

ORDINANCE O-2024-

A BILL FOR AN ORDINANCE REPEALING AND REENACTING CHAPTER 2.56 OF THE  
LONGMONT MUNICIPAL CODE ON THE HISTORIC PRESERVATION COMMISSION  
AND AMENDING CHAPTER 2.97, SECTION 2.97.010.B

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THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

Chapter 2.56 of the Longmont Municipal Code is hereby repealed and reenacted to read as follows:

Section 2.56.010. Statement of purpose.

A. The city council declares as a matter of public policy that:

1. The protection, enhancement and preservation of properties of historic, geographic or architectural significance located within the city and those in the city planning area are a public necessity and are required in the interest of the prosperity, civic pride and general welfare of the people.

2. The council must observe the will of the city's citizens, as expressed in sections 4.1 and 4.3 of the Charter, that all legislative enactments must be in the form of ordinances and that every act establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

3. At all times in pursuing the foregoing public policies, the council must retain its legislative discretion to pass ordinances with or without amendments or conditions or to reject, postpone or repeal any ordinance.

1 B. The purpose of this chapter is to:

2 1. Designate, preserve, and enhance those properties and areas that reflect  
3 elements of the city's heritage as stated in this chapter;

4 2. Create a method to inform, but not limit or constrain, the council in the  
5 exercise of its legislative discretion in drawing a reasonable balance between  
6 private property rights and the public's interest in preserving unique historic  
7 character;

8 3. Foster civic pride in the beauty and accomplishments of the past by  
9 stabilizing or improving the economic vitality and historic integrity of such historic  
10 properties;

11 4. Protect and enhance the quality of life for citizens;

12 5. Protect and enhance the city's attraction to tourists and visitors;

13 6. Promote the use and adaptive reuse of historic or architecturally significant  
14 properties for the education, awareness and welfare of the general public; and

15 7. Promote good urban design.

16 Section 2.56.020. Definitions.

17 The following words, terms and phrases, when used in this chapter, shall have the  
18 meanings ascribed to them in this section, except where the context clearly indicates  
19 a different meaning:

20 Alteration means any addition or modification of any portion of the exterior of a  
21 property that changes the architectural style, arrangement, texture, or material of  
22 the property if such change, addition, or modification is visible from a public street,  
23 sidewalk, alley, or park.

1 Certificate of appropriateness means an official document issued by the  
2 commission, as provided for in section 2.56.110.

3 Certificate of hardship means an official document issued by the commission  
4 granting relief from the rules and regulations of this chapter to property owners who  
5 have demonstrated economic or other hardship.

6 Commission means the city historic preservation commission, formerly referred to  
7 as the landmark designation commission.

8 Contributing property means a property within a historic district that adds to the  
9 historic qualities or associations for which the district is significant, because it (a)  
10 was present during the period of significance of the historic district; (b) is capable  
11 of yielding important information about the historic period of significance; or (c)  
12 independently meets the criteria for landmark designation.

13 Demolition, for purposes of Chapter 2.56, means any act or process that destroys:  
14 50 percent or more of the exterior walls of a building; or 50 percent or more of the  
15 roof area; or any portion of an exterior wall facing a public street, of a property.

16 Design guidelines means a document adopted by council regulating alterations to a  
17 designated landmark or properties within a designated historic district.

18 Designation means the act of officially recognizing a landmark or historic district  
19 by passage of an ordinance.

20 Extraordinary historic significance means:

- 21 a. Such unusual or uncommon significance that the structure's potential  
22 demolition or alteration would diminish the character and sense of place in  
23 the neighborhood; or

1       b.       Superior or outstanding examples of the architectural, social or geographic  
2 historic significance criteria listed above.

3 Historic district means a group of sites, structures, objects or improvements and  
4 their surrounding environs, designated or undesignated, that meet the criteria set  
5 forth in this chapter.

6 Landmark means any site, structure, object or improvement and its surrounding  
7 environs, designated or undesignated, that meet the criteria set forth in this chapter.

8 Liaison means a staff member of the city who is assigned the duties and  
9 responsibilities of historic preservation.

10 Object means those constructions that are primarily artistic in nature or relatively  
11 small in scale, simply constructed, as distinguished from structures. An object is  
12 not used for human habitation and is usually associated with a specific setting or  
13 environment, such as, but not limited to, sculptures, monuments, statuary,  
14 fountains, and markers.

15 Owner of record means those persons listed on the records of the county assessor  
16 as the owners of a particular property (also referred to as "owner").

17 Property means any land or improvements on it, including, but not limited to,  
18 structures, objects, sites, areas and districts.

19 Structure means anything constructed or erected that is located on the ground or  
20 attached to something located on the ground.

21 Superior means excellence of its kind.

1 Section 2.56.030. Creation of the city historic preservation commission.

2 A. The city historic preservation commission shall consist of seven members  
3 appointed by the council. Members of the commission shall serve for a term of four  
4 years from the date of appointment, and initial appointments shall be staggered so  
5 that the terms of approximately one third of the commission membership shall  
6 expire each year.

7 B. The council shall also appoint two alternate members to the commission to  
8 serve initial terms and subsequent terms as specified for regular commission  
9 members. The alternate members shall serve on the commission during the  
10 temporary unavailability of regular members or until a replacement for a regular  
11 member, appointed by the council has assumed office, upon the resignation,  
12 removal or death of a regular member.

13 C. In making appointments to the commission, the council shall attempt to  
14 maintain a balance of interests and skills in the composition of the commission and  
15 shall consider the individual qualifications of the candidates including, but not  
16 limited to, their training, experience, knowledge and interest in the history of the  
17 city, Boulder County, Weld County, or in any one or more of the following fields:  
18 architecture, landscape architecture, architectural history, archaeology,  
19 construction, urban planning, preservation law, history, or other historic  
20 preservation related disciplines.

