

# HISTORIC PRESERVATION COMMISSION (HPC)

## Roles and Duties

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### Background

The Commission was originally established as the Historic Preservation Commission on July 2, 2002 (Ord. #4724), with seven (7) members.

### Roles and Duties of the Commission

The duties are established by Municipal Code 2.60.130, as follows:

*Historic preservation commission.*

*A. There is established a historic preservation commission consisting of eight members appointed by the city council. Members shall have demonstrated interest, competence, or knowledge in historic preservation. The commission shall be comprised of both professionals and lay members and shall be selected, as much as possible, from the fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law. One member of the commission shall be from the Loveland Historical Society. One member shall be a high school student residing within the city who shall be under the age of twenty-one at the time of appointment and whose term of office shall be for one year coinciding with the school year and the summer months immediately subsequent to such school year; provided that such member shall be excused from meeting attendance during school breaks. Three members of the commission shall be professionals or shall have extensive expertise in a preservation-related discipline including, but not limited to, history, architecture, planning, or archaeology. Recognizing that professionals may not be available, this requirement may be waived by the city council following a good faith effort to recruit such professionals. Other than as provided above, the term of office of each member shall be three years.*

*B. The purpose of the historic preservation commission shall be to serve as an advisory body to the city council on matters related to preserving the historic character of the city. In addition to any other duties as may be delegated to it by the city council, the commission shall:*

- 1. Review resources nominated for designation as either an historic landmark or district based upon the criteria outlined in Section 15.56.090, and recommend that the city council designate by ordinance those resources qualifying for such designation;*
- 2. Review and make decisions on any application for alterations to a designated historic landmark or district based upon the criteria outlined in Section 15.56.100;*
- 3. Review and make decisions on any application for moving an historic landmark or structure within an historic district based upon the criteria outlined in Section 15.56.110;*
- 4. Review and make decisions on any application for demolishing an historic landmark or structure within an historic district based upon the criteria outlined in Section 15.56.120;*
- 5. Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the local, state, or National Register of Historic Places;*

6. Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits, and conferences;
7. Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance, and prioritizing their importance;
8. Actively pursue financial assistance and incentive programs for preservation-related programs;
9. Review all applications made to the city for the rehabilitation loan program created in Section 15.56.170 and make a recommendation to staff regarding allocation of loan funds; and
10. Review and make recommendations to the city council regarding amendments to the Loveland Historic Preservation Plan. The Loveland Historic Preservation Plan, and any amendments thereto, shall be adopted by resolution of the city council.

#### **Current Commission Operations, 2017**

Membership:	Seven (7) members
Terms/Renew schedule	Three (3) Years - June
Qualifications:	General provisions found in 2.60.020. The commission shall be comprised of both professionals and lay members and shall be selected, as much as possible, from the fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law. Three members of the commission shall be professionals or shall have extensive expertise in a preservation-related discipline including, but not limited to, history, architecture, planning, or archaeology. Recognizing that professionals may not be available, this requirement may be waived by the city council following a good faith effort to recruit such professionals.
Meetings:	Monthly, third Monday, 6:00 p.m., City Council Chambers
City Council Liaison:	John Fogle
City Council Liaison Alt:	Richard Ball
Department:	Development Services/Community and Strategic Planning
Staff Liaison:	Nikki Garshelis

## **Chapter 15.56**

### **HISTORIC PRESERVATION**

#### **Sections:**

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**15.56.160 Economic incentives for historic restoration.**

**15.56.170 Demolition or relocation of historic buildings or structures not designated as local landmarks.**

**15.56.180 Rehabilitation loan program.**

**15.56.010 Purpose.** It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of this Chapter are to promote the public health, safety, and welfare through:

- A. Promoting protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Promoting and encouraging continued private ownership and utilization of such improvements and historic districts;
- C. Safeguarding the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- D. The enhancement of property values, and the stabilization of historic neighborhoods;
- E. Fostering civic pride in the beauty and noble accomplishments of the past;
- F. Protecting and enhancing the City's attraction to residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
- G. Strengthening the economy of the City;
- H. Promoting good urban design; and
- I. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the public.

