

Brighton Historic Preservation Commission

City Hall, 500 S. 4th Avenue, 1st Floor, Council Chambers, Brighton, CO 80601



Meeting Agenda

Date: October 19, 2023 - 6:00 P.M.



BRIGHTON HISTORIC PRESERVATION COMMISSION
500 S. 4TH Avenue
Brighton, CO 80601
303-655-2042
nebrahim@brightonco.gov

Chairperson:

ToniJean Kile

Vice-Chair:

Mardita Murphy

Secretary/Treasurer:

Commissioners:

Valerie Cooper
Dick Hodge
Jo Pinto
Amber Robbins

City Council

Representatives:

Ann Taddeo
Jan Pawlowski - Alternate

Youth Commission

Representative:

Diana Hernandez

Alternate:

Katherine (Kat) Lewis

City Admin. Assistant:

Nooreen Ebrahim

City Staff:

Emma Lane
Shannon McDowell
Sheryl Johnson
Bill Armstrong - Museum

- I. Call to Order and the Pledge of Allegiance Toni Kile
- II. Roll Call Nooreen Ebrahim
- III. Seating of Alternates Toni Kile
- IV. Approval of Agenda
- V. Ratifications of Actions Taken on September 21, 2023 Shannon McDowell
- VI. Approval of Minutes from September 21, 2023
- VII. Consent Agenda
- VIII. Public Comment
 - Public invited to be heard on matters not on the agenda (Limited to 5 minutes)
- IX. Public Hearing
- X. Reports and Presentations
 - Staff:**
 - Staff Report Emma Lane
- XI. Unfinished Business
- XII. New Business
 - Brick Awards Nominations
 - Amendments to *HPC Bylaws, Land Use and Development Code, and Municipal Code*
 - Review CLG Annual Report for SHPO
- XIII. HPC to Identify Items for Next Meeting
- XIV. Additional Comments
- XV. Announcements
 - CLG Webinar: Compass on 11/15 at noon (online) Learn how to navigate the State's cultural resource database.
 - CLG Webinar: Historic Contexts on 12/6 at noon (online) Learn about historic context studies and how these help with future preservation efforts.
 - CLG Grant applications open on 10/1 and are due on 1/16/24.
 - Saving Places Conference: January 31-February 2, Boulder
- XVI. Adjournment

Next Meeting
November 16, 2023



500 S. 4th Avenue, Brighton, CO 80601

MINUTES of the Brighton Historic Preservation Commission meeting for the City of Brighton, Adams County, Colorado, held in Council Chambers on the 1st Floor at City Hall, 500 South 4th Avenue, Brighton, Colorado.

DATE: September 21, 2023

Call to Order/Pledge of Allegiance: Commissioner Hodge called the meeting to order at 6:02 p.m. followed by the recital of the pledge of allegiance.

Roll Call/Establish Quorum:

Commissioners Present: Dick Hodge, Jo Pinto, Valerie Cooper, Amber Robbins, Toni Kile, Ann Taddeo, Kat Lewis

Commissioners Absent: Mardita Murphy (Excused), Diana Hernandez

A quorum was determined.

Staff Present: Shannon McDowell, Emma Lane, Jordan Kowalenko, Bill Armstrong, Nooreen Ebrahim

Others Present: Tim Watts, Mary Tuleja, Dana Johnson, Sophia Imperioli, Barbara Heumann

Seating of Alternates: Motion to seat Commissioner Lewis by Commissioner Hodge. Motion carries.

Elections: The roles of Chairperson and Vice-Chairperson were up for election. Motion to nominate Commissioner Murphy as Chairperson was made by Commissioner Robbins. Commissioner Hodge called the Commission to recess to get nomination consent from Vice-Chair Murphy. Commissioner Murphy did not consent to nomination for Chairperson but did consent to nomination for Vice-Chairperson. Commissioner Lewis nominated Commissioner Kile as Chairperson. Chairperson Kile gave consent for nomination. No other nominations were made. Motion to elect Commissioner Kile as Chairperson by Commissioner Robbins. Second by Commissioner Cooper. 6-0, motion carries. Commissioner Robbins nominated Commissioner Murphy as Vice-Chairperson. No other nominations were made. Motion to elect Commissioner Murphy as Vice-Chairperson by Commissioner Hodge. Second by Commissioner Pinto. 6-0, motion carries.

Approval of Agenda:

Motion to approve the agenda by Commissioner Cooper. Second by Commissioner Lewis. Motion Carries.

Approval of Minutes for June 15, 2023:

Motion to approve the minutes for June 15, 2023, as distributed, by Commissioner Robbins. Second by Commissioner Hodge. Motion Carries.

Consent Agenda:

No Consent Agenda

Public Comment:

No Public Comments

Public Hearing:

No Public Hearing

Reports / Presentations:

Committees:

No updates.

Staff:

Emma Lane

Grants & Surveys:

Walnut Grove:

Five 1403 surveys are being conducted in this neighborhood. Will continue to conduct surveys with the goal being defining this area as a Historic District.

Cannery:

Architect meeting with property owner for walkthrough.

Historic Properties and Referrals:

141 S. 3rd Avenue:

Submitted documentation for designation and 1403 survey is being completed.

245 S. 8th Avenue:

Completed 1403 survey. Waiting for the owner's action.

29 N. Main Street:

No updates.

109+111 E Bridge St.

COA completed/approved.

Other Business:

HPC Code Updates: Staff have been working on updating all three of the codes regarding Historic Preservation. These will come to the HPC after internal review.

Staff:

Bill Armstrong

Museum Updates:

Engagement & Marketing:

Children – 4; Adult – 55; Senior – 26; and Event – 141

Research Requests – 7

Facebook/Instagram –

Three posts went out on Wednesday at noon. Followers on Instagram are at 390 and on Facebook there are 1,493 followers.