21 D. The commission shall elect a chairperson, vice-chairperson and such other  
22 officers as it may require.

1 E. The commission shall keep minutes of each meeting, which shall be open  
2 to inspection by the public during regular city office hours.

3 Section 2.56.040. Powers and duties.

4 The commission shall have the following powers, duties and responsibilities:

5 A. Review and make recommendations to the council on applications for  
6 designation of properties as landmarks with the consent of the owner or for historic  
7 districts.

8 B. Review applications for certificates of appropriateness.

9 C. Advise the planning and zoning commission and the council on the  
10 development, establishment and revision of those sections of the city area  
11 comprehensive plan and land use regulations that pertain to the preservation of  
12 cultural, architectural, archaeological, or historic resources.

13 D. Make recommendations to the council regarding the following:

14 1. Ordinances, procedures, policies, and design guidelines that apply to  
15 historic properties and other measures and policies involving historic preservation  
16 in the community;

17 2. Criteria for review of proposals for landmark designations, historic district  
18 designations, certificates of appropriateness and demolition of properties over 50  
19 years of age; and

20 3. Land use development applications that affect historic properties.

21 E. Advise and assist the public on matters related to the city's historic  
22 preservation program.

1 F. Develop and assist in public education programs, including, but not limited  
2 to, walking tours, brochures, a marker program for historic properties, lectures, and  
3 conferences.

4 G. Assist in obtaining financial assistance for projects and programs related to  
5 historic preservation.

6 Section 2.56.050. Criteria for designation of landmarks and local historic districts.

7 A. The council may designate a landmark, with the owner's consent, if it is at  
8 least 50 years old or is determined to have extraordinary historic significance, and  
9 meets one or more of the criteria listed below:

10 1. The landmark has character, interest, or value as part of the development,  
11 or the cultural, artistic, social, ethnic, economic, political, technological or  
12 institutional heritage of the city, Boulder County, Weld County, the state, or the  
13 United States.

14 2. It includes the site of a significant historic event.

15 3. It is identified with a person who significantly contributed to the  
16 development, or the cultural, artistic, social, ethnic, economic, political,  
17 technological or institutional heritage of the city, Boulder County, Weld County,  
18 the state, or the United States.

19 4. It portrays an historic era characterized by a distinctive architectural style.

20 5. It is identified as the work of an architect or master builder whose individual  
21 work has influenced the development of the city, Boulder County, Weld County,  
22 the state, or the United States.

1       6.     It embodies elements of architectural design, detail, materials, or  
2       craftsmanship that represent a significant architectural innovation.

3       7.     Its unique location or singular physical characteristics represent an  
4       established and familiar visual feature of the neighborhood, community, or city.

5       8.     The site is geographically or regionally important.

6       B.     The council may designate a local historic district if it includes significant  
7       concentration of designated landmarks and contributing properties.

8       C.     Designation of a landmark without the consent of the owner requires  
9       satisfaction of the following criteria:

10      1.     A petition, signed by 100 registered Longmont voters stating that the  
11      petitioners believe the landmark has such extraordinary historic significance that  
12      the council should designate it as a landmark without the consent of the owner;

13      2.     The proposed landmark meets one or more of the designation criteria in  
14      subsection A of this section;

15      3.     The Council finds that the proposed landmark has extraordinary historic  
16      significance;

17      4.     It is not shown that the condition of any structure proposed as a landmark,  
18      as assessed by a licensed professional engineer (PE) prevents the owner from  
19      reasonably preserving it;

20      5.     It is not shown that designation of the proposed landmark would create a  
21      hardship, under the criteria of section 2.56.150(A); and



1       6.     Promotion of the public interests identified in section 2.56.010 by  
2       designating the landmark outweighs any resulting diminution of the market value  
3       of the proposed landmark.

4       Section 2.56.060. Designation procedures for landmarks.

5       An application for designation of a landmark may be submitted by the commission,  
6       the council, or an owner of the property. The city shall evaluate the application  
7       based on the respective criteria set forth in section 2.56.050. Final approval of any  
8       application requires a public hearing and approval, by ordinance, by the council.

9       The procedure for designation is as follows:

10      A.     All applications must be submitted to the liaison and shall include the  
11      following materials:

12      1.     A completed application form provided by the liaison.

13      2.     One good quality, current color photograph of the predominant facade of  
14      the structure or property, and a statement identifying any significant alterations to  
15      the exterior of the property, if known.

16      3.     A statement addressing the designation criteria set out in section 2.56.050.

17      4.     A statement addressing the application's relationship to the purposes of this  
18      chapter.

19      B.     Unless every owner signs the application, the liaison shall notify and  
20      forward a copy of the application to every owner of record and shall request consent  
21      of those owners to the designation.

22      C.     The liaison shall determine whether the application is complete. If  
23      incomplete, the liaison shall inform the applicant as to what additional information

1 is required. Once the liaison determines the application is complete, the liaison shall  
2 prepare a written report that addresses the designation criteria, and shall:

3 1. For an application with the consent of the owner, schedule the application  
4 for a public hearing before the commission according to the procedures in section  
5 2.56.200.

6 2. For an application without the consent of the owner, the liaison shall refer  
7 the application and report to the commission for the commission's consideration at  
8 its next available meeting. At its meeting, the commission shall review the  
9 application, after notice to the applicant and the owner, and shall make a  
10 preliminary determination whether:

11 i. The application is complete; and

12 ii. The proposed landmark may have extraordinary historic significance.

13 3. The commission shall forward its findings and recommendation to the city  
14 council for the council's consideration at a meeting within 45 days of the  
15 commission's action. At its meeting, the city council shall review the application at  
16 a public hearing, after notice to the applicant and the owner, and shall, by motion,  
17 make a preliminary determination whether:

18 i. The application is complete; and

19 ii. The proposed landmark may have extraordinary historic significance.