The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public's interest in preserving Loveland's unique historic character by ensuring that demolition of, moving, or alterations to properties of historic value, or actions that impact the historic value of properties, shall be carefully considered for impact on the property's contribution to Loveland's heritage.

#### **15.56.020 Definitions.**

The following terms, when used in this Chapter, shall have the meanings defined as follows:

*Days* – The term days shall mean all calendar days, including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a deadline falls upon a Saturday, Sunday, or other legal holiday when City offices are closed, the deadline shall continue to the following day when City offices are open.

*Partial Demolition* – The dismantling, razing, or destruction of a portion of a building or structure, or the removal of architectural elements which define or contribute to the character of the structure.

*Total Demolition* – The dismantling, razing, or destruction of an entire building or structure.

#### **15.56.030 Designation of historic structures, sites or districts.**

A. Designation authorized. Pursuant to the procedures hereinafter set forth in this section, the City Council may, by ordinance:

1. Designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and
2. Designate as an historic district an area containing a number of structures having a special historical or architectural value.

B. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark or historic district. An ordinance designating a historic district shall identify the contributing structures located within the district.

C. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter and shall be eligible for such incentive programs as may be developed by the Commission and the City Council.

D. Procedures for designating structures and districts for preservation:

1. Nomination Process for Landmarks. Except as otherwise provided in section 15.56.170 of this Chapter, a nomination for designation as a landmark may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property proposed for designation, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owner or owners of such landmark and outline the privileges, obligations, and restrictions that apply to designated landmarks. The Development Services Department shall also attempt to secure the consent of the owner or owners to such designation

before the nomination is accepted as complete for review.

2. **Nomination Process for Historic Districts.** A nomination for designation as a historic district may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property within the proposed district, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owners of the properties within the proposed district and outline the privileges, obligations, and restrictions that apply to properties within historic districts.

3. **Commission Public Hearing on Landmark or Historic District Nominations.** The Commission shall hold a public hearing on the designation application not more than sixty (60) days after the filing of a complete application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

4. **Commission Review.** The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the Commission and the applicant, the Commission shall either recommend approval, modification and approval, or disapproval of the proposal. The Commission may recommend approval conditional upon the voluntary execution of certain easements, covenants, or licenses.

5. **Commission Recommendation to City Council.** The Commission shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easement, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation. The Commission shall also notify the City Council immediately of any decision disapproving a designation initiated by the City Council.

6. **Owner Consent Required for Further Processing of Landmark Nominations.** For applications for designation as a landmark that have gone to a public hearing before the Commission without the owner's consent, such consent shall be required, in writing, prior to review by the City Council of the application. If the owner(s) do not consent to the proposed designation, the application will not move forward.

#### E. City Council Review.

1. **City Council Public Hearing on Landmark or Historic District Nominations.** Within thirty (30) days after the date of any referral from the Commission, the City Council shall hold a public hearing on the designation application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of

the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

2. City Council Review. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. The City Council shall approve, modify and approve, or disapprove the proposed designation.

3. Owner Notification of Landmark or District Designation. When a historic landmark or district has been designated as provided herein, the City Clerk shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance as described in subsection B of this section to be recorded with the County Clerk and Recorder.

4. Effect of Disapproval of Landmark or Historic District Designation. Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

#### **15.56.040 Procedure to amend or rescind designation of landmarks or historic districts.**

A. A landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made using the following criteria:

1. The property or historic district no longer meets the criteria for designation set forth in section 15.56.100 of this Chapter.
2. If the request is to revoke the designation of a portion of a historic district, the revocation will not impact the integrity of the remainder of the district.

#### **15.56.050 Landmark alteration certificate required.**

A. Landmark Alteration Procedure. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the City.

B. Building Division Referral. The Development Services Department shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Division receives an application for a permit to carry out any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the City's Building Division shall promptly forward such permit application to the Development Services Department.

C. Effect of Application for Landmark or Historic District Designation. No person shall receive a permit to construct, alter, remove, partially demolish, or totally demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date a complete application has been filed to initiate the designation of such landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

**15.56.060 Landmark alteration certificate application and staff review.**

A. Application. An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate. The application shall contain all information that the Commission determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.

