reconstruction of or addition to the exterior of any improvement which constitutes all or part of a landmark or landmark district;
- (2) Demolition or ~~relocation~~ **alteration** of any improvement or object which constitutes all or part of a landmark or landmark district;
- (3) Construction or erection of or addition to any improvement upon any land included in a landmark district.

(b) In order to obtain a report of acceptability, the applicant shall submit the application for a building permit, including sketches, plans and other documents as required by the Commission, to the Commission through the Director. All such applications shall be reviewed by the Commission in two (2) phases to determine compliance with this Chapter as follows:

(1) *Conceptual review.* Conceptual review is an opportunity for the applicant to discuss requirements, standards, design issues and policies that apply to landmarks or sites, structures and objects within a landmark district. Problems can be identified and solved prior to final review of the application. ~~After review of the application by the Commission, the Director shall furnish the applicant with written comments regarding the conceptual review.~~ Conceptual approval of any proposed work may be limited to certain portions of the work as deemed appropriate by the Commission. Conceptual approval does not guarantee final approval of any proposed work. If, upon review of the proposed work, the Commission determines that conceptual review is not necessary given the absence of a significant impact on the landmark or landmark district involved, it may be waived by the Commission, and the Commission may then proceed to consider the proposed work on final review at the same meeting.

(2) *Final review.* If an application or parts thereof is conceptually approved, it shall be finally reviewed by the Commission at the same or a subsequent meeting of the Commission. During final review, the Commission shall consider the application or parts thereof that have received conceptual approval and any changes made by the applicant since conceptual review.

(Code 1972, § 69-9(A); Ord. No. 130, 2002, §§ 11, 21, 9-17-02; Ord. No. 186, 2002, § 14, 1-7-03; Ord. No. 132, 2009, § 8, 12-15-09; Ord. No. 067, 2012, § 13, 8-21-12)

**Sec. 14-47. Work not requiring building permit; application for approval.**

(a) Except as otherwise provided herein, no land surface within any real property designated as a landmark or landmark district shall be changed and no improvements shall be erected, removed, restored, demolished or altered including alteration of color without prior written approval of the Commission. No addition shall be made to any real property designated as a landmark or landmark district in such a manner or of such a

character as to change the exterior appearance or exterior characteristics which change shall be visible from any public street, park or other public place, without prior written approval of the Commission.

(b) Any person desiring to remove, demolish, **alter** or in any way change the exterior appearance or the exterior characteristics of improvements on real property designated as a landmark or in a landmark district or desiring to change the land surface of any such real property, shall submit to the Commission an application for approval and a specific statement of the work proposed, together with such details as the Commission may require.

(Code 1972, § 69-9(B); Ord. No. 89, 1989, § 1, 6-20-89; Ord. No. 186, 2002, § 15, 1-7-03)

**Sec. 14-48. Approval of proposed work.**

(a) If upon receipt of an application for a building permit pursuant to § 14-46, or upon receipt of an application pursuant to § 14-47, the Commission finds that the proposed work is of a nature which will not erode the authenticity or destroy any distinctive exterior feature or characteristic of the improvements or site and is compatible with the distinctive characteristics of the landmark or landmark district and with the spirit and purpose of this Chapter, the Commission shall advise the applicant in writing by issuing a report of acceptability ~~and shall affix its seal to the plans and specifications for the approved work.~~ In the case of an application for a building permit, upon receipt of the Commission's report of acceptability and approved plans and specifications, the Director of Building and Zoning shall proceed with the review of the application for a building permit. No change which would defeat the purpose of this Chapter shall be made in an application for a building permit or the plans and specifications for the proposed work approved by the Commission without resubmittal to the Commission and approval of such changes in the same manner as the original application.

(b) In determining the decision to be made concerning the issuance of a report of acceptability, the Commission shall consider the following criteria:

- (1) The effect of the proposed work upon the general historical and/or architectural character of the landmark or landmark district;
- (2) The architectural style, arrangement, texture and materials of existing and proposed improvements, and their relation to the sites, structures and objects in the district;
- (3) The effects of the proposed work in creating, changing, **obscuring** or destroying the exterior characteristics of the site, structure or object upon which such work is to be done;

- (4) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district;
- (5) The extent to which the proposed work meets the standards of the City and the United States Secretary of the Interior ~~then in effect~~ for the preservation, reconstruction, restoration or rehabilitation of historic resources.