20 4. Upon a preliminary determination, by affirmative vote of a majority of the  
21 quorum of the council, that the application is complete and that the proposed  
22 landmark may have extraordinary historic significance, the council shall refer the  
23 application through the full review process as described in this section. Absent a

1 preliminary determination, by affirmative vote of a majority of the quorum of the  
2 council, that the application is complete and that the proposed landmark may have  
3 extraordinary historic significance, no further consideration of the application shall  
4 occur.

5 5. If the council refers the application to the full review process, the following  
6 shall occur:

7 i. City staff with such financial assistance as the applicant may provide, shall  
8 prepare an analysis that compares the market value of the subject property, under  
9 its current zoning and otherwise applicable land use regulations, with the market  
10 value of the property, if designated. Under no circumstances is the owner required  
11 to bear any costs of the market analysis, but the owner may, at the owner's sole  
12 option and expense, voluntarily undertake to provide any credible evidence bearing  
13 on the market value analysis.

14 ii. Concurrent with the market analysis, the city manager or designee shall  
15 analyze and prepare a written report identifying possibilities to mitigate any  
16 diminution in market value that may result from designation, up to and including  
17 possible partners or resources (the city's or other's) to purchase the property for just  
18 compensation.

19 iii. City staff with such financial assistance as the applicant may provide, shall  
20 assess the physical condition of the structure, and pay the cost thereof, but only if  
21 the owner consents to allow entry to the structure by city staff or consulting  
22 engineers contracted for that purpose.

1       iv.       Upon completion of these analyses, the liaison shall submit them, together  
2       with the liaison's written report and an ordinance approving the designation to the  
3       council for introduction on first reading at a meeting within 45 days.

4       D.       Upon presentation of the written report and following the public hearing on  
5       an application with the consent of the owner, the commission shall make findings  
6       regarding compliance with the review criteria and shall recommend approval or  
7       denial of the designation. The commission may also postpone a decision on the  
8       request if it finds that the application is incomplete or that additional time is needed  
9       to resolve material issues.

10      E.       If the commission recommends designation, the liaison shall, within 45 days  
11      of that recommendation, submit an ordinance approving the designation to the  
12      council for introduction and first reading at a meeting within 45 days. If the council  
13      passes the ordinance, the date shall be set for second reading and public hearing. At  
14      the second reading and public hearing, the council shall consider the report of the  
15      liaison, and any evidence submitted by the owner or members of the public, and  
16      shall approve, approve with conditions, deny, or postpone the designation  
17      ordinance.

18      F.       For an application without the consent of the owner, if the council, upon  
19      presentation of the liaison's written report and the market value and mitigation  
20      analyses and any assessment of the physical condition of the structure, passes the  
21      draft designation ordinance on first reading, it shall establish a date for second  
22      reading and public hearing. After giving notice, according to the requirements of  
23      the Charter and section 2.56.200, the council shall conduct second reading and a

1 public hearing on the ordinance and application, shall consider the report of the  
2 liaison, the market value and mitigation analyses, any assessment of the physical  
3 condition of the structure and any evidence submitted by the owner or members of  
4 the public, and shall make written findings regarding compliance with the criteria  
5 for designation without the consent of the owner. Thereafter, the council shall  
6 approve, approve with conditions, deny, or postpone the designation ordinance.  
7 Any final approval requires the affirmative vote of two-thirds of the membership  
8 of the entire council.

9 G. At all times the council retains its legislative discretion to pass the ordinance  
10 with or without amendments or conditions, reject, postpone or repeal any  
11 ordinance, including, without limitation, any ordinance designating a landmark.

12 H. The liaison shall send written notice of the council's final action to all  
13 owners of the property.

14 Section 2.56.070. Designation procedures for local historic districts.

15 An application for designation of a local historic district may be submitted by the  
16 commission, the council, or a property owner within the proposed district. An  
17 application for designation of an historic district must include consent of the owners  
18 of a minimum of 51 percent of the properties within the proposed district. The city  
19 shall evaluate the application based on the criteria in section 2.56.050. All  
20 applications require a public hearing before the commission and final approval by  
21 the council. The procedure for designation shall be as follows:

1       A.     An application for designation shall include the following materials and  
2       must be submitted to the liaison a minimum of three weeks before a commission  
3       meeting:

4       1.     A completed application form provided by the liaison.

5       2.     A map accompanied by a legal description depicting the boundary of the  
6       district.

7       3.     A statement addressing the criteria for designation stated in section  
8       2.56.050.

9       4.     A statement of intent of the district.

10      5.     Written consent to the application from a minimum of 51 percent of the  
11      property owners in the proposed district.

12      B.     Unless the application is submitted by all property owners, the liaison shall  
13      forward a copy of the application within 30 working days to all owners of properties  
14      within the proposed district.

15      C.     The liaison shall schedule a meeting of the owners of properties within the  
16      proposed district to explain the benefits and restrictions of designation. The  
17      applicant shall send notification to all owners of properties within the proposed  
18      district, in a form approved by the liaison, stating the date, time and location of the  
19      meeting 14 days prior to the meeting. The liaison shall prepare a written summary  
20      of the meeting, which shall be included in the commission and council  
21      communications as part of any public hearing held to consider the proposed historic  
22      district application.

1 D. Design guidelines are an essential element to managing the architectural  
2 character and integrity of an historic district. Design guidelines consistent with the  
3 Secretary of Interior standards for the treatment of historic properties shall be  
4 required for all districts and shall be developed by the applicant and owners of  
5 properties within the proposed district with the assistance of staff, in conjunction  
6 with the initial public meeting and shall be completed for the subsequent public  
7 meeting required by subsection E of this section.

