

MEETING DATE: January 09, 2024

ITEM NUMBER: 9.A

SECOND READING: January 23, 2024

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: Consent

PRESENTED BY:

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SUBJECT/AGENDA TITLE:

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

EXECUTIVE SUMMARY:

Amending the historic preservation code has been an ongoing effort of the Planning & Development Services Department since 2021. Initially a staff and HPC lead effort, outside counsel was brought in to review and complete the amendments at the beginning of 2022. This process included separate executive meetings with the HPC (July 7) and City Council (July 12) and culminated with a joint study session with HPC and City Council on August 16, 2022. The discussion included:

- The background of historic preservation in Longmont
- District and Landmark designation criteria
- The process of designating Landmarks and Districts
- Attainable and affordable housing
- Adding a Minor Certificate of Appropriateness, and
- Additional enforcement recommendations

The proposed implementation included moving the preservation requirements into the Land Development Code (Chapter 15) and creating a new zoning district, Historic Preservation Overlay (HP-O), and then make a legislative change to the zoning map to rezone the approved historic landmarks.

The current HPC members stated to staff that their original intent of amending the ordinance was to bolster the maintenance and demolition requirements and change the review process for reviewing proposed demolitions. Since then, staff and the Commission have been working on a considerably scaled back set of amendments to address these issues and a few other shortcomings. The Commission's goal is to protect our designated landmarks and ensure there is an opportunity to save future landmarks if slated for demolition.

On September 7, 2023, the Historic Preservation Commission voted 4-2 to recommend the

City Council approve the changes as proposed.

Council voted 7-0 to direct staff to place on agenda for adoption as proposed on December 12, 2023.

COUNCIL OPTIONS:

1. Approve ordinance as proposed;
2. Approve ordinance with changes; or
3. Do not approve ordinance

RECOMMENDED OPTIONS:

Approve ordinance as proposed.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

None

BACKGROUND AND ISSUE ANALYSIS:

At the joint HPC and City Council study session held on August 16, 2022, there was discussion regarding increasing the standards for designating a property as historic without the owner's consent and assuring density and opportunities for affordable and attainable housing are not diminished.

Staff returned to HPC and polled the members about what changes to the code they believed were a priority when the process started in 2020. Their answer was the demolition requirements including the process of review; steps to ensure a designated landmark is preserved and update the penalties. The incremental changes presented here address their issues. Staff added amendments to tighten criteria for designation and provide a new paragraph defining HPC decisions as quasi-judicial to be consistent with current Land Development Code (Chapter 15 of LMC) requirements. More details on the major changes are provided below.

Section 2.56.070. Designation procedures for local historic districts

Today: This section sets forth the application requirements for a district submitted at the request of property owners and the requirement for design guidelines for the proposed district. Today the standard is only 25% of the landowners within a proposed district need to agree to the local designation.

Proposed: The major change is requiring at least 51% of the homeowners agree to the application and proposed design guidelines. In addition, if during the process there is a change of heart, only 30% of the original signers may remove their support and the application is withdrawn. This ensures most homeowners are in favor of the additional restrictions that come with the adoption of the local historic district.

Section 2.56.180. Review of permits for demolition and moving of undesignated structures 50 years of age and older.

Today: The purpose of this section of code is to review permits for partial or total demolition of structures that are at least 50 years old in the city's original townsite or significant historic structures that are outside of the townsite. The initial review is performed by the staff liaison and one councilmember to determine if the permit should be delayed ten days to determine if the permit should be granted. If the consensus is the structure could meet the criteria for designation then a hearing would be held with the City Council. The Council may direct staff to approve the permit or direct staff to negotiate with the owner for possible preservation of the structure.

Proposed: The draft adds criteria for the review of potential landmarks to include findings of a cultural survey, past district nomination, adopted preservation plan; or eligibility for a federal, state, or local landmark or district. The process changes to have the initial review be performed by the staff liaison and the Chair of the HPC. If the subject of the demolition met the above criteria, a hearing would be scheduled with the HPC. The demo permit may be issued if the HPC agrees the structure is not eligible for designation, then the permit may be issued. If the HPC determines the structure would be eligible for local designation, then a hearing with the City Council would be scheduled.

Section 2.56.220. Maintenance Requirements

Today: There are no standards in the code.

Proposed: The HPC is concerned a property owner of a designated structure may ignore maintenance to a point that the structure becomes unsafe, and it becomes a candidate for demolition. New Section 2.56.230 makes it illegal for an owner to deliberately ignore the exterior maintenance of a local landmark to the point it negatively effects the structural integrity of the building. This is very similar to enforcing the Property Maintenance Code of Chapter 16.

Section 2.56.230. Enforcement and Penalties

Today: The code provides for enforcement through prosecution in municipal court only.

Proposed: The new Section provides for administrative orders and civil penalties similar to what Code Enforcement uses. The HPC is also recommending we follow the lead of several local communities who instituted a moratorium on building permits of up to one year for designated properties where the owner altered the exterior without a Certificate of Appropriateness. If the violation is the demolition of a designated property, the moratorium could be up to two years. Any moratorium could be reduced or eliminated by the HPC they determine the moratorium would negatively affect the neighborhood. Appeals would be to the City Council.

**Section 2.56.240. Decision-Making Capacities**

Today: This is not included in this chapter.

Proposed: This new section describes when the HPC acts in a quasi-judicial capacity on matters that are before the Commission. This section was copied almost verbatim from Chapter 15 of the LMC which describes the Planning and Zoning Commission decisions.

ATTACHMENTS:

Ordinance