(Code 1972, § 69-9(C); Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 16, 1-7-03)

**Sec. 14-48.549. Work not detrimental to historic, architectural or cultural material; administrative process.**

(a) Any work which would otherwise qualify for consideration under the procedures established in § 14-46 or 14-47 of this Article may, at the option of the applicant **and with the consent of the chair of the Commission**, be considered administratively by the Director. The Director may ~~only~~ consider, under the authority of this Section, applications for approval of color selection from a historically authentic palette of colors, **signs**, awning re-coverings and **minor alterations** ~~changes to a landmark or a site, structure or object located in a landmark district that would not remove, cover, alter or destroy any significant historic, architectural or cultural material.~~ The Director may, under the authority of this Section, consider changes originally initiated by the applicant as well as changes to plans previously approved by the Commission. Any application submitted to the Director under the authority of this Section shall be in writing and shall contain a specific statement of the work proposed, together with such details as the Director may require.

(b) If, upon receipt of any such application, the Director finds that the proposed work ~~will not remove, cover, alter or destroy any significant historic, architectural or cultural material and~~ is compatible with the distinctive characteristics of the landmark or landmark district and with the spirit and purpose of this Chapter, and complies with all of the criteria for review established in § 14-48(b) above, the Director shall render a written decision approving the work. In the case of an application for a building permit, the Director of Building and Zoning shall proceed with the review of the application only upon receipt of the Director's decision and approved plans and specifications. No change shall be made in any such application for a building permit or in the plans and specifications for work approved by the Director unless such changes are submitted to and approved by the Director in the same manner as the original application. The proposed work shall not be commenced until the Director has issued the decision approving the work and a building permit (if applicable) has been issued.

(c) Decisions of the Director made under the authority of this Section may be appealed to the Commission **by the applicant**, provided that any such appeal shall be set forth in writing and filed with the Director within fourteen (14) days of the date of the Director's decision. The Commission shall schedule a date for hearing the appeal before the Commission as expeditiously as possible. The Commission shall provide the appellant

with written notice of the date, time and place of the hearing of the appeal, which notice shall be deposited in the U.S. Mail not less than five (5) days prior to the date of the hearing, and shall also publish notice of the hearing in a newspaper of general circulation in the City not less than ten (10) days prior to the date of the hearing. **The fact that any notice required under this subsection has not been received shall not affect the validity of any hearing or determination by the Commission.** Any action taken in reliance upon the decision of the Director shall be totally at the risk of the persons taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action taken during said period of time.

(Ord. No. 160, 1996, 1-7-97; Ord. No. 130, 2002, §§ 11, 23, 9-17-02; Ord. No. 186, 2002, § 17, 1-7-03; Ord. No. 132, 2009, § 9, 12-15-09; Ord. No. 067, 2012, § 10, 8-21-12)

**Sec. 14-50. Denial of building permit.**

If the proposed work is not approved by the Commission, the Director of Building and Zoning shall deny the application for the building permit and shall advise the applicant. No reapplication shall be submitted pursuant to § 14-46 et seq., under the original plans and specifications found unacceptable by the Commission except upon a showing of changed circumstances sufficient to justify the reapplication.

(Code 1972, § 69-9(D); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 19, 1-7-03)

**Sec. 14-51 Appeal of decisions.**

Decisions of the Commission regarding the acceptability of applications for building permits under § 14-46 or applications for approval of work not requiring a building permit under § 14-47, or appeals of applications regarding signs under § 14-49, shall be considered final decisions within the meaning of § 2-46 et seq.; and such decisions shall be subject to the right of appeal to the City Council as set forth in § 2-46 et seq.

(Code 1972, § 69-9(I); Ord. No. 78, 1988, § 14, 6-7-88; Ord. No. 89, 1989, §§ 2, 3, 6-20-89; Ord. No. 186, 2002, § 23, 1-7-03)

**Sec. 14-52. Remedying of dangerous conditions.**

In any case where the Director of Building and Zoning, the Poudre Fire Authority or any other public authority having the power, orders or directs the construction, reconstruction, alteration, repair, ~~relocation~~ or demolition of any landmark improvement for the purpose of remedying conditions determined by that officer, department or authority to be imminently dangerous to life, health or property, nothing contained herein shall be construed as making it unlawful for any person to comply with such order. Any such officer, department or authority shall take immediate steps to notify the Commission of

the proposed issuance of any such order or directive and may include in such order or directive any timely received requirements or recommendations of the Commission.

(Code 1972, § 69-9(G); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 21, 1-7-03)

**Cross reference**—Dangerous buildings, § 5-46 et seq.

**Sec. 14-56~~33~~. Normal maintenance and repair.**

Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior characteristics of improvements, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.

