

**DATE:** January 17, 2012  
**STAFF:** Karen McWilliams  
Courtney Levingston

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**10**

**SUBJECT**

Second Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

**EXECUTIVE SUMMARY**

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This Ordinance, unanimously adopted on First Reading on January 3, 2012, amends Section 14-72(b)(6) of the City Code to correct an error regarding a citation cross-reference to requirements for the final Landmark Preservation Commission hearing needed in the event that the Landmark Preservation Commission fails to make a decision within 60 days of the submittal of these requirements. As the City Code currently stands, this error requires the Landmark Preservation Commission to make a decision regarding a historic structure demolition application upon the submittal of only one part of a submittal requirement outlined in 14-72(2)(b). This amendment corrects the error and requires the Landmark Preservation Commission to make a decision pursuant to fulfillment of all the submittal requirements.

**STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

**ATTACHMENTS**

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1. Copy of First Reading Agenda Item Summary - January 3, 2012  
(w/o attachments)

**DATE:** January 3, 2012  
**STAFF:** Karen McWilliams  
 Courtney Levingston

**AGENDA ITEM SUMMARY**  
 FORT COLLINS CITY COUNCIL

11

**SUBJECT**

First Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

**EXECUTIVE SUMMARY**

This is an amendment to Section 14-72(b)(6) of the City Code correcting an error regarding a citation cross-reference to requirements for the final Landmark Preservation Commission hearing needed in the event that the Landmark Preservation Commission fails to make a decision within 60 days of the submittal of these requirements. As the City Code currently stands, this error requires the Landmark Preservation Commission to make a decision regarding a historic structure demolition application upon the submittal of only one part of a submittal requirement outlined in 14-72(2)(b). This amendment corrects the error and requires the Landmark Preservation Commission to make a decision pursuant to fulfillment of all the submittal requirements.

**BACKGROUND / DISCUSSION**

Chapter 14 of the City Code is the City's preservation ordinance and includes the bulk of regulation on historic properties. Specifically, Section 14-72 provides the procedure regarding demolition of structures that are individually eligible for local landmark designation commonly called the Demolition/Alteration Review. According to this section, if a structure is found to be individually eligible for local landmark designation, an applicant wishing to demolish that structure must attend a preliminary and then a final hearing with the Landmark Preservation Commission. In order to schedule the final hearing, an applicant is required to provide:

1. documentation of the history and architecture of the building by completing a *Colorado Cultural Resource Survey Architectural Inventory Form*
2. information about the historic character of the immediate neighborhood, so that the impact of the proposal on the eligibility of other nearby properties may be assessed;
3. final, approved plans for the proposed work.

At the Final Hearing, the Landmark Preservation Commission conducts a public meeting to determine if the requirements (as stated above) are met, and either approves the application, postpones the application due to submittal insufficiencies, or may refer the application to City Council for consideration.

The final subsection (6) of Section 14-72 states that if the Landmark Preservation Commission fails to make a decision within 60 days of the submittal of the requirements for final hearing that the application for demolition will be approved by default.

The City Code correction for Section 14-72(6) is as follows:

(6) In the event that the Commission has not made a final decision within sixty (60) days of the date of the submittal of information required pursuant to Subparagraph ~~(2)b-2~~(b)(2)b hereof, in detail acceptable to the Director of Community Development and Neighborhood Services, then the Commission shall be deemed to have approved, without condition, the proposed demolition or relocation.

In conclusion, this amendment corrects the existing error in Section 14-72(b)(6) by stating that the applicant must submit all three requirements that are outlined in 14-72(2)(b) to the Landmark Preservation Commission.

**STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 004, 2012  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 14-72(b)(6) OF THE CODE OF THE CITY  
OF FORT COLLINS TO CORRECT AN ERROR IN THE PROCEDURES  
FOR REVIEW OF APPLICATIONS FOR DEMOLITION OR  
RELOCATION OF HISTORIC STRUCTURES

WHEREAS, Section 14-72 of the City Code establishes procedures for the review of applications for demolition or relocation, under the City's landmark preservation ordinances; and

WHEREAS, Section 14-72(b)(6) contains an error in a citation of a cross-reference, which error results in an incomplete and illogical requirement by imposing an obligation upon the Landmark Preservation Commission to make a decision regarding a demolition application upon the submittal of only one part of a three-part submittal requirement which is contained earlier in Section 14-72; and

WHEREAS, this requirement can be corrected by changing the cross-reference from subparagraph (2)b.2. to instead refer to subparagraph (b)(2)b.; and

WHEREAS, the cross-reference to subparagraph (2)b.2. should be a cross-reference to subparagraph (b)(2)b.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 14-72(b)(6) of the Code of the City of Fort Collins is hereby amended to read as follows:

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

...

- (6) In the event that the Commission has not made a final decision within sixty (60) days of the date of the submittal of information required pursuant to Subparagraph (b)(2)b hereof, in detail acceptable to the Director of Community Development and Neighborhood Services, then the Commission shall be deemed to have approved, without condition, the proposed demolition or relocation.

Introduced, considered favorably on first reading, and ordered published this 3rd day of January, A.D. 2012, and to be presented for final passage on the 17th day of January, A.D. 2012.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 17th day of January, A.D. 2012.

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Mayor

ATTEST:

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City Clerk