Collection:

No update.

Volunteers:

Year to date volunteer hours: 527.75. Month to date: 58.5.

Exhibit & Interpretation/Outreach/Education:

Military exhibit in partnership with the National Military Museum of the Rockies.

Funding:

The military exhibit will be funded by the BCAC Grant.

Expansion:

No update.

Commissioner Hodge and Commissioner Pinto

Saving Places on the Road:

Commissioner Hodge and Commissioner Pinto presented and discussed photos from the conference they attended in August.

Unfinished Business:

None.

New Business:

Chamber of Commerce Mural Request:

Staff and the Commission watched a presentation and engaged in an open conversation regarding the mural proposed by Natalie Cummings, the CEO/President of the Greater Brighton Chamber of Commerce and Tourism Bureau. Natalie requested that the HPC contribute \$10,000 to help fund the \$150,000 project. Motion to fund the full request by Commissioner Pinto. Second by Commissioner Lewis. 6-0, motion passes.

COA/Demolition Review Committee Member Appointment: Chairperson Kile in their new role will be a committee member of the COA/Demolition Review Committee and is allowed to appoint a second committee member. Vice Chairperson Murphy was appointed as committee member, and Commissioner Robbins was selected as alternate.

Collections Policy Amendment: Bill Armstrong presented the amendments to be made to the current Collections Policy and explained how they will impact the museum staff and their processes. Motion to approve the amendments by Commissioner Pinto. Second by Chair Kile 6-0, motion passes.

Creation of Museum Committee and Dissolution of Collections Committee: The Museum Committee would consist of one or more Commissioners from the HPC, museum volunteers familiar with collection, and Bill Armstrong with oversight from the Community Development Director. This Committee will replace the Collections Committee. Motion to Create the Museum Committee and dissolve the Collections Committee by Commissioner Robbins, second by Commissioner Pinto. 6-0, motion passes.

Museum Committee Appointment(s): The Commission discussed nomination of a HPC member to serve on the Museum Committee. The nominee from the HPC is Commissioner Robbins. Motion to appoint Commissioner Robbins to the Museum Committee by Commissioner Pinto. Second by Commissioner Lewis. 6-0, motion passes. Nomination of museum volunteers Barbara Teumann, Dana Johnson, Mary Tulje, and Sophia Imperioli as Museum Committee members. Motion to appoint four museum volunteers to the Museum Committee by Commissioner Pinto. Second by Commissioner Robbins. 6-0, motion passes.

HPC to Identify Items for Next Meeting

Brick award nomination(s).

Additional Comments:

The Commission congratulated Chairperson Kile.
The Commission thanked the museum volunteers.

Announcements:

Other Events –

State Historical Fund Grants are due 10/2. Non-competitive grants are accepted on a rolling basis.

CLG Webinar: CLG Grants on 10/18 at noon (online) Learn how to prepare a successful grant application. CLG

Webinar: Compass on 11/15 at noon (online) Learn how to navigate the State's cultural resource database.

CLG Webinar: Historic Contexts on 12/6 at noon (online) Learn about historic context studies and how these help with future preservation efforts.

CLG Grant applications open on 10/1 and are due on 1/16/24.

Adjournment:

Motion to adjourn at 7:50 p.m. by Commissioner Hodge. Second by Commissioner Lewis. Motion carries.

Next Meeting:

October 19, 2023

Submitted by,
Nooreen Ebrahim



STAFF REPORT

Monthly report on staff activity related to and involving Historic Preservation items.

Date Prepared: 10/10/2023

Date Presented: 10/19/2023

Prepared By: Emma Lane, Senior Planner – Historic Preservation

Location: City Hall, 500 S 4th Ave, Brighton, CO 80601

STAFF REPORT

GRANTS & SURVEYS:

- **Walnut Grove Intensive Surveys**
 - We have contracted with an architect to complete 5 1403 intensive surveys within Walnut Grove
- **Cannery HSA Grant**
 - No update, architect and owner are working together to complete

HISTORIC PROPERTIES AND REFERRALS:

- **245 S 8th Ave**
 - No response so far
- **29 N Main St**
 - No update

OTHER BUSINESS:

- **Annual Report**
 - Report is due at the end of this month
 - Will be reviewed under “New Business”

MUSEUM UPDATES:

- **Engagement and Marketing**
 - **Visitors:**
 - Children - 5
 - Adult - 11
 - Senior - 6
 - Event – 59
 - **Research Requests:**
 - 3 research requests
 - **Facebook/Instagram:**
 - 5 posts – Wednesday at 12:00 MST , 1 boosted add.
 - Reach of posts
 - Facebook – 1493
 - Instagram – 2
 - Event Promotion - 228
 - Followers

- Facebook – 1500
 - Instagram – 389
- **Volunteers**
 - 611.75 volunteer hours YTD



Historic Preservation Code Amendments

HISTORIC PRESERVATION COMMISSION –
October 19, 2023

City Staff Representative:

Emma Lane, Senior Planner – Historic Preservation



Historic Preservation Commission Bylaws

- Reviewed and approved by the HPC
- Establishes processes for the HPC including meetings, elections, voting, etc.

Brighton Municipal Code

- Reviewed and approved by the City Council
- Establishes the HPC as a valid, quasi-judicial commission of the City
- Lays out the charges and duties of the HPC

Land Use & Development Code

- Reviewed and approved by the Planning Commission and City Council
- Establishes processes for the implementation of Historic Preservation goals and policies such as designation of landmarks, review of designated structures and demolitions, etc.