8 E. The applicant shall schedule a meeting of the owners within the proposed  
9 district upon completion of a draft set of design guidelines for the proposed district.  
10 The purpose of the meeting shall be to present the draft guidelines. The applicant  
11 shall send notification to all owners of properties within the proposed district, in a  
12 form approved by the liaison, and shall note the date, time and location of the  
13 meeting 14 days prior to the meeting. The applicant shall prepare a written  
14 summary of the meeting, which shall be included in the commission and council  
15 communications as part of any public hearing held to consider the proposed historic  
16 district application.

17 F. The liaison shall prepare a written report on the request that addresses the  
18 designation criteria and shall place the application on the agenda of the commission  
19 for a public hearing to be held according to section 2.56.200. Before an application  
20 may be scheduled for any public hearing, the applicant must submit written consent  
21 to the establishment of the district and to the draft design guidelines from a  
22 minimum of 51 percent of the property owners within the district.

1 G. After the public hearing, the commission shall make findings regarding the  
2 request's compliance with the review criteria and shall recommend approval or  
3 denial of the designation. The commission may also postpone a decision on the  
4 request if it finds that the application is incomplete or additional information or  
5 time is needed to resolve issues.

6 H. If the commission recommends designation, the liaison shall, within 45 days  
7 of that recommendation, submit an ordinance approving the designation to the  
8 council for first reading. If the council passes the ordinance, the date shall be set  
9 for second reading and public hearing. At second reading and public hearing, the  
10 council shall approve, approve with conditions, deny or postpone the designation  
11 ordinance.

12 I. The liaison shall send written notice of council's action to all owners of all  
13 properties within the proposed district.

14 J. If at any time between submittal of the application and adoption of an  
15 ordinance by the council the owners of a minimum of 30 percent of the properties  
16 within the proposed district sign a petition against it, the city shall withdraw the  
17 application. No substantially similar application will be reviewed by the city within  
18 one year of the date of withdrawal.

19 Section 2.56.075. Limitation on resubmittal of applications.

20 If, in response to a designation application, the commission fails to recommend  
21 designation or the city council fails to act on or denies a historic district or landmark  
22 designation application, no person may file, and neither city staff, the commission  
23 nor the city council shall consider a new application that is the same or substantially



1 the same for one year from the date of the failure to recommend, failure to act or  
2 denial.

3 Section 2.56.080. Recording of designation ordinance.

4 The liaison shall cause the designation ordinance to be recorded and indexed in  
5 the office of the county clerk and recorder in the county in which the property is  
6 located, to show every owner in the grantee index.

7 Section 2.56.090. Economic incentives for preservation.

8 A. Any owner of a property designated as a landmark, or located within a  
9 designated historic district, under this chapter may be eligible for the rebate of city  
10 permit and development fees for improvements made to the exterior of a structure.

11 The rebate applies to the following permit and development fees established by  
12 resolution of the city council:

- 13 1. Building permit fees pursuant to chapters 16.04 and 16.06;
- 14 2. Electrical permit fees pursuant to chapter 16.08;
- 15 3. Mechanical permit fees pursuant to chapter 16.12;
- 16 4. Plumbing permit fees pursuant to chapter 16.16;
- 17 5. Development application fees pursuant to title 15.

18 B. The applicant will be entitled to a rebate of 100 percent on the first  
19 \$1,000.00 of the aggregate fees, and 75 percent of the fees above \$1,000.00. The  
20 fees shall be rebated to the applicant upon the issuance of a certificate of occupancy  
21 or, if a certificate of occupancy is not required, upon approval of any construction  
22 at final inspections by the building inspection division.

1 C. To be eligible for the rebate, a minimum of 30 percent of the total cost of  
2 the project shall be used on the exterior walls, windows, or other exterior  
3 architectural features of the structure, unless the commission designates a lesser  
4 amount consistent with their findings under the certificate of appropriateness.

5 D. All applications shall be submitted to the liaison within 30 days of issuance  
6 of a certificate of occupancy or, if a certificate of occupancy is not required, upon  
7 receiving approval of any construction at final inspections by the building  
8 inspection division. The application shall include the following materials:

- 9 1. An application form provided by the liaison;
- 10 2. All receipts for labor and materials for the completed work;
- 11 3. A line-item list of costs used to meet eligibility for the rebate; and
- 12 4. Color photographs of all completed work used to meet eligibility for the  
13 rebate.

14 E. The liaison shall make a determination on the request. The liaison shall  
15 provide written notice to the applicant of the determination. If the request is denied,  
16 the liaison shall provide reasons for the denial in the written notice. If the applicant  
17 disputes the determination of the liaison, the matter shall be placed on the next  
18 agenda of the commission for resolution.

19 Section 2.56.100. Prior existing landmarks.

20 Any landmark designated before the effective date of the ordinance codified in this  
21 chapter shall remain a designated landmark unless the designation is revoked under  
22 section 2.56.160.

1 Section 2.56.110. Certificate of appropriateness required for moving of or  
2 alterations to designated properties.

3 The planning division shall maintain a current list of designated properties within  
4 the city. No person shall perform any exterior construction, alteration, demolition  
5 or moving of a designated landmark or of a property within a designated district,  
6 without first obtaining a certificate of appropriateness from the commission.

7 Section 2.56.120. Certificate of appropriateness procedures.

8 A. Requests for a certificate of appropriateness shall be evaluated based on the  
9 criteria stated in section 2.56.130. All requests require a public hearing before the  
10 commission unless the liaison determines that there would be no significant impact  
11 to the designated property.

12 B. A pre-application conference with the liaison is required before application  
13 submittal. The purpose of such a meeting is to generally discuss the proposal,  
14 inform the applicant of submittal requirements and provide the applicant with a  
15 projected time for the review process.

16 C. Any application for a certificate of appropriateness shall include the  
17 following materials:

- 18 1. A completed application form provided by the liaison;
- 19 2. Current color photographs of the portion of the designated property that  
20 shows the location of the proposed alterations;
- 21 3. Two sets of plans (11 sets, if commission review is required), drawn to  
22 scale, detailing the proposed alterations;
- 23 4. Samples or product literature of materials to be used for the alterations.