B. Review of Impact. The Development Services Director, or designee, and two (2) designated members of the Commission shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within fifteen (15) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.

C. Determination of No Significant Impact. If it is determined by the Development Services Director, or designee, and the designated members of the Commission that there would be no significant impact or potential detriment, the Development Services Director shall issue a certificate to the applicant and shall notify the Commission of such issuance.

D. Determination of Significant Impact. If either the Development Services Director, or designee, or one of the Commission designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Commission for a public hearing and shall promptly notify the applicant of the referral. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

**15.56.070 Landmark alteration certificate public hearing.**

A. Commission Public Hearing on Landmark Alteration Certificate Application. The Commission shall hold a public hearing on all referred applications for landmark alteration certificates for new construction, removal, alteration total demolition, or partial demolition of a designated landmark structure or a structure within an historic district within sixty (60) days after the completed application was filed.

B. Commission Review Criteria. The Commission shall determine whether the application meets the standards in sections 15.56.110, 15.56.120 or 15.56.130, whichever applies. Within thirty (30) days after

the hearing date first set, unless otherwise mutually agreed upon by the Commission and applicant, the Commission shall adopt written findings and conclusions.

C. Extended Review Period. When reviewing alteration certificate applications involving moving or demolition of a resource, the Commission may extend the review period up to ninety (90) additional days if the Commission finds that the original application does not meet the standards in sections 15.56.120 or 15.56.130, whichever applies. The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.

D. Commission Decision Final Unless Appealed. The decision of the Commission approving, disapproving, or suspending action on an application for a landmark alteration certificate is final unless appealed to the City Council. An appeal to the City Council must be filed with the Development Services Department within ten (10) days of the Commission's decision. Any property owner of a designated landmark or owner of property located within an historic district shall have standing to appeal the decision of the Commission on an application for a landmark alteration certificate.

E. City Council Public Hearing on Appeal. The City Council shall hold a public hearing on the appeal within thirty (30) days of the date that it is filed with the Development Services Department. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record, shall not invalidate any proceedings in connection with the landmark alteration certificate.

F. Issuance of Landmark Alteration Certificate. The Development Services Department shall issue a landmark alteration certificate if an application has been approved by the Commission or City Council. When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.

G. Building Permit Required. Once an applicant has obtained a landmark alteration certificate, the applicant must apply for a building permit and comply with all other requirements under the City's building codes, fire code, all other ordinances of the City, and all applicable rules, regulations, and policies of the City. The Chief Building Official and Fire Chief shall have the discretion to modify the alteration certificate as necessary to mitigate health and safety issues pursuant to Section 15.56.070.

H. Documentation of Structure Prior to Total Demolition. The Commission or City Council may, as a condition of its approval of a landmark alteration certificate allowing the total demolition of a historic structure, require the property owner to provide the City either with photographic documentation of such structure or right of access for the taking of such photographs.



I. Removal of Artifacts From Structure Prior to Total Demolition. The Commission or City Council shall have the authority to enter into an agreement with the owner of any structure proposed to be totally demolished whereby the City, or certain designated third parties, may enter upon the property upon which such structure is situated for the purpose of removing and taking possession and ownership of any particular artifacts, and other items of historic interest or value, identified in such agreement.

J. Effect of Disapproval of Landmark Alteration Certificate. If the Commission or City Council disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

**15.56.080 Unsafe or dangerous conditions exempted from the alteration certificate requirement.**

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City's Building Division or Fire Department and where the proposed measures have been declared necessary by the City's Chief Building Official or Fire Chief to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. This Section shall be administered by the Chief Building Official or Fire Chief utilizing the relevant sections of the Uniform Building Code, Uniform Fire Code, or Uniform Code for Building Conservation, as adopted and amended by the City, regarding existing or historic structures.

**15.56.090 Violations.**

Violations of this Chapter are punishable as provided in Chapter 1.12 of the Loveland Municipal Code and are subject to the following additional penalties:

A. Unauthorized Alterations to Historic Structures. Alterations to a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and

B. Unauthorized Moving or Demolition of Historic Structures. Moving or demolishing a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

**15.56.100 Designation criteria.**

The Commission and City Council shall consider the following criteria in reviewing nominations of properties for designation:

A. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

1. Historic sites shall meet one (1) or more of the following:

a) Architectural.