HPC Bylaws

The updated document:

- Removes duties already laid out in the *Brighton Municipal Code*
- Adds organizational items found in the other documents
- Streamlines various names, acronyms, etc.
- Corrects various typos and grammatical errors



Brighton Municipal Code - Article 2-66

The updated document:

- Removes duplicative information that is better suited in the bylaws
- Adds information from the other documents more suited for the *BMC*
- Removes the need for an annual report to City Council
- Streamlines various names, acronyms, etc.
- Corrects various typos and grammatical errors



Land Use & Development Code – Section 10.03

The updated document:

- Simplifies processes that were previously convoluted and hard to follow
- Streamlines definitions and creates consistency in the document using defined terms
- Creates consistency in review criteria for COAs, designations, demolitions, etc.
- Streamlines various names, acronyms, etc.
- Corrects various typos and grammatical errors



Options for Consideration – Bylaws:

The HPC has the following options to consider:

- ❑ Approve the bylaws as drafted;
- ❑ Deny the bylaws;
- ❑ Approve the bylaws with modifications; or
- ❑ Continue the bylaws to be heard at a later specified date if the Commission finds it needs additional information to make a decision.



Options for Consideration – *BMC* and *LUDC*:

The HPC has the following options to consider:

- ❑ Direct staff to proceed with the code amendments as presented;
- ❑ Direct staff to proceed with the code amendments with modifications; or
- ❑ Direct staff not to proceed with the code amendments.

BYLAWS OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BRIGHTON, COLORADO

I. ENABLING AUTHORITY; PURPOSE; AND MATTERS ENTRUSTED TO THE COMMISSION

Pursuant to Section 2-66-30(b), of the Brighton Municipal Code (“BMC”), the ~~City of Brighton~~ Historic Preservation Commission (the “Commission”) is authorized to adopt ~~b~~Bylaws and rules of procedure that shall govern the transaction of its business.

Accordingly, **Article 2-66. Historic Preservation Commission, Land Use & Development Code (“LUDC”) Section 10.03 Historic Preservation**, as amended from time to time, and these Bylaws adopted in accordance therewith, shall govern the procedure of the Commission with respect to all matters entrusted to the Commission by the ~~Brighton Municipal Code~~BMC, ordinances, and resolutions of the City Council of City of Brighton.

Such matters entrusted to the Commission include but are not limited to the following:

1. To designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City’s cultural, artistic, social, economic, ethnic, political, architectural, historic or other heritage;
2. To foster civic pride in the character and accomplishments of the past;
3. To stabilize or improve aesthetic and economic vitality and values of such sites, structures, objects, and districts;
4. To protect and enhance the City’s attraction to tourists and visitors, and to increase the quality of life for the citizens and enhance future economic development;
5. To promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City;
6. To promote good urban design;
7. To promote and encourage continued private ownership and utilization of such sites, structures, objects or districts;
8. ~~To create and empower the Board of the Commission (the “Board”) in its administration and enforcement of the City’s historic preservation management program; and~~
9. To cooperate with state and federal historic preservation efforts ~~as defined by the Bylaws~~, policies and procedures of the ~~Board~~Commission.

The Commission ~~shall be governed by and shall act through the Board of Directors of the Commission (the “Board”), which~~ shall have the duty and power to:

1. ~~Establish policies and procedures for the survey and designation of historic properties, landmarks and districts (“historic resources”) and recommend to the City Council, if necessary, appropriate actions relating to such resources specifically, and to historic preservation generally;~~

2. ~~Recommend to the City Council policies, procedures, criteria, guidelines and standards for the conduct of surveys and inventories of the cultural resources of the City, including identification of historic sites, structures, buildings and districts.~~
3. ~~Recommend to the City Council policies, procedures, criteria, guidelines and standards to implement the identification, designation and preservation purposes of LUDC Section 10.03 Historic Preservation, of the Brighton Municipal Code and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.~~
4. ~~Recommend to the City Council policies, procedures, criteria, guidelines and standards for granting or denying applications for Certificates of Appropriateness to alter, construct, repair, move or demolish designated historic sites, structures or buildings.~~
5. ~~Review resources nominated for designation as a historic site or landmark and recommend that the City Council shall either approve, approve with conditions or deny the nomination for designation.~~
6. ~~On or before January 31 of each year, file a report with the City Clerk setting forth the activities of the Commission for the previous year and on or before November 30 of each year a plan for Historic Preservation Commission action for the following year.~~
7. ~~To continue the process for the survey and inventory of cultural resources, including buildings, sites, structures and districts within the City for designation of historic landmarks or Historic districts. All surveys shall be conducted in accordance with the policies, procedures, criteria, guidelines and standards approved by the City Council and the Historic Survey Manual produced by the State Historic Preservation Officer. Surveys and inventories of cultural resources shall be for the purpose of defining those of historic significance and setting the priorities for determination of the importance of identified cultural resources.~~
8.
 - a. ~~—The Commission will prepare a City Historic Properties Watch List to include a list of properties that are older than fifty (50) years old and from that list conduct a cultural resources survey to determine the historic significance, if any, each structure possesses.~~
 - b. ~~—Each structure shall be evaluated as to its historic significance and placed in a City Historic Properties Priority Matrix. The Priority Matrix shall include a list of those properties that, based upon the findings of the cultural resources survey, have been determined to possess some level of historic significance. This matrix shall identify basic levels of priority and rank the properties accordingly.~~
9. ~~Review and make decisions on applications for Certificates of Appropriateness (COA) related to alterations, construction, repair, moving and/or demolition to a designated historic landmark or historic district.~~
10. ~~Advise and assist owners of historic properties on physical and financial aspect of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places and the Colorado Registers of Historic Properties;~~
11. ~~Develop and assist in public education programs including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences;~~
12. ~~Conduct surveys of historic areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas;~~
13. ~~Advise the City Council on matters related to preserving the historic character of the City;~~
14. ~~Actively pursue financial assistance for preservation related programs.~~
15. ~~Make recommendations to the City Manager concerning the utilization of grants from federal, state or local agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of significant cultural resources.~~

16. Perform all actions and functions as authorized or directed by [Section 2-66-20, BMC, and LUDC Section 10.03, Historic Preservation, of the Brighton Municipal Code](#) and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.