1 D. The liaison shall review the application and prepare a written report based  
2 on the proposal's conformance to the criteria set forth in section 2.56.130. If the  
3 liaison determines there would be no significant impact, the liaison shall issue a  
4 certificate of appropriateness and shall notify the commission and the applicant.  
5 Otherwise, the application shall be scheduled for a public hearing on the agenda of  
6 the next commission meeting, provided that application is completed at least three  
7 weeks before the meeting.

8 E. The commission shall hold a public hearing to evaluate the proposal based  
9 on the review criteria stated in section 2.56.130, and shall approve, approve with  
10 conditions, or deny the certificate of appropriateness.

11 F. Within five working days following the public hearing, the liaison will send  
12 written disposition of the action, including any conditions, to the applicant and the  
13 building inspection division. No work shall commence, and no building permit or  
14 any other permit may be issued, until the time for appeal has expired and a  
15 certificate of appropriateness has been issued.

16 G. A certificate of appropriateness shall be valid for two years from the date of  
17 approval. If work is not commenced, or if a building permit application is not made  
18 within that time frame, the certificate of appropriateness shall lapse, and a new  
19 application must be filed and approved before construction can begin.

20 Section 2.56.130. Criteria for certificate of appropriateness.

21 A. The commission shall grant an application for a certificate of  
22 appropriateness for exterior construction, alteration or demolition if all of the  
23 following review criteria have been satisfied:

1        1.        The proposed work meets all applicable design guidelines approved by  
2        council;

3        2.        The proposed work preserves, enhances, or restores and does not damage  
4        or destroy the exterior architectural features of the designated property;

5        3.        The proposed work does not adversely affect the special character or special  
6        historical, architectural, or aesthetic interest or value of the landmark and its site or  
7        the district; and

8        4.        The architectural style, arrangement, texture and materials used on existing  
9        and proposed structures are compatible with the character of the existing landmark  
10       and its site or the historic district.

11       B.        The commission shall grant an application for a certificate of  
12       appropriateness for moving a landmarked structure to any new location or for  
13       moving any structure to or within a landmarked site or historic district if it finds  
14       that the application satisfies the purposes of this chapter. In acting upon such an  
15       application, the commission shall consider at least the following:

16       1.        The contribution the structure makes to its present setting;

17       2.        Whether plans are specifically defined for the site to be vacated;

18       3.        Whether a structural report submitted by a licensed structural engineer  
19       adequately demonstrates that the structure can be moved without significant  
20       damage to its physical integrity;

21       4.        Whether the applicant can show that the relocation is the best preservation  
22       method for the character and integrity of the structure;

1        5.        Compatibility of the structure and the proposed site and adjacent properties;  
2        and

3        6.        Whether the applicant has submitted a relocation plan that includes posting  
4        a bond, insurance or other security, approved by the city attorney, sufficient to  
5        ensure safe relocation, preservation and repair, if required, of the structure.

6        Section 2.56.140. Amendments to a certificate of appropriateness.

7        The liaison may approve an amendment to a certificate of appropriateness if the  
8        application meets all of the criteria stated in section 2.56.130 and does not  
9        significantly alter the design or intent of the original approval. All other  
10       amendments require review and approval by the commission. Procedures for  
11       amendments shall follow the procedures stated in section 2.56.120.

12       Section 2.56.150. Certificate of hardship.

13       A.        The commission may issue a certificate of hardship to an owner of a  
14       designated landmark or property within a designated district based on evidence that  
15       an economic or other hardship prohibits the owner from complying with one or  
16       more provisions of this Code. The applicant shall have the burden of proof that a  
17       hardship exists under the following criteria:

18       1.        For economic hardship. Compliance with the regulations of this chapter will  
19       result in a substantial economic burden on the applicant.

20       2.        For other hardship.

21       a.        The property cannot be reasonably maintained in a manner consistent with  
22       the pertinent architectural standards and guidelines; or

1       b.       No reasonable means of saving the property from deterioration, demolition  
2       or collapse other than the applicant's proposal exists.

3       B.       All requests shall require a public hearing by the commission. The  
4       procedure shall be as follows:

5       1.       The applicant shall submit an application form provided by the liaison.

6       2.       The application shall be scheduled for a public hearing on the agenda of the  
7       next commission meeting, provided that application is completed at least three  
8       weeks before the meeting.

9       3.       The commission shall approve, approve with conditions or deny the request  
10      for a certificate of hardship.

11      4.       Immediately following the public hearing, the liaison will send written  
12      disposition, including any conditions, to the applicant and the building inspection  
13      division. No building permit or any other permit shall be issued until the time for  
14      appeal has expired and a certificate of hardship has been issued.

15      Section 2.56.160. Revocation of designation.

16      A.       A petition for revocation of a designation may be submitted by the  
17      commission, the council or the owners of the property. A petition for revocation of  
18      an historic district may be submitted by all owners representing a minimum of 51  
19      percent of the properties within the district. All requests require a public hearing  
20      before the commission and approval, by ordinance, from council. The procedure  
21      for revocation of a designation shall be as follows:

22      1.       The petitioner shall submit a written petition to the liaison setting forth the  
23      basis for the revocation.

1           2.       The liaison shall review the request and prepare a written recommendation  
2           based on the request's conformance to the criteria stated in section 2.56.170. The  
3           application shall be scheduled on the agenda of the next commission meeting,  
4           provided that application is completed at least three weeks before the meeting.

5           3.       The commission shall hold a public hearing and shall evaluate the request  
6           based on the criteria stated in section 2.56.170.

7           4.       The commission shall make findings regarding the request's compliance  
8           with the applicable review criteria and shall recommend approval or denial of the  
9           revocation. The commission may also postpone the request if it finds that the  
10          proposal is not in an appropriate form for action or additional time is needed to  
11          resolve issues.