(1) Exemplifies specific elements of an architectural style or period;

- (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
- (3) Demonstrates superior craftsmanship or high artistic value;
- (4) Represents an innovation in construction, materials, or design;
- (5) Represents a built environment of a group of people in an era of history;
- (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
- (7) Is a significant historic remodel.

b) Social/cultural.

- (1) Is a site of an historic event that had an effect upon society;
- (2) Exemplifies the cultural, political, economic, or social heritage of the community; or
- (3) Is associated with a notable person(s) or the work of a notable person(s).

c) Geographic/environmental.

- (1) Enhances sense of identity of the community; or
- (2) Is an established and familiar natural setting or visual feature of the community.

2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:

a) Architectural.

- (1) Exhibits distinctive characteristics of a type, period, or manner of construction; or
- (2) Is a unique example of structure.

b) Social/cultural.

- (1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
- (2) Is associated with an important event in the area's development;
- (3) Is associated with a notable person(s) or the work of a notable person(s);
- (4) Is a typical example/association with a particular ethnic or other community group; or
- (5) Is a unique example of an event in local history.

c) Geographic/Environmental. (1) Is geographically or regionally important.

3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):

- a) Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
- b) Retains original design features, materials, and/or character;
- c) Is the original location or same historic context if it has been moved; or
- d) Has been accurately reconstructed or restored based on documentation.

B. Historic Districts.

- 1. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage, or continuity of subsurface or surface sites, buildings, structures, and/or objects. The district is related by a pattern of either physical elements or social activities.

2. Significance is determined by applying criteria to the pattern(s) and unifying elements(s).
3. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
4. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
5. In addition to meeting at least one (1) of the criteria as outlined in subsection 6 of this subsection B, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
6. Historic districts shall meet one (1) or more of the following:
  - a) Architectural.
    - (1) Exemplifies specific
    - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
    - (3) Demonstrates superior craftsmanship or high artistic value;
    - (4) Represents an innovation in construction, materials, or design;
    - (5) Represents a built environment of a group of people in an era of history;
    - (6) Is a pattern or a group of elements representing at least one of the above criteria; or
    - (7) Is a significant historic remodel.
  - b) Social/cultural.
    - (1) Is the site of an historical event that had an effect upon society;
    - (2) Exemplifies cultural, political, economic or social heritage of the community; or
    - (3) Is associated with a notable person(s) or the work of a notable person(s).
  - c) Geographic/environmental.
    - (1) Enhances sense of identity of the community; or
    - (2) Is an established and familiar natural setting or visual feature of the community.
  - d) Archaeology/subsurface.
    - (1) Has the potential to make an important contribution to the area's history or prehistory;
    - (2) Is associated with an important event in the area's development;
    - (3) Is associated with a notable person(s) or the work of a notable person(s);
    - (4) Has distinctive characteristics of a type, period or manner of construction;
    - (5) Is of geographic importance;
    - (6) Is a typical example/association with a particular ethnic group;

- (7) Is a typical example/association with a local cultural or economic activity; or
- (8) Is a unique example of an event or structure.

**15.56.110 Historic Residential Design Guidelines and criteria for review of alterations certificates.**

A. Historic Residential Design Guidelines Adopted. The “Historic Residential Design Guidelines,” dated June, 2011, are hereby adopted and are on file with the City Clerk’s Office.

B. Application. The Commission shall use the Historic Residential Design Guidelines to review alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that requires an alteration certificate, as provided in this code and in the design guidelines.

C. Amendment. The Historic Residential Design Guidelines may be amended from time to time by resolution of the city council.

D. In addition to the criteria set forth in the Historic Residential Design Guidelines for alterations certificates, the Commission shall also use the following criteria to determine compatibility:

1. The effect upon the general historical and architectural character of the structure and property;
2. The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
6. The condition of existing improvements and whether they are a hazard to public health and safety;
7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
8. Compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties set forth in Title 36 of the Code of Federal Regulations, Part 68. This reference shall always refer to the current standards, as amended.