17. ~~Such other and further duties and responsibilities as may be directed by resolution or ordinance of the City Council.~~

II. MEMBERSHIP, APPOINTMENT, AND OFFICERS

A. Membership and Appointment. The ~~Board-Commission~~ shall consist of seven (7) voting members, two (2) alternates, appointed by the Mayor and City Council in accordance with Section 2-66-10, BMC, and the City Manager as an ex-officio non-voting member. The qualifications, interests, expertise, and terms of the members shall be as set forth in Section 2-66-10, BMC. ~~Member. In addition to the seven voting members and two alternate members, the Mayor and City Council may appoint an Emeritus member in order to provide additional expertise, historical knowledge and valuable input to the Commission. Similarly, a Youth Commission member may also be appointed by the Mayor and City Council to serve on the Commission at any time.~~

B. Officers and Elections. The ~~Board-Commission~~ shall select a chair, and a vice chair from among its members. Elections shall occur annually, at the first regular meeting in July, or as soon thereafter as practicable. The term of the chair and vice chair shall be for one year with eligibility for re-election thereafter. All terms expire annually on June 30. The City Manager or his designee may provide administrative assistance to the Commission in the form of a city staff person and/or secretary.

Nominations for elected officers of the ~~Board-Commission~~ are made orally during a meeting at which a quorum is seated. No seconding is required for nominations, except to close the nominations and hold a vote. Members proposing to nominate another voting member for office shall first obtain that member's consent. Any member so nominated may respectfully withdraw his or her name from nomination prior to the vote. Silence by a nominee shall be construed as acceptance.

After the nominations occur, a motion shall be made and seconded to close the nominations and hold a vote, at which point a roll-call vote shall occur respecting the nominations. Nominees receiving a majority of votes are elected.

1. Chair. The chair is responsible for conducting Commission meetings in an orderly and democratic manner, while assuring that minority opinion may be expressed and that the majority is allowed to rule. The chair shall decide all points of order, decorum and issues of procedure, evidence and testimony, unless otherwise directed by a majority of the Commission in session at that time. The chair, in his or her reasonable discretion, may temporarily relinquish such duties and delegate the same to the vice chair from time to time, for all or part of a particular meeting or as to certain agenda items, and the vice chair shall fairly and properly conduct such meetings or agenda items in all respects in accordance with these Bylaws.

2. Vice Chair. The vice chair shall preside in the absence of the chair and shall assume all duties of the chair. ~~In the event that both the chair and vice chair are absent, the next most senior non ex-officio member of the Commission shall preside upon being recognized by the remaining members then present, and shall be seated as chairperson by a motion for the record.~~

C. Member Absences, Alternates. Any member who is unable to attend a meeting shall notify the chair, vice chair, and staff in advance, and state the reason for his or her absence. ~~In the event that both the chair and vice chair are absent, the next most senior non ex-officio member of the Commission shall preside.~~ Meetings shall commence at time set by the ~~Board-Commission~~, at which time absences and the seating of alternates shall be recognized for the record. In the event of an absence among the regular members, the chair shall seat an alternate member in the place of such absent regular member. ~~The alternate with seniority shall be seated first. If both alternates have served for the same amount of time, seating shall be by alphabetical order of the last names. Alternates shall be seated in the manner provided in Section 2-66-10(b)(1), BMC.~~ Once thus seated, an alternate member shall be entitled to vote upon such matters as come before the Commission. Emeritus, ~~and~~ Youth Commission, ~~and City Council~~ members shall serve

in an advisory capacity only, and may not be seated to vote in the absence of another member. All members and alternates in attendance may participate in the discussion. Only seated members and alternates seated for an absent member may vote.

~~D. Removal. Members may be removed by the Mayor and City Council, with or without cause as set forth in Section 2-66-10(e), BMC.~~

III. COMMITTEES OF THE ~~BOARD~~ COMMISSION.

A. There shall be a COA/Demolition Review Committee of the Commission consisting of the chair, one regular member of the Commission selected by the chair, ~~a city staff representative~~ the Historic Preservation Administrator, and the City Manager or Manager's designee. The COA/Demolition Review Committee shall function in accordance with LUDC Sections 10.03 D and E. A quorum of this committee shall consist of 4 members.

B. The Commission may create one or more committees of the Commission and appoint one or more members of the Commission to serve on each committee. The creation of a committee and appointment of members to it shall require the approval of a majority of all the Commissioners in office when the action is taken. All committees shall be given an explicit charge and shall serve at the pleasure of the Commission.

C. The provisions of these Bylaws governing meetings and voting requirements, if applicable, of the Commission apply to committees. Committee meetings ~~may~~ can be held either in person or virtually.

D. The Commission may also appoint residents of the City of Brighton that are not members of the ~~Historic Preservation~~ Commission to serve on one or more committees. To be appointed to a committee, the appointee must attend a regular meeting of the ~~Historic Preservation~~ Commission where they will be appointed to a committee by a vote of the Commissioners. This vote shall take place during a specified agenda item in which the Commission will vote on a potential appointee.