12          B.       If the commission recommends approval of the revocation, an ordinance  
13          approving the revocation shall be placed on the council agenda for first reading and,  
14          if passed, the date shall be set for second reading and public hearing. At second  
15          reading and public hearing, council shall approve, approve with conditions, deny  
16          or postpone the revocation ordinance.

17          C.       If a revocation ordinance is approved by council, the liaison shall send the  
18          owners of the property written notice of such action, and shall cause the ordinance  
19          to be recorded and indexed in the office of the county clerk and recorder in the  
20          county in which the property is located, to show every owner in the grantee index.  
21          Section 2.56.170. Criteria for revocation of designation.

22          The designation of a landmark property or of a designated historic district may be  
23          revoked if the commission finds that the following review criteria have been met:



1       A.     The property or historic district no longer meets the criteria stated in section  
2       2.56.050.

3       B.     If the request is to revoke the designation of a portion of a property or an  
4       historic district, the revocation will not affect the integrity of the remainder of the  
5       property or district.

6       Sec. 2.56.180. Review of permits for demolition and moving of undesignated  
7       structures 50 years of age or older.

8       A.     The purpose of this section is to prevent the loss of structures that are 50  
9       years of age or older that may have historical, cultural or architectural significance,  
10      which are not designated properties that are subject to the provisions of section  
11      2.56.110, and to provide the time necessary to initiate landmark designation or  
12      consider other alternatives for the preservation of such structures. Review is  
13      limited to structures that meet the following criteria:

- 14      1.     Within the original city subdivision, any structure.
- 15      2.     Outside of the original city subdivision, any structure identified in an  
16      architectural or cultural resource survey, district nomination, or adopted  
17      preservation plan and considered eligible for designation as a local historic  
18      landmark or listing on state or federal registers or determined to be a contributing  
19      resource with a national or state register or local historic district.

20      Structures that are 50 years of age or older are exempt from review under this code  
21      section if:

- 22      1.     The structure has been determined to present a dangerous condition by the  
23      fire chief or chief building official;

1           2.       The structure or portion of the structure proposed for demolition is not  
2           structurally sound despite evidence of the owner's efforts to properly maintain the  
3           structure; or

4           3.       The structure or portion of the structure being demolished cannot be  
5           rehabilitated or reused on site to provide for any reasonable use of the property.

6           B.       The liaison and the Chair of the Historic Preservation Commission (Chair)  
7           or their designee shall review permit applications for demolition or moving of  
8           structures meeting the criteria in subsections A of this section. The issuance of the  
9           permit shall be stayed for a period of fifteen business days after submittal of a  
10          completed application to the chief building official for this review.

11          C.       If both the liaison and the Chair or designee determine that there is no  
12          reasonable cause to believe that the structure may be eligible for designation as a  
13          landmark without the consent of the owner, except for any petition requirement,  
14          the chief building official shall issue the permit, provided all other requirements  
15          for the permit have been met.

16          D.       If either the liaison or the Chair or the Chair's designee determines that  
17          there is reasonable cause to believe that the structure may be eligible for  
18          designation as a landmark without the consent of the owner, except for any petition  
19          requirement, the stay of issuance of the permit shall be extended for up to 45 days  
20          from the date of submittal of the application. A public hearing shall be set before  
21          the Historic Preservation Commission in accordance with Section 2.56.200 to  
22          determine whether there is reasonable cause to believe that the structure may be

1 eligible for designation as a landmark without the consent of the owner under the  
2 criteria and standards in section 2.56.050.C.2 through C.5.

3 E. If the Historic Preservation Commission determines that the structure is  
4 not eligible for designation without the owner consent, the building official shall  
5 issue the permit, provided all other requirements for the permit are met. If the  
6 Historic Preservation Commission determines the structure may be eligible for  
7 designation without the owner's consent, then a hearing shall be set as  
8 expeditiously as possible for City Council review.

9 F. If the council finds that there is no reason to believe that the structure may  
10 be eligible for designation as a landmark without the consent of the owner under  
11 the criteria set forth in subsection D of this section, the chief building official shall  
12 issue the permit, provided all other requirements for the permit are met.

13 G. If the council finds that there is reasonable cause to believe that the  
14 structure is eligible for designation, the stay of the permit application shall be  
15 extended for a period not to exceed 90 days from the date the completed permit  
16 application was submitted. During the period of the stay, the city may take any  
17 action that it deems necessary, consistent with this chapter, to preserve the  
18 structure, including, without limitation:

19 1. The city manager or their designee may negotiate with the owner of the  
20 structure and with any other parties in an effort to find a means of preserving it.  
21 Such negotiations may include recommendations of tax rebates for the property to  
22 appropriate agencies to encourage preservation, or inducements to interested third

1 parties to purchase the structure for the purpose of preserving it according to  
2 section 2.56.090;

3 2. The city manager or their designee may enter into negotiations with the  
4 owner for the acquisition by gift, purchase, exchange, or otherwise of the structure  
5 or any interest therein;

6 3. The council shall have the discretionary authority to waive all or any  
7 portion of the required stay, provided that the removal, relocation, or demolition  
8 is undertaken under conditions agreed to by the council ensuring the continued  
9 maintenance of the historical, architectural, or cultural integrity and character of  
10 the structure; or

11 4. The council may enact an ordinance designating the structure as a  
12 landmark, consistent with the otherwise applicable requirements of this chapter for  
13 designation with or without the consent of the owner.

14 H. If the council fails to hold a public hearing within 90 days after the chief  
15 building official accepts a completed permit application, any stay, including any  
16 extension according to the terms of this section, expires, and the chief building  
17 official shall issue the permit, provided all other requirements for the permit have  
18 been met.

19 Section 2.56.190. Recognition of properties of historic, architectural, cultural or  
20 aesthetic merit.

21 The commission may recognize any property of historic, architectural, cultural or  
22 aesthetic merit, which has not been recognized under any other provisions of this

chapter to encourage the protection, restoration, preservation, enhancement, and adaptive reuse of such properties.