E. For properties which have historically been non-residential, only the criteria set forth in section 15.56.110(D) shall be applicable to determine compatibility for alterations certificates.

F. The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term “compatible” shall mean consistent with, harmonious with, and/or

enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

G. Conflicts. In the event of a conflict between a provision of the Historic Residential Design Guidelines and any other provision of this code or any other applicable regulation, the more stringent provision shall apply.

#### **15.56.120 Criteria to review relocation of a structure.**

In addition to the alterations criteria in Section 15.56.110, the Commission shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on a landmark site, a building or structure within a historic district, a structure onto a landmark site, or a structure onto property in an historic district:

A. Original Site Review Criteria. For consideration of the original site, the Commission shall review for compliance with all of the following criteria:

1. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
2. The contribution the structure makes to its present setting;
3. Whether plans are specifically defined for the site to be vacated;
4. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-sitting; and
6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

B. New Site Review Criteria. For consideration of the new location, the Commission shall review for compliance with all of the following criteria:

1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
2. The structure's architectural integrity and its consistency with the character of the neighborhood; and
3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

#### **15.56.130 Criteria to review demolition of a structure.**

If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate will not be issued until a replacement/reuse plan for the property has been approved by the City.

A. Review Criteria for Total Demolition. Applicants requesting a certificate for demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;
2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
3. The structure cannot be practically moved to another site in Loveland;
4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following: (a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur; (b) Any impact on the historic importance of the structure or structures located on the property and adjacent properties; (c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties; and
5. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

B. Review Criteria for Partial Demolition. Applicants requesting a certificate for partial demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
2. The applicant has mitigated, to the greatest extent possible:
  - (a) Impacts on the historic importance of the structure or structures located on the property; and
  - (b) Impacts on the architectural integrity of the structure or structures located on the property.

**15.56.140 Exemptions from an alteration certificate.** If an alteration certificate request does not conform to the applicable criteria set forth in this Chapter, the applicant may request an exemption from the certificate requirement. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions.

A. Economic Hardship Exemption. An economic hardship exemption may be granted if:

1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
3. The economic hardship claimed is not self-imposed.

B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

C. Inability to Use. Three (3) years after denial of a demolition permit approval, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The Commission shall include the following factors in their consideration of the request:

1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property; and
2. The adequacy of the property owner's efforts to locate available assistance for making the property functional without demolition.

**15.56.150 Maintenance of designated landmarks and structures within a historic district.**

A. Normal Maintenance. 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 architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.

B. Minimum Maintenance. All designated landmarks and all properties within designated districts shall be maintained in such fashion as to meet the requirements of the applicable building codes adopted by the City. The owner(s) of such properties 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 properties 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 designated landmark or district in which it is situated.

**15.56.160 Economic incentives for historic restoration.**

A. An owner of a property that has been designated as a landmark or an owner of a contributing property in a historic district may apply for the following economic incentives for the restoration or rehabilitation of that property, and such additional incentives as may be developed by the Commission or City Council:

1. Refund of City building permit fees for exterior restoration, preservation, and rehabilitation. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation, or rehabilitation in order that such refund of fees is equitable;
2. Receipt of loan funds from the zero-interest loan pool, when available, created by the City pursuant to section 15.56.180 of this Chapter; and
3. Applicable state and federal income tax credits.

B. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for historic properties. The Commission shall notify the owners of historic properties of economic incentive opportunities available.

C. The Commission shall make the determination for each request regarding economic incentives.

**15.56.170 Demolition or relocation of historic buildings or structures not designated as local landmarks.**

A. Demolition Procedure. With the exception of any building or structure determined to present a dangerous condition by the Fire Chief or Chief Building Official, or any building or structure governed by the provisions of section 15.56.050 of this Chapter, no building or structure identified in the Loveland Historic Preservation Survey ("Survey") as eligible for nomination to the State of Colorado Register of

Historic Places, which Survey is part of the Loveland Historic Preservation Plan, as amended, may be partially demolished, totally demolished, or relocated nor shall any permit for such demolition or relocation be issued unless the owners of such building or structure have complied with the provisions of this section.