IV. QUORUM, CONDUCT OF MEETINGS AND VOTING

A. Quorum. A quorum shall consist of four (4) regular members (or ~~a~~ an Alternates seated as such), and no official business may be conducted without a quorum. If a quorum is not present, the members present may adjourn the meeting. If a public hearing is continued, the time, place, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.

B. Conduct of Meetings. All meetings are open to the public, and shall be carried-out in a business-like manner. It shall be the policy of the Commission, as necessary and appropriate, to solicit public participation at meetings and to provide fundamental fairness and accord due process to all interested parties. Meetings shall be conducted pursuant to the following general format:

1. Written Agenda and Order. Staff shall generally co-ordinate formal agenda items, except that the Commission may direct the preparation of matters to be placed on the agenda if two (2) or more members of the Commission concur. A vote is not required to set the agenda. Scheduled items may be deleted from the agenda or continued pursuant to the procedures set forth in Section III. B.4, below. The order of the agenda shall be generally as follows:

- a. Call to Order and Roll Call.
- b. Minutes of Previous Meetings.
- c. Public Comment – Non-Scheduled, Non-Agenda Items
- d. Public Hearing Agenda Items.
- e. Old and New Business: Reports

Matters from Commission Members and Committees;

Matters from the City Manager;
Matters from Staff or the City Attorney.
f. Adjournment.

2. Rules of Speaking. To obtain the floor, a member shall first address the chair, who shall recognize that member for the record by name and yield the floor. The chair next generally recognizes that member who first requests the floor after it has been relinquished, except that the chair may use its discretion in providing for the orderly transition of the floor such that all members are properly accommodated (i.e., yielding to the member next seated to the right or left, etc.). ~~members~~Members shall generally relinquish the floor after they have addressed the pending issue for five (5) minutes.

3. Public Hearing Procedures – Presentation, Hearing, Deliberation. In the case of public hearings, if any, the chair shall have the discretion to enforce or alter these procedures as necessary, so as to ensure that meetings are conducted efficiently and in a manner that provides fundamental fairness and accords due process to all interested parties. The following procedures shall also apply to the Public Comment portion of the agenda, with time frames subject to the chair's discretion, and as generally provided below:

- a. The chair first calls for presentation by staff (5 to 15 minutes);
- b. The chair then calls for presentation by the applicant or interested party(ies) (5 to 15 minutes);
- c. Commission members may then question staff or the applicant to clarify any information or evidence presented;
- d. The hearing item is then opened to the public for comment on any issues relevant thereto, including proponents and opponents of the item (3 to 5 minutes per presentation);
- e. Response, rebuttal or clarification by staff or applicant, as necessary (3 to 5 minutes);
- f. After all evidence has been presented, the public hearing is closed and deliberation occurs. At that time, the applicant, staff, or members of the public may participate only if called upon by the chair.

4. Continuance of Scheduled Agenda Item. When it appears that the Commission requires additional time and/or information for proper deliberation of a scheduled agenda ~~i~~Item, or if the interests of fairness and justice would otherwise be served by a continuance, then the Commission may by a majority vote continue an item to a date certain upon motion of a member, if such motion is made and passed prior to approval or denial of the agenda ~~i~~Item.

Provided, however, that the member so moving shall publicly state for the record the reasons for the motion, and shall allow the proponent, opponent and staff the opportunity to state their position on the proposed continuance. In connection with such a motion, members shall act in good faith, and as a matter of course shall seek to obtain for the record the applicant's consent and agreement to the continuance. After an item is placed on a published agenda, an applicant may request that an item be continued or deleted prior to consideration by the Commission. If such a request is not made in advance of the meeting, then the Commission shall hear the applicant's request on the day of the meeting, and may grant such request upon a showing of good cause by the applicant. If for some reason the continuance is denied, then the applicant shall be advised of his or her right to withdraw the application and resubmit it at a later date.

Notwithstanding any of the foregoing, when without good cause an applicant fails to appear for hearing on any regularly scheduled, published agenda item, it shall be the policy of the Commission to continue the ~~i~~Item once as a matter of course to a date certain, by motion and without hearing. Upon such continuance by the Historic Preservation Commission, the applicant shall be notified in writing of the automatic continuance due to the applicant's failure to appear. The written notice shall advise the applicant of the date certain to which the item has been continued, and that failure to appear on the date certain indicated may result in a finding by the Commission that the applicant has abandoned the application, thus justifying denial of the application.

All continuances shall be to a date certain unless otherwise agreed-upon by the applicant and the Commission, and further continuance(s) may be requested at or before that time in accordance with these Bylaws.

5. Public Hearing Procedure – Continued Items. When any scheduled agenda item is continued to a date certain pursuant to and in accordance with the procedures set forth in Paragraph IV. B. 4., above, then the following procedures shall apply to the continued Item:

a. Where an item is continued for the purpose of receiving additional information for proper deliberation, and the Commission has determined that the interests of fairness and justice would be served thereby, upon receipt of such additional information on the continued hearing date the Commission shall re-open the public comment portion of the agenda item, such that proper deliberation and fair debate may occur regarding the additional information presented. Provided, however, that the chair may in his discretion reasonably limit the scope and duration of responsive testimony and evidence, to that which is relevant to the additional information. In this regard, at the continued hearing the Chair may make such evidentiary rulings as are reasonably necessary to limit the presentation of irrelevant, redundant or cumulative evidence.

b. Where an item is continued for any other reason (due to the lateness of the hour; the volume of information previously received; other time constraints; etc.), and the Commission has neither requested nor requires additional information for proper deliberation, then the Commission shall not be required to re-open the public comment portion of the agenda item, except as may be necessary to obtain explanation or clarification of information previously received, including opportunity for response and/or rebuttal; or, under such other circumstances as the Commission determines would serve the interests of fairness and justice.

c. The provisions of this paragraph 5 shall not apply unless the continued item has been continued to a date certain for the purpose of receiving additional information regarding that item, and such additional information shall in fact have been presented and received at the continued hearing. Where no information is being presented (in the case of a requested continuance, for example), no public comment is required unless the interests of fairness and justice so require.