(Code 1972, § 69-11; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 186, 2002, § 25, 1-7-03)

**Sec. 14-57~~4~~. Minimum maintenance requirements.**

(a) All sites, structures or objects designated as landmarks and all sites, structures or objects located within a landmark district shall be maintained in such fashion as to meet the requirements of the **International Property Maintenance Code or the** Uniform Code for Building Conservation, as adopted by the City. The owner of such sites, structures or objects shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such sites, structures or objects to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such sites, structures or objects or the landmark districts, if any, in which they are situated.

(b) The Commission may request that the Director of Building and Zoning require correction of defects or repairs to any sites, structures or objects regulated by this Section.

(Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 26, 1-7-03)

**Secs. 14-61~~574~~—14-70. Reserved.**

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**ARTICLE IV. DEMOLITION OR ~~RELOCATION~~ ALTERATION OF  
HISTORIC STRUCTURES NOT DESIGNATED AS FORT COLLINS  
LANDMARKS OR LOCATED IN A FORT COLLINS LANDMARK DISTRICT**

**Sec. 14-71. General.**

With the exception of any structure **found to pose an imminent danger under** Section ~~109.1~~**108.1** of the **2006** International Property Maintenance Code as adopted and

amended by the City, or any structure designated as a Fort Collins landmark or located in a Fort Collins landmark district, no structure (or portion thereof) fifty (50) years of age or older which meets one (1) or more of the ~~criteria~~ **standards of eligibility** contained in § 14-5 of this Code may be demolished **or altered** nor shall any permit for such demolition **or alteration** be issued unless the owner of such structure has complied with the provisions of this Section and § 14-72 below. (This Article shall not apply to interior demolition **or alteration** activities **not visible from any public street, park or other public place**, or to demolition **or alteration** activities as they affect the surface or subsurface of the ground, or any archeological impacts pertaining thereto.)

(Ord. No. 56, 1994, § 2, 4-19-94; Ord. No. 186, 2002, § 31, 1-7-03; Ord. No. 067, 2012, § 11, 8-21-12)

**Sec. 14-72. Procedures for review of applications for demolition **or alteration**.**

- (a) The owner of any structure governed by this Article shall make application for City approval of the demolition **or alteration** of such structure (or portion thereof) on forms prescribed by the City. Said application shall be filed with the Director. Within ~~ten (10)~~ **fourteen (14)** days of the filing of such application, the Director and the chair of the Commission, (or a designated member of the Commission appointed by the chair, **which shall in this Section be referred to as “designee”**), shall **determine if the proposed work constitutes a minor or major alteration. If the Director and chair of the Commission (or designee) agree that the proposed work is a minor alteration, then the application shall be approved, which approval is not appealable under Section 14-10 or under Subsection (c) of this Section. If the work is determined to be a major alteration, the Director and the chair of the Commission, (or designee) shall determine the structure's current level of eligibility (individual, contributing to a district or not eligible) for designation as a Fort Collins landmark, shall determine the effect of the proposed work on the structure's eligibility, and shall determine whether ~~demolition~~ approval should be granted by the Director or whether the application should instead be referred to the Commission for either or both determinations. If approval is granted by the Director, such approval is not appealable under Section 14-10 but may be appealed under Subsection (c) of this Section.** Such approval shall be granted, subject to compliance with all other applicable laws, under the following circumstances:

- (1) The Director and chair of the Commission (or designee) agree that the structure (or portion thereof), upon review, is not eligible for individual designation as a Fort Collins landmark, and the structure is not designated on the National **Register of Historic Places** and/or State Registers of Historic ~~Places~~ Properties, either individually or as a contributing element of a **National and/or State Register** district; or
- (2) **The Director and chair of the Commission (or designee) agree that the structure (or portion thereof), upon review, is eligible for individual designation**

as a Fort Collins landmark, or the structure is designated on the National and/or State Registers of Historic Places, either individually or as a contributing element of a National and/or State Register district, and ~~T~~the proposed demolition or alteration of the structure (or portion thereof), in the judgment of the Director and the chair of the Commission (or designee), would not be detrimental to the current level of eligibility of the remaining structure, if any, adjacent properties, the surrounding neighborhood and the National and/or State Register district in which the structure is located, if any.

If none of the foregoing circumstances ~~is~~are determined to exist, the Director shall refer the application to the Commission for consideration pursuant to Subsection (b) below.

(b) If it is determined by the Director and/or chair of the Commission (or designee), pursuant to Subsection (a) above, that a demolition or alteration permit of a single family dwelling (provided that such property continues to be used for single family dwelling purposes) should not be issued without review by the Commission, then the application shall first be reviewed by the Design Review Subcommittee of the Commission prior to any appeal being made under Subsection (c) of this Section. The Director shall schedule a meeting on the application before the Subcommittee as expeditiously as possible following such determination, and following receipt of such information, including sketches, plans and other documents as required by the Subcommittee. At the meeting, the Design Review Subcommittee shall explore with the applicant all means for substantially preserving the eligibility of the structure which would be affected by the required permit.