A. The commission may authorize such action as it deems desirable to recognize the merit, protection, preservation, enhancement, and use of such properties, including, but not limited to, the issuance of a certificate of merit.

B. The commission may recognize or revoke recognition of properties of historic, architectural, cultural or aesthetic merit without the necessity of a formal hearing.

C. The commission shall maintain a record of properties so recognized.

D. Nothing in this section shall be construed to impose any regulations or controls upon such properties of merit by reason of recognition.

Section 2.56.200. Procedures for public hearing.

All public hearings shall follow the following procedures:

A. A minimum of ten days before the public hearing, city staff shall send written notice of the public hearing to the applicant, and all owners of the proposed landmark or all owners of property within the proposed district.

B. Notice shall be published in a newspaper of general circulation at least ten days before the public hearing. The notice shall include a description of the nature of the application, and the date, time and location of the public hearing.

C. The property that is the subject of any public hearing shall be posted at least ten days before the scheduled public hearing.

1. Except where the designation does not have the consent of the owner, the applicant shall: (1) post the notice on weatherproof signs that have been provided

1 by the city; (2) place the signs on the property that is the subject of the application;  
2 and (3) ensure that the signs remain in place during the period leading up to the  
3 public hearing.

4 2. Where the designation does not have the consent of the owner, the liaison  
5 shall post the signs on abutting city rights-of-way, notwithstanding any provisions  
6 to the contrary in chapter 15.06.

7 3. The size of the sign shall be a minimum of four square feet.

8 4. Signs shall be placed along each abutting street in a manner that makes them  
9 clearly visible to neighboring residents and passers-by. At least one sign shall be  
10 posted on each street frontage.

11 5. Applicants shall be responsible for returning signs to the city after the public  
12 hearing or final action, or the city will charge the applicant for the cost of the sign.  
13 Section 2.56.210. Appeals.

14 A. All decisions final unless appealed. Except as noted below, the decisions  
15 made by the liaison, the commission or the council shall become final unless  
16 appealed under the requirements stated in this subsection. Preliminary decisions,  
17 including, without limitation, preliminary determinations that proposed landmarks  
18 may have extraordinary historic significance, designation recommendations, permit  
19 stays and stay extensions, are not appealable.

20 B. Appeals from final decisions by the liaison on administrative certificates of  
21 appropriateness.

1        1.        A party aggrieved by a final decision of the liaison on a certificate of  
2        appropriateness may appeal to the commission. The term "party aggrieved" is  
3        defined as follows:

4        a.        The applicant; or

5        b.        The owner of the subject property.

6        2.        All appeals to the commission shall be filed in writing with the city clerk  
7        within seven days from the date of the liaison's decision. The appeal shall specify  
8        the reasons why the challenged decision should be amended or reversed. The  
9        commission shall take action on the appeal at a noticed public hearing within 60  
10       days from the close of the appeal period in accordance with the procedures of the  
11       commission. The appellant shall have the burden of demonstrating that the  
12       application complies with the applicable review criteria.

13       C.        Appeals from final decisions by the commission.

14       1.        A party aggrieved by a final decision of the commission may appeal to the  
15       city council. Appeals to the city council shall be filed in writing with the city clerk,  
16       with a copy to the liaison, within seven days from the date of the commission's  
17       decision. The appeal shall specify the reasons why the commission's action decision  
18       is incorrect. The term "party aggrieved" means the following:

19       a.        The applicant;

20       b.        The owner of the subject property;

21       c.        Any person or organization entitled under this chapter to written notice of  
22       the public hearing on the application;

23       d.        Any person who testified at a public hearing on the application;

1 e. Any person who submitted written comments on the application at the  
2 public hearing on the application, but not including persons who only signed mass  
3 petitions;

4 f. The city council as represented by the request of a single member of the city  
5 council;

6 g. The liaison.

7 2. The city council shall take action on the appeal within 60 days from the  
8 close of the appeal period.

9 D. Appeal proceedings to city council.

10 1. Notice of an appeal hearing shall be given according to this chapter,  
11 excluding the requirement to publish in a newspaper of general circulation.

12 2. Appeals shall be conducted according to the procedures set out in section  
13 15.02.040.K, as if it were an appeal to the city council from a decision of the  
14 planning and zoning commission and the liaison, rather than the director of  
15 planning and development services, shall prepare the appeal report.

16 3. The city council shall accompany its decision with written findings of fact  
17 specifying the reasons for the decision. In the case of a decision reversing denial of  
18 a certificate of appropriateness, the council shall order issuance of the certificate.  
19 In the case of a decision reversing denial of a designation recommendation, city  
20 staff and the council shall proceed as if the commission had recommended  
21 designation, according to section 2.56.060.

22 4. Except for a decision reversing denial of a designation recommendation, the  
23 city council's action on the appeal shall be final and may be appealed only to a state



1 court of competent jurisdiction. A decision reversing denial of a designation  
2 recommendation is neither final nor appealable, but is subject to the council's  
3 subsequent action, according to section 2.56.060.

4 E. Suspension during continuance. Any judicial stay of or injunction against  
5 any proceedings or any action or decision of the liaison, commission members, the  
6 commission, the council, or any city official, or any applicant or property owner  
7 under this chapter shall suspend, during the continuance of any such stay or  
8 injunction, the running of any otherwise applicable time period or deadline under  
9 this chapter pertaining to the subject of the judicial stay or injunction.

10 Section 2.56.220. Maintenance Requirements.

11 A. The City intends to preserve from deliberate or negligent deterioration the  
12 exterior portions of designated properties and all interior portions thereof whose  
13 maintenance is necessary to prevent deterioration of any exterior portion.