6. Executive Session. At any regular meeting, upon proper motion by a member, the Commission may hold an executive session pursuant to the provisions of C.R.S. § 24-6-402, as amended, for one or more of the following purpose(s), which shall be announced by the member making the motion and by the chair for the prior to convening the executive session:

- a. Receiving legal advice from the attorney for the ~~Historic Preservation~~ Commission on specific legal questions;
- b. Considering matters required to be kept confidential by federal or state law, rule, regulation, or other lawful privilege;
- c. Considering any documents protected by the mandatory non-disclosure provisions of the Colorado Open Records Act;
- d. Any other lawful purpose, which shall be specified.

No adoptions of any proposed policy, position, resolution, decision, rule, regulation, or other formal action shall occur at any executive session not open to the public. All executive sessions shall be electronically recorded as provided by C.R.S. § 24-6-402, as amended, and shall otherwise comply with Colorado law in all respects.

~~7. The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character.~~

V. MOTIONS AND VOTING

A. Procedure for Motions. After all evidence has been presented and due deliberation has occurred, the chair may entertain a motion from any member who has been properly seated. Members should use care in choosing language that accurately states his or her proposed motion. The member may briefly state the reasons for his or her motion before making it, but should not argue the substance of the motion until it has been seconded. Having spoken once, the member may not speak again until all other members who wish to speak have had opportunity, except to answer questions or respond comments posed by other members, or to withdraw the motion. Having made a motion, a member may neither speak nor vote against it.

Another member shall second the motion. All motions require a second. However, the seconder is not required to favor the motion and may speak and vote for or against it. This allows the merits of the motion to be heard

and argued publicly, without regard to outcome. If there is no second, the chair shall not recognize a motion. Once seconded, a motion may not be withdrawn without the seconder's consent.

The chair ~~then shall~~ re-states the motion accurately and asks for discussion. General debate and discussion follow, and the rules of speaking outlined above are followed. At the end of discussion or when the question is called, the chair ~~shall~~ re-states the motion and calls for a vote.

B. Voting. Commission members shall vote orally by a calling of the roll. An affirmative vote of a majority of the seated members, (or alternates seated as such), is required to pass a motion recommending approval of any action. Otherwise, the item is deemed denied, except that where a motion to deny an item or approve it with conditions does not carry, the chair may entertain another motion, either to approve, approve without conditions or with modified conditions, or to deny or continue the item, such that the Commission fulfills its duty to clearly recommend some form of action.

The chair announces the result of the vote, and the motion is not completed until the result is announced. Results may be placed in the record of the Commission in accordance with the prepared resolution(s), along with any amendment(s) thereto, paying special attention to the recitation of ~~Historic Preservation~~ Commission findings, determinations, and conclusions as set forth in the written resolution(s).

If the vote results in a tie, the applicant is entitled to re-hearing of the item within a reasonable time, upon the applicant's written request directed and delivered to staff within seven (7) days thereafter.

VI. EX PARTE CONTACTS AND CONFLICTS OF INTEREST

The regular members and alternates serving on the ~~Historic Preservation~~ Commission are subject to and shall comply with the provisions of Article 2-10, Code of Ethics, ~~of the Brighton Municipal Code, BMC~~, as amended.

If a member is concerned that the appearance of impropriety may exist with respect to that member's participation in a particular item, but no actual conflict of interest exists, then prior to each hearing item so affected, that member should advise the chair accordingly, stating his or her concerns, and should state for the record whether the member believes that he or she can nevertheless act impartially. The chair shall then advise the applicant, and shall call upon the applicant to state for the record any objections that the applicant may have to the member's participation, or whether the applicant consents to such participation. If there are objections, then the member shall respectfully recuse himself or herself in the interests of fairness to the applicant, and shall not participate further in deliberation of that item.

VII. AMENDMENTS TO THESE BYLAWS

These Bylaws may be amended by the affirmative vote of four (4) Members of the ~~Historic Preservation~~ Commission.

APPROVED BY A MAJORITY VOTE OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF BRIGHTON, COLORADO, AT A REGULARLY SCHEDULED PUBLIC MEETING, DATED **FEBRUARY 16**, 2023.

ARTICLE 2-66 Historic Preservation Commission

Sec. 2-66-10. Establishment; membership.