In determining the decision to be made concerning the issuance of a report of acceptability, the Subcommittee shall consider the following criteria:

- (1) The effect of the proposed work upon the general historical and/or architectural character of the landmark or landmark district;
- (2) The architectural style, arrangement, texture and materials of existing and proposed improvements, and their relation to the sites, structures and objects in the district;
- (3) The effects of the proposed work in creating, changing, obscuring or destroying the exterior characteristics of the site, structure or object upon which such work is to be done;
- (4) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district;
- (5) The extent to which the proposed work meets the standards of the City and the United States Secretary of the Interior for the preservation, reconstruction, restoration or rehabilitation of historic resources.

If the Subcommittee unanimously agrees on alternative plans acceptable to the applicant, it shall provide to the Director a report of acceptability. Upon application for a required permit, such permit shall reflect the agreed upon alternative plans, whereupon a building permit may be issued.

(c) Any determination made pursuant to Section 14-72(a) by the Director and the chair of the Commission (or his or her designee), regarding major alterations, or the structure's level of eligibility; or the report of acceptability of the Design Review Subcommittee, made pursuant to Section 14-72(b), may be appealed to the Commission by any citizen or owner of property in the City. Such appeal shall be set forth in writing and filed with the Director within fourteen (14) days of the date of the Director's or Subcommittee's decision. The appeal shall include a Colorado Cultural Resource Survey Architectural Inventory Form, prepared by an expert in historic preservation, acceptable to the Director and the applicant, with the cost of such form to be paid by the applicant. Such form need not be filed with the appeal but must be filed at least ten (10) days prior to the hearing of the appeal. The Commission shall schedule a date for hearing the appeal before the Commission as expeditiously as possible. Not less than ten (10) days prior to the date of the hearing, the Commission shall provide the appellant with written notice of the date, time and place of the hearing of the appeal, which notice shall be deposited in the U.S. Mail, and shall publish in a newspaper of general circulation in the City notice of the hearing. In addition, the Commission shall cause a sign to be posted on or near the structure proposed for demolition or alteration stating that the building or structure is undergoing historic review. Said sign shall be at least four (4) square feet in size, readable from a point of public access and shall state that more information may be obtained from the Director. The fact that any notice required under this Subsection has not been received shall not affect the validity of any hearing or determination by the Commission.

(~~b~~d) If it is determined by the Director ~~or any member of the Commission, or by the -Design Review Subcommittee of the Commission,~~ pursuant to Subsection (~~a~~b) above, that a demolition ~~or alteration~~ permit should not be issued without review by the Commission, then the Director shall schedule a public hearing on the application before the Commission as expeditiously as possible following such determination, and following receipt of such information, including sketches, plans and other documents as required by the Commission. All such applications shall be processed as follows:

- (1) A fee in the amount of two hundred fifty dollars (\$250.) shall be paid by the applicant to cover the costs of processing the request for demolition ~~or alteration~~ at the final hearing before the Commission.
- (2) The application shall include such information from the applicant as the Director believes is necessary for the full and complete consideration of the request, which information shall include, but not be limited to:
  - a. A Colorado Cultural Resource Survey Architectural Inventory Form ~~and accompanying report~~ prepared by an ~~independent~~ expert in historic

preservation, acceptable to the Director and the applicant, with the cost of such form and report to be paid by the applicant.

b. A plan for the redevelopment of the property, which plan shall first be approved by all administrative and/or quasi-judicial decision-making officials and/or boards or commissions as are necessary as a prerequisite to the presentation of construction specifications to the Director of Building and Zoning if applicable, and if not applicable, then as a prerequisite to the commencement of construction (for purposes of this requirement, allowing the property to lie vacant or fallow shall not constitute "redevelopment").

(3) Not less than thirty (30) days prior to the hearing of the Commission, the applicant shall:

a. Cause a sign to be posted on or near the structure proposed for **demolition or alteration**, stating that the building or structure is ~~being considered for such demolition~~ **undergoing historic review**. Said sign shall be at least four (4) square feet in size, readable from a point of public access and shall state that more information may be obtained from the Director.

b. Request that the City generate a list of owners of record of all real property within **a minimum of** eight hundred (800) feet (exclusive of public rights-of-way, public facilities, parks or public open space) of the property lines of the parcel of land upon which the structure is situated, which list shall be prepared from the records of the County Assessor.