14 B. No owner, lessee, or occupant of any historically designated property shall  
15 deliberately cause or negligently fail to prevent significant deterioration of the  
16 exterior, or special feature, of the structure, beyond the condition of the structure  
17 on the effective date of the designating ordinance or the effective date of the  
18 ordinance adding this maintenance requirement, whichever is later.

19 Section 2.56.230. Enforcement and Penalties

20 A. No person shall violate or permit to be violated any of the requirements of  
21 this chapter.

22 B. For purposes of work done to a designated landmark or structure, or a  
23 landmark or structure within a designated district, without a certificate of

1       appropriateness or certificate of hardship, each day that unpermitted work remains  
2       shall, in the discretion of the Director of Planning and Development Services or  
3       designee, constitute a new violation of Chapter 2.56 and subject the responsible  
4       party to penalties hereunder.

5       C.     Violations of Chapter 2.56 shall be an administrative civil penalty as  
6       defined in Chapter 2.97 and subject to penalties as outlined in section 2.97.040.

7       D.     If a person is found to have violated any provision of Chapter 2.56, the  
8       following additional penalties shall apply:

9       1.     Alterations to a designated property without an approved certificate will  
10      result in a one-year moratorium on all building permits for the subject property; and

11      2.     Moving or demolishing a designated property, or an undesignated property  
12      that is subject to section 2.56.180 prior to completing the review process will result  
13      in a two-year moratorium on all building permits for the structure and for the  
14      property at the structure's original location.

15      E.     Any moratorium imposed under Chapter 2.56 may be shortened or  
16      eliminated by the Commission if, following a public hearing, the Commission finds  
17      that the impact of the moratorium would unduly impact the district, neighborhood,  
18      or neighboring property owners and an owner of the property receives approval for  
19      a Certificate of Appropriateness to mitigate or replace the alterations or  
20      demolishment, to the maximum extent possible. The Commission is the decision-  
21      making body concerning requests to shorten or eliminate a moratorium under this  
22      Chapter and any decision to deny or approve such a request may be appealed to  
23      City Council under the procedures provided by section 2.56.210

1 F. In addition to enforcement actions available to the city under this Code, the  
2 city shall have the power to enforce compliance with the provisions of this chapter  
3 through injunctive and other appropriate equitable relief before any court of  
4 competent jurisdiction.

5 Section 2.56.240. Decision-Making Capacities

6 A. Decision-making (quasi-judicial). The Historic Preservation Commission  
7 acts in a quasi-judicial capacity when it is the decision-maker on applications  
8 properly before the Commission. The Commission determines whether the  
9 application meets the requirements of Chapter 2.56 and, like a court, bases its  
10 decision on the evidence that is contained in the record of the public hearing.

11 B. Review actions (legislative). The Historic Preservation Commission acts as  
12 a recommending body for those legislative actions by the City Council requiring an  
13 ordinance for approval.

14 C. Appeal actions (quasi-judicial). The Historic Preservation Commissions  
15 acts in a quasi-judicial capacity when it is the appeal body for final decisions by the  
16 liaison on administrative certificates of appropriateness.

17 D. Special rules for quasi-judicial decisions. In making quasi-judicial  
18 decisions, due process (which means a constitutionally fair procedure) generally  
19 requires that the Commission follow certain rules, including:

20 1. If a hearing is provided, the Commission must provide advance notice and  
21 a reasonable opportunity for interested persons to present evidence and argument  
22 at the hearing.

1           2.       If a formal proceeding is provided, the Commission must make a record of  
2           the proceeding, including all information it considers in making its decision. If there  
3           is an appeal of the decision, the reviewing body will look to see if evidence in the  
4           record supports the decision.

5           3.       The Commission must not consider ex-parte communication so everyone  
6           has a fair opportunity to hear the evidence and argument. Any member of the  
7           Commission voting on an application shall publicly disclose their involvement in  
8           any ex-parte communications, and fully describe such communications, at the  
9           relevant public meeting prior to participating in discussion on the application. For  
10          decisions by the liaison, the liaison shall make all public comments received part  
11          of the record of the application.

12          4.       Information (verbal, written, electronic or graphic) received outside of the  
13          record is ex-parte communication. When made or received by a quasi-judicial  
14          decision-maker, courts generally hold that such communication is improper and  
15          may provide legal grounds for overturning a decision. This rule against ex-parte  
16          communication promotes impartial decisions by ensuring disclosure of all evidence  
17          and argument presented to the deciding body in its deliberation and decision. The  
18          rule also gives everyone involved a fair chance to respond to all information that  
19          may affect the decision.

## 20    Section 2

21           The Council amends chapter 2.97, section 2.97.010.B of the Longmont Municipal Code,  
22    by adding italicized material. In this ordinance, ellipses indicate material not reproduced as the  
23    Council intends to leave that material in effect as it now reads.

1 B. This chapter applies to the following provisions of this Code:

2 ...

3 *23. Chapter 2.56, Historic Preservation Commission.*

4 Section 3

5 To the extent only that they conflict with this ordinance, the Council repeals any conflicting  
6 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of  
7 any part shall not affect the validity or effectiveness of the rest of this ordinance.

8 Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

9 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

10  
11  
12  
13 \_\_\_\_\_  
14 MAYOR

15  
16 ATTEST:

17  
18  
19 \_\_\_\_\_  
20 CITY CLERK

21  
22 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
23 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, AT THE  
24 LONGMONT CITY COUNCIL MEETING.

25 APPROVED AS TO FORM:

26  
27  
28  
29 \_\_\_\_\_  
30 ASSISTANT CITY ATTORNEY DATE \_\_\_\_\_

31  
32  
33 \_\_\_\_\_  
34 PROOFREAD DATE \_\_\_\_\_

1 APPROVED AS TO FORM AND SUBSTANCE:  
2  
3

4  
5

\_\_\_\_\_  
6 ORIGINATING DEPARTMENT

\_\_\_\_\_  
7 DATE

CA File: 23-002381