- (a) The City Council hereby creates an Historic Preservation Commission, which shall have principal responsibility for matters of historic preservation set forth in this Article and [Article 17-52 Section 10.03](#), Historic Preservation, of the *Land Use & Development Code (LUDC)*, as amended from time to time, and all other ordinances, rules, regulations, policies and procedures of the City related to preservation of cultural resources.
- (b) Except as provided in Paragraph (1) below, the Historic Preservation Commission shall consist of seven (7) members. Members shall be residents of the City for at least one (1) year prior to their appointment and shall have a demonstrated interest or expertise in preservation-related disciplines, including but not limited to history, architecture, landscape architecture, architectural history, historic archaeology, urban planning, American studies, American civilization or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, finance or law. The City Manager, or his or her designee, shall serve as a nonvoting member of the Historic Preservation Commission. In addition to the seven voting members and two alternate members, the Mayor and City Council may appoint an Emeritus member in order to provide additional expertise, historical knowledge and valuable input to the Commission. Similarly, a Youth Commission member may also be appointed by the Mayor and City Council to serve on the Commission at any time. A quorum of the Historic Preservation Commission shall be at least four voting (4) members.
- (1) No fewer than three (3) members of the Historic Preservation Commission shall be professionals, as described in Appendix 1, Historic Preservation Professional Qualifications, of the Colorado Certified Local Government Handbook, as may be amended from time to time.
- a. The City Council shall, as much as is possible, appoint members to the Historic Preservation Commission who meet the qualifications for an historic preservation professional as described in Appendix 1, Historic Preservation Professional Qualifications of the Colorado Certified Local Government Handbook, as may be amended from time to time. Other suitable candidates for the historic preservation professional positions may be appointed to the commission at the discretion of the City Council.
- b. Professional members shall be exempt from the term limitation requirement referenced in Subsection (f). However, each member must still be appointed by the City Council for each consecutive term.
- c. The City Council may appoint no more than three (3) members to the Historic Preservation Commission who reside outside of the City limits. Members who reside outside of the City limits shall be appointed, if necessary, to fulfill historic preservation professional vacancies.
- (c) The City Council may appoint, in addition to the seven (7) voting members of the Historic Preservation Commission, two (2) alternate members of the Commission for terms of four (4) years. The initial terms of the alternates shall be one (1) year and two (2) years as determined by the City Council and thereafter the terms of alternates shall be four (4) years. For the purposes of this provision, a term shall include the balance of an unexpired term by an alternate appointed to fill a vacancy if such unexpired term exceeds twenty-four (24) months.
- (1) The alternates shall attend and participate in meetings of the Commission as more fully set forth in (d) below.

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- (2) Alternates shall not serve more than two (2) successive terms.
 - (3) The appointment and service of alternates shall be in accordance with the following subsections of this Section 2-66-10:
 - a. Subsection (b) related to residency and expertise;
 - b. Subsection (e) requiring diligent efforts to expand and increase their expertise, professional development, and required attendance; and
 - c. Subsection (g) related to removal of members and filling of unexpired terms.
 - (d) ~~Any member of the Historic Preservation Commission who is unable to attend a meeting shall notify the chairperson, vice chairperson or City staff in advance of the meeting, stating the reason for his or her absence. Any member not present at the start of the meeting shall be considered absent and an alternate will be seated. In the case of absences of regular members, the alternates shall be seated in the following manner:~~
 - ~~(1) The alternate with seniority shall be seated first; or~~
 - ~~(2) If both alternates have served for the same amount of time, seating shall be by alphabetical order of the last names.~~

~~All members and alternates in attendance may participate in the discussion. Only seated members and alternates seated for an absent member may vote.~~
 - (de) The commitment to maintain and enhance high standards of credibility, integrity, professionalism, ethics and expertise is of paramount importance for every member of the Historic Preservation Commission. The City Council, public officials, citizens, City staff and fellow colleagues depend and rely upon the expertise and integrity of the Historic Preservation Commission. In order to maintain the credibility required for those persons appointed to decision-making bodies, such as the Historic Preservation Commission, members of the Historic Preservation Commission shall make diligent efforts to expand and increase their expertise and professional development and to attend and participate in all the regularly scheduled Commission meetings.
 - (1) Professional development and training. Each member of the Historic Preservation Commission, at least once during their appointed term, shall attend an historic preservation conference or attend some form of formal continued professional development and training. Every effort should be made to attend a professional development event within the first year of the member's term.
 - a. Eligible professional development subjects will focus on contemporary skills and knowledge in the practices, theories, tools, techniques and legal issues in the fields of historic preservation, urban planning, architectural history, archaeology and history.
 - b. Failure of a member to attend at least one (1) eligible professional development program will disqualify that person from being eligible for reappointment to the Historic Preservation Commission.
 - (2) Attendance policy. Each member of the Historic Preservation Commission shall attend no less than seventy-five percent (75%) of all the scheduled Historic Preservation Commission meetings.
 - a. Failure of a member to attend at least seventy-five percent (75%) of the regularly scheduled Historic Preservation Commission meetings will disqualify that person from being eligible for re-appointment to the Historic Preservation Commission.
 - b. The City Council, at its own discretion, may elect to waive the attendance policy for Historic Preservation Commission members in the case of illness or some other extenuating circumstance.

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- (ef) The Mayor and City Council shall appoint the members of the Historic Preservation Commission. The initial terms of the members of the Historic Preservation Commission shall be three (3) members for four (4) years, two (2) members for three (3) years and two (2) members for two (2) years. Following the initial terms, the terms of all members shall be four (4) years. Members shall not serve more than two (2) successive terms, except as otherwise noted for professional members in Subsection (b)(1)b. For the purposes of this provision, a term shall include the balance of an unexpired term served by a person appointed to fill a vacancy if such unexpired term exceeds twenty-four (24) months.
- (fg) Members of the Historic Preservation Commission may be removed by the City Council, with or without cause. If a vacancy occurs on the Historic Preservation Commission, it shall be filled by the City Council for the remaining unexpired portion of the term.

(Ord. 1925 §1, 2007; Ord. 2081 §1, 2010; Ord. 2170 §3, 2014)

Sec. 2-66-20. Powers and duties.