(4) Written notice of the hearing shall be mailed by the Director to all persons named on the list generated under Paragraph (3)b above. Said mailing shall occur at least fourteen (14) days prior to the hearing date. The applicant shall pay postage and handling costs as established by the Director. The fact that any notice required under this Subsection has not been ~~mailed or~~ received shall not affect the validity of any hearing or determination by the Commission.

(5) The Commission shall approve the application (with or without conditions) at the hearing or, in the alternative, it may postpone consideration of the application for a period not to exceed forty-five (45) days, in order to facilitate the gathering of additional information needed for the full and complete consideration of the request by the Commission, which information may include the opinion of the staff regarding the benefits to the City of landmark or landmark district designation of the property in accordance with Article II of this Chapter.

(6) In the event that the Commission has not made a final decision within said forty-five-day period, then the Commission shall be deemed to have approved, without condition, the proposed demolition **or alteration**.

(~~ee~~) The Commission shall schedule a date for any hearing to be held by the Commission under Subsection (a) or (~~bd~~) as expeditiously as possible and shall provide the applicant with written notice of the date, time and place of the hearing, which notice shall be deposited in the U.S. Mail not less than ten (10) days prior to the date of the hearing, and shall publish in a newspaper of general circulation in the City notice of the hearing not less than ten (10) days prior to the date of the hearing. **The fact that any notice required under this Subsection has not been received shall not affect the validity of any hearing or determination by the Commission.**

(Ord. No. 56, 1994, § 2, 4-19-94; Ord. No. 130, 2002, § 22, 9-17-02; Ord. No. 186, 2002, § 32, 1-7-03; Ord. 132, 2009, § 13, 12-15-09; Ord. No. 004, 2012, 1-17-12; Ord. No. 067, 2012, § 12, 8-21-12)

**Sec. 14-73. Requirements and conditions for approval of demolition and ~~relocation~~ or alteration.**

(a) Upon approval of the application by the Director or the Commission, the owner may obtain a demolition or ~~relocation~~ alteration permit and may thereafter demolish or ~~relocate~~ alter the structure (or portion thereof) in compliance with all applicable laws, ordinances and regulations.

(b) The Commission may, as a condition of its approval of the demolition or ~~relocation~~ alteration of a structure (or portion thereof), require the property owner to provide the City with such additional information which, in the opinion of the Commission, will help to mitigate the loss to the City caused by the demolition or ~~relocation~~ alteration of the structure (or portion thereof). These conditions may include:

- (1) Comprehensive photographic documentation of such structure, with prints and negatives;
- (2) Comprehensive historical, developmental, social, and/or architectural documentation of the property and the neighborhood containing the property; and/or
- (3) Any other mitigating solution agreed upon by the Commission, the applicant, and any other applicable parties.

(Ord. 56, 1994, § 2, 4-19-94; Ord. No. 130, 2002, § 22, 9-17-02; Ord. No. 186, 2002, § 33, 1-7-03; Ord. No. 132, 2009, § 14, 12-15-09; Ord. No. 067, 2012, § 13, 8-21-12)

**Secs. 14-74—14-80. Reserved.**

**ARTICLE V. LANDMARK REHABILITATION LOAN PROGRAM**

**Sec. 14-81. Purpose.**

The City Council hereby establishes a landmark rehabilitation loan program and finds that the program promotes a valid public purpose of increasing the quality, exterior integrity and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of designated Fort Collins landmarks or contributing structures in designated Fort Collins landmark districts a source of funding for exterior rehabilitation of such structures.

(Ord. No. 137, 2000, § 2, 10-17-00; Ord. No. 186, 2002, § 34, 1-7-03)

**Sec. 14-82. Establishment; funding.**

The City Manager shall administer the program for awarding zero-interest loans for the rehabilitation of Fort Collins landmark structures and/or contributing structures in Fort Collins landmark districts. The City Manager may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of seven thousand five hundred dollars (\$7,500.) unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.

(Ord. No. 137, 2000, § 2, 10-17-00; Ord. No. 186, 2002, § 35, 1-7-03; Ord. No. 108, 2009, § 1, 11-3-2009)

**Sec. 14-83. Criteria.**

No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:

- (1) The subject structure must have been designated as a Fort Collins landmark or be a contributing structure in a Fort Collins landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded.
- (2) All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan.
- (3) The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures. Neither the loan nor the matching funds shall be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the

installation of building additions or the addition of architectural or decorative elements which are not part of the landmarked structure.

(4) Loan funds may be expended only for rehabilitation of the exterior of a designated Fort Collins landmark structure or contributing structure in a Fort Collins landmark district. No interior improvements may be purchased utilizing City loan funds.