B. Building Division Referral. The Development Services Department shall maintain a current record of all buildings and structures identified in the Survey as eligible for nomination to the State of Colorado Register of Historic Places located within the City. If the Building Division receives an application for a permit to carry out any partial demolition, total demolition, or relocation of such building or structure, the City's Building Division shall promptly forward such permit application to the Development Services Department.

C. Review for Landmark Nomination. The Development Services Director, or designee, and two (2) designated members of the Commission shall review the building permit application and shall determine, within (15) days after an application for a building permit to partially demolish, totally demolish or relocate a historic building or structure, whether or not the building or structure should be nominated for designation as a landmark.

D. Additional Information for Partial Demolition Permits. The owner of property in the Survey who has submitted a permit for partial demolition of a building or structure shall submit building plans for the reconstruction of those portion(s) of the building or structure to be demolished, unless waived by the Development Services Director.

E. Disapproval of Landmark Nomination. If it is determined, by the Development Services Director, or designee, and the designated members of the Commission, that the building or structure proposed to be partially demolished, totally demolished or relocated does not meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter the Development Services Director shall notify the City's Building Division, in writing, that the permit has been reviewed and approved for further processing within the Building Division.

F. Approval of Landmark Nomination. If either the Development Services Director, or designee, or one of the Commission designees determines that the historic building or structure does meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter, the Commission designees shall submit an application for landmark designation of the building or structure to the Development Services Department within sixty (60) days, after the completed application was filed. The Development Services Department shall process the application in accordance with the procedures set forth in section 15.56.030 of this Chapter. No permit for partial demolition, total demolition or relocation of the historic building or structure shall be approved while proceedings are pending on such designation.

G. Effect of Disapproval of Landmark Designation. If a historic building or structure nominated for landmark designation pursuant to this section is not designated as a landmark, it shall not be reconsidered for landmark designation pursuant to this section within one-hundred and eighty (180) days of the date the initial landmark application was submitted to the Development Services Department by the Commission designees.

#### **15.56.180 Rehabilitation loan program.**

A. Purpose. There is hereby established a landmark rehabilitation loan program created for the valid public purpose of increasing the quality, 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 locally designated landmarks or contributing structures in local



landmark districts a source of funding for exterior rehabilitation of such structures.

B. Funding. The Commission shall administer the program for awarding zero-interest loans for the rehabilitation of local landmark structures and/or contributing structures in local landmark districts. The Commission may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of five thousand dollars (\$5,000.00) for a residential property or ten thousand dollars (\$10,000.00) for a commercial property 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.

C. 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 local landmark or be a contributing structure in a local 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;
4. Neither the loan nor the matching funds may 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 landmark structure;
5. Loan funds may be expended only for rehabilitation of the exterior of a locally designated landmark structure or contributing structure in a local landmark district;
6. No interior improvements may be purchased utilizing City loan funds;
7. The Secretary of the Interior's Standards for the Treatment of Historic Properties as forth in Title 36 of the Code of Federal Regulations, Part 68, as amended, shall serve as the standards by which all rehabilitation work must be performed;
8. 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 Commission 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 the actual proof of expense;
9. 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;
10. Property owners who have previously received loans shall be eligible for subsequent loans;
11. 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;

12. 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; and

13. No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan:

- (a) Agreed to repay the loan in full upon sale or transfer of the property, or after five years, whichever occurs earlier; and
- (b) Executed a deed restriction or encumbrance that ensures repayment of the loan in full upon sale or transfer of the property; and
- (c) Agreed to pay the amount due, together with statutory interest and costs of collection including, without limitation, the direct and indirect costs incurred by the city in the collection and reasonable attorney's fees, if the loan amount or any portion thereof is due and unpaid after expiration of the applicable condition set forth in (a) above.

D. Application. The Commission shall establish the application deadline for each year that the program is administered, which deadline shall be no sooner than sixty days from the date that it was established by the Commission. Applications received after the application deadline will not be considered. (Ord. 6135 § 1, 2017; Ord. 5247 § 1, 2007; Ord. 4724 § 1 (part), 2002.)