(5) The standards and/or guidelines of the City and the United States Secretary of the Interior for the preservation, reconstruction, restoration or rehabilitation of historic resources then in effect shall serve as the standards by which all rehabilitation work must be performed.

(6) No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City and has been approved by the City Manager and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by actual proof of expense.

(7) Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program.

(8) Property owners who have previously received loans shall be eligible for subsequent loans.

(9) All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work.

(10) No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:

- a. The applicant has demonstrated an effort to return the structure to its original appearance;
- b. It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations; and
- c. The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances.

(11) No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan, agreed to repay the loan in full upon sale or transfer of the property.

(Ord. No. 137, 2000, § 2, 10-17-00; Ord. No. 186, 2002, §§ 36—39, 1-7-03)

**Sec. 14-84. Reserved.\***

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## City of Fort Collins Land Use Code

### 3.4.7 Historic and Cultural Resources

(A) **Purpose.** This Section is intended to ensure that, to the maximum extent feasible: (1) historic sites, structures or objects are preserved and incorporated into the proposed development and any undertaking that may potentially alter the characteristics of the historic property is done in a way that does not adversely affect the integrity or significance of the historic property; and (2) new construction is designed to respect the historic character of the site and any potentially historic properties in the surrounding neighborhood. This Section is intended to protect designated or potentially individually eligible historic sites, structures or objects as well as sites, structures or objects in designated historic districts, whether on or adjacent to the development site.

(B) **General Standard.** If the project contains a site, structure or object that (1) is determined to be potentially individually eligible for individual local landmark designation or for individual listing in the State or National Registers of Historic Properties or National Registers of Historic Places; (2) is officially designated as a local or state landmark, or is listed on the National Register of Historic Places; or (3) is located within an officially designated National, State or Fort Collins historic district or area, then to the maximum extent feasible, the development plan and building design shall provide for the preservation and adaptive use of the historic structure. The development plan and building design shall protect and enhance the historical and architectural value of any historic property that is: (a) preserved and adaptively used on the development site; or (b) is located on property adjacent to the development site and qualifies under (1), (2) or (3) above. New structures must be compatible with the historic character of any such historic property, whether on the development site or adjacent thereto.

(C) **Determination of Landmark Eligibility.** The determination of potential individual eligibility for local landmark designation will be made in accordance with the applicable provisions of Chapter 14 of the City Code. A site, structure or object may be determined to be potentially individually eligible for individual local landmark designation if it meets one (1) or more of the criteria as described in Section 14-5, "~~Standards for Designation of Sites, Structures, Objects and Districts For Preservation~~" "**Standards for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins Landmarks or landmark districts**" of the City Code, **except that the finding of potential individual eligibility is non-binding on the owner of the property, and may be overturned by a formal determination of eligibility pursuant to Section**

~~14-6 of the City Code. If a property is determined to be eligible for designation, the applicant will provide a completed Colorado Cultural Resource Survey Architectural Inventory Form for the property.~~

The determination of individual eligibility for the National or State Register of Historic Places shall be according to the processes and procedures of the Colorado Historical Society.

**(D) *Reuse, Renovation, Alterations and Additions.***

(1) Original **or historic** materials and details, as well as distinctive form and scale, that contribute to the historic significance of the structure or neighborhood shall be preserved to the maximum extent feasible. Rehabilitation work shall not destroy the distinguishing quality or character of the structure or its environment.

(2) The rehabilitation of structures shall be in conformance with the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (available from the Director) or other adopted design guidelines **or standards**.

**(E) *Relocation or Demolition.*** A site, structure or object that is determined to be **formally or potentially** ~~individually~~ **individually** eligible for **individual** local landmark designation or for individual listing in the State or National Registers of Historic Places may be relocated or demolished only if, in the opinion of the decision maker, the applicant has, to the maximum extent feasible, attempted to preserve the site, structure or object in accordance with the standards of this Section, and the preservation of the site, structure or object is not feasible.

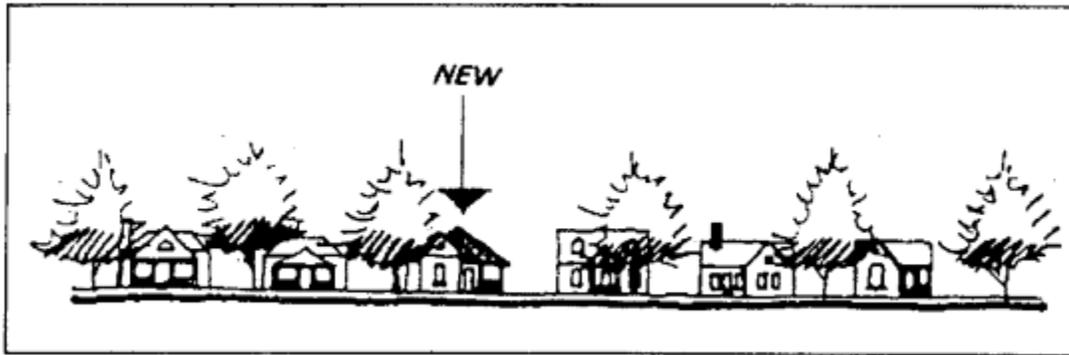
**(F) *New Construction.***

(1) To the maximum extent feasible, the height, setback and ~~or~~ width of new structures shall be similar to those of existing historic structures on: **(a)** any block face on which the new structure is located and on any portion of a block face across a local or collector street from the block face on which the new building is located, **or (b) when a block does not exist, then on any land adjacent to the property on which the new building is located,** unless, in the judgment of the decision maker, such historic structures would not be negatively impacted with respect to their historic exterior integrity and significance by reason of the new structure being constructed at a dissimilar height, setback and ~~or~~ width. Where building setbacks cannot be maintained, elements such as walls, columns, hedges or other screens shall be used to

define the edge of the site and maintain alignment. Taller structures or portions of structures shall be located interior to the site. Structures at the ends of blocks shall be of a similar height to structures in the adjoining blocks.

(2) New structures shall be designed to be in character with such existing historic structures. Horizontal elements, such as cornices, windows, moldings and sign bands, shall be aligned with those of such existing historic structures to strengthen the visual ties among buildings. Window patterns of such existing structures (size, height, number) shall be repeated in new construction, and the pattern of the primary building entrance facing the street shall be maintained to the maximum extent feasible. See Figure 6.

Figure 6  
Building Patterns



(3) The dominant building material of such existing historic structures adjacent to or in the immediate vicinity of the proposed structure shall be used as the primary material for new construction. Variety in materials can be appropriate, but shall maintain the existing distribution of materials in the same block.

(4) Visual and pedestrian connections between the site and neighborhood focal points, such as a park, school or church, shall be preserved and enhanced, to the maximum extent feasible.

(5) To the maximum extent feasible, existing historic and mature landscaping shall be preserved and when additional street tree plantings are proposed, the alignment and spacing of new trees shall match that of the existing trees.

(6) In its consideration of the approval of plans for properties containing or adjacent to sites, structures, objects or districts that have (a) been determined to be officially or potentially eligible for

individual local landmark designation or for individual listing in the National Register of Historic Places or the State Register of Historic Properties, or (b) which are officially designated as a local or state landmark, or are listed on the National Register of Historic Places, or (c) are located within an officially designated National, State or local historic district or area, the decision maker and/or Administrative Body shall receive a recommendation from the Landmark Preservation Commission which recommendation is not appealable to the City Council under Chapter 2 of the City Code.

(Ord. No. 228, 1998 §20, 12/15/98; Ord. No. 177, 2002 §§9, 10, 12/17/02; Ord. No. 173, 2003 §14, 12/16/03; Ord. No. 198, 2004 §11, 12/21/04; Ord. No. 120, 2011 §11, 9/20/2011; Ord. No. 041, 2013 §4, 3/19/13)

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## Planning, Development & Transportation Services

### Community Development & Neighborhood Services

281 North College Avenue  
P.O. Box 580  
Fort Collins, CO 80522.0580

**970.416.2740**  
970.224.6134- fax  
*fcgov.com*

### MEMORANDUM

TO: Molly Wendell, Chief Deputy City Clerk

FM: Ron Sladek, Chair, Landmark Preservation Commission

RE: 2013 Landmark Preservation Commission (LPC) Work Program

The Landmark Preservation Commission's 2013 Work Program consists of both continuing responsibilities and new projects. The Commission's primary focus is implementing the goals and actions contained in the Historic Resources Preservation Program Plan, an element of City Plan, and the recommendations in the 2010 Historic Preservation Program Assessment.

The Commission wishes to thank Council for its support of the Historic Preservation Division through the inclusion in the adopted budget of an additional professional Historic Preservation staff member. This new position will enable staff and the Commission to continue its efforts to implement critical action items identified in the Historic Preservation Program Assessment, as well as to provide our community with outstanding service. One immediate result of this additional staff is the Commission's resumption in 2013 of local approval of State Tax Credits for Historic Preservation, benefitting the over 1000 property owners who qualify for these 20% income tax credits.

The Commission is also excited that two of its long held goals have become a reality: Re-establishing the highly successful Design Assistance Program and re-instating the ability to offer Voluntary Design Review. The Commission is already seeing the benefits of these two programs, in the quality of new design proposals for additions and alterations in the historic core neighborhoods.

For 2013, the Commission has identified goals to further City Council objectives:

- Continued implementation of the recommendations contained in the 2010 Historic Preservation Program Assessment, with particular emphasis on revising and refining codes directing historic preservation activities.
- Continued property survey. The highest priorities are the survey of properties 40 years old and older along the MAX/BRT corridor, with an emphasis on identifying potential historic properties in the Midtown area; and of properties surrounding Colorado State University located in the area between Shields Street, College Avenue, Prospect Road and Laurel Avenue.
- The Commission has requested that staff pursue funding to develop design guidelines for new and infill construction in areas adjacent to historic properties and districts.
- The Commission has requested that staff pursue funding for a feasibility study of conservation districts.

Ongoing and special projects which will require Landmark Preservation Commission involvement in 2013 include:

Survey and Identification:

- Identification of survey priorities, and review and adopt the results of historic property surveys. Surveys in 2011 and 2012 documented over 300 additional Fort Collins properties, furthering Council's goal of developing a comprehensive database of the community's

historic buildings and resources. In 2013, grant funding will be sought for the survey of an additional 100 historic properties.

Incentives:

- Review applications to the Landmark Rehabilitation Loan Program. This program supports all three legs of the City's triple bottom line. Community sustainability is promoted by enhancing the quality, livability and attractiveness of our neighborhoods; greening existing buildings is an effective tool for environmental stewardship; and financial sustainability is shown by the program's ability to leverage funding at a ratio of nearly 1:8.
- Approve applicants for the Design Assistance Program, and comment upon or approve any changes to the program's policies and guidelines. By incentivizing the use of pre-qualified professionals with experience in context-sensitive historic design, the DAP is enhancing the compatibility of alterations and new construction occurring in our historic neighborhoods.
- Participate in Complimentary Design Reviews of additions, alterations and infill construction in the core neighborhoods, helping owners and developers identify design issues at the preliminary stages of planning, and providing education and awareness of incentives to encourage compatible design.

Landmark Designation Program:

- Evaluate applications for individual and district landmark designation, and provide recommendations on eligibility to Council. In 2013, the number of National, State and locally designated properties in Fort Collins is expected to pass the 1000 mark. Fort Collins currently boasts 734 National Register properties, 15 State Register properties, and 246 Fort Collins Landmarks.

Design Review Function:

- Final decision-making authority for design review of designated landmark buildings. In 2012, the Commission heard over 40 proposals for significant alterations and additions to Landmark properties. With the improvements in our economy, this number is expected to increase in 2013.

Planning:

- Community character and quality neighborhoods are enhanced by ensuring compatible alterations and infill development supported by financial and design incentives. In 2013, the Commission will review and comment on issues affecting historic properties, particularly implementation of City Plan redevelopment policies.
- Economic vitality is promoted through leveraging private investment: Owners can receive back up to 70% of their costs for renovation, leading to increased disposable income and further reinvestment. In 2013, the Commission will continue its promotion of the nine existing incentive programs, and will investigate additional financial incentives for historic preservation.
- The adaptive re-use of historic buildings and the greening of existing buildings are effective tools for environmental stewardship. Many older buildings are remarkably energy efficient because of their site sensitivity, quality of construction, and use of passive heating and cooling, and can go green without compromising historic character. Renovating an existing building creates 30-50% less carbon emissions than new construction. In 2013, the Commission will participate in and provide funding towards model projects that promote sustainable historic preservation practices, including the Engines and Energy Conversion Lab (EECL) addition at the City's Old Power Plant Building.

Landmark Preservation Commission

2012 Work Program

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Education and Awareness:

In 2013, the Commission will continue its ongoing efforts to inform and educate the community on the long-term social, environmental and economic benefits of historic preservation through:

- Continue community outreach by providing technical information and education on the community-wide benefits of historic preservation, and by promoting financial incentives for historic preservation.
- Continue the "Friends of Preservation" award program.
- Facilitate communication with public and private business and development entities.
- Facilitate the Demolition/Alteration Review process, allowing citizen input on the demolition or alteration of non-designated properties fifty years old or older.

Training:

In 2013, the Commission will reaffirm its high standards for professionalism through ongoing training and education. Attendance at professional conferences and workshops, including Colorado Preservation Inc.'s annual conference, will be encouraged of all Commission members.

cc: Landmark Preservation Commission Members  
Wade Troxell, Council Liaison  
Darin Atteberry, City Manager  
Diane Jones, Deputy City Manager  
Karen Cumbo, PDT Director  
Laurie Kadrich, CDNS Director