- (a) The Historic Preservation Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character. It shall have the following powers, duties and rule-making authority, subject to approval by the City Council:
- (1) Advise the City Council on matters related to preserving the cultural resources and historic character of the City.
 - (2) Recommend to the City Council policies, procedures, criteria, guidelines and standards for the conduct of surveys and inventories of the cultural resources of the City, including identification of historic sites, structures, buildings and districts.
 - (3) Recommend to the City Council policies, procedures, criteria, guidelines and standards to implement the identification, designation and preservation purposes of ~~Article 16-22~~[LUDC Section 10.03](#), Historic Preservation, of this Code and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.
 - (4) Recommend to the City Council policies, procedures, criteria, guidelines and standards for granting or denying applications for Certificates of Appropriateness to alter, construct, repair, move or demolish designated historic sites, structures or buildings.
 - (5) Continue the process for the survey and inventory of cultural resources, including buildings, sites, structures and districts within the City for designation of Historic landmarks or Historic districts. All surveys shall be conducted in accordance with the policies, procedures, criteria, guidelines and standards approved by the City Council and the Historic Survey Manual produced by the State Historic Preservation Officer. Surveys and inventories of cultural resources shall be for the purpose of defining those of historic significance and setting the priorities for determination of the importance of identified cultural resources.
 - a. The Historic Preservation Commission shall prepare a City Historic Properties Watch List. The Watch List shall include a list of properties that are older than fifty (50) years old. The Historic Preservation Commission shall then conduct a cultural resources survey to determine the historic significance, if any, each structure possesses.
 - b. Each structure shall be evaluated as to its historic significance and placed in a City Historic Properties Priority Matrix. The Priority Matrix shall include a list of those properties that, based upon the findings of the cultural resources survey, have been determined to possess some level

of historic significance. This matrix shall identify basic levels of priority and rank the properties accordingly.

- (6) Review cultural resources nominated for designation as an historic landmark or historic district and recommend that the City Council either approve, approve with conditions or deny the nomination for designation.
- (7) Review and make decisions on applications for Certificates of Appropriateness (COA) related to alterations, construction, repair, moving and/or demolition to a designated historic landmark or historic district.
- (8) Advise and assist owners of cultural resources and historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places and the Colorado Registers of Historic Properties.
- (9) Develop and assist in public education programs, including but not limited to walking tours, brochures, marker programs for historic properties, lectures and conferences.
- (10) Actively pursue financial assistance for preservation-related programs.
- (11) Make recommendations to the City Manager concerning the utilization of grants from federal, state or local agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of significant cultural resources.
- (12) Perform all actions and functions as authorized or directed by [Article 16-22 LUDC Section 10.03](#), Historic Preservation, of this Code and all other ordinances, rules, regulations, policies and procedures of the City related to historic preservation.
- (13) Such other and further duties and responsibilities as may be directed by resolution or ordinance of the City Council.

(Ord. 1925 §1, 2007)

Sec. 2-66-30. Officers; procedures; bylaws.

- (a) The Historic Preservation Commission shall elect annually from its membership a chairperson and such other officers as may be required.
- (b) Rules of procedure and bylaws shall be adopted by the Historic Preservation Commission, provided that the rules of procedure and bylaws shall not be inconsistent with the City Charter, this Code or other policies established by the City Council.
- (c) The Historic Preservation Commission may appoint committees and committee members it deems necessary from both within and outside its membership.
 - (1) There shall be a [COA/Demolition Review Sub-Committee](#) of the Historic Preservation Commission consisting of the chair of the Commission, one (1) member of the Commission selected by the chair, the Historic Preservation Administrator and the City Manager or his or her designee.

(Ord. 1925 §1, 2007; Ord. 2060 §1, 2010)

Sec. 2-66-40. Meetings records; ~~annual report; action plan.~~

- (a) The Historic Preservation Commission shall adopt a regular meeting schedule, provided that in no event shall it fail to meet at least four (4) times in a calendar year.

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- (b) The Historic Preservation Commission shall conduct all meetings in accordance with Section 24-6-402, C.R.S., Open Meetings Law.
 - (c) The Historic Preservation Commission shall maintain records of all matters coming before it, including minutes of its meetings. Such records shall be open records in accordance with Section 24-72-201, et seq., C.R.S., as amended.
 - (d) ~~On or before January 31 of each year, the Historic Preservation Commission shall file a report with the City Clerk setting forth the activities of the Commission for the previous year. On or before November 30 of each year, the Historic Preservation Commission shall file with the City Clerk a plan for Historic Preservation Commission action for the following year.~~
 - ~~(e) A quorum of the Historic Preservation Commission shall be at least four (4) members. If a quorum is not present, the members present may adjourn the meeting. If a public hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.~~
 - (f) Opportunity shall be provided for all interested parties to express their opinions and provide evidence regarding proposed designation or designations of landmarks and/or historic districts. However, nothing contained herein shall be construed to prevent the Historic Preservation Commission from establishing reasonable rules to govern the proceeding of the hearings or from establishing reasonable limits on the lengths of individual presentations.

(Ord. 1925 §1, 2007)

Section 10.03 Historic Preservation

A. Policy & Intent.

1. *Policy.* It is the policy and intent of the City Council to protect and enhance the use of cultural resources having historical, ~~and~~ architectural, ~~or geographical~~ significance ~~to~~for the City's ~~cultural, artistic, environmental, social, economic, political, architectural, historic or other~~ heritage. The ~~City~~ Historic Preservation Commission, as established in Article 2-66 of the Municipal Code, shall implement these goals and policies. The historic preservation regulations are necessary for the Historic Preservation Commission to fulfill the purposes for which it was established.
2. *Intent.* This Section is intended to promote the public health, safety and welfare of the citizens of the City while also providing for the orderly and appropriate preservation, protection, development and redevelopment of cultural resources, including historically, ~~architecturally, or geographically~~ -significant properties, ~~structures and historic landmarks~~ and districts in the City. It is also the intent of this Section to create a reasonable balance between private property rights and the public interest in preserving the City's unique historical character.

B. Eligibility for Designation.

1. *Historic Landmark Eligibility.* A cultural resource may individually be designated as ~~a~~ historic landmark if the cultural resource is at least 50 years old and is of historic, ~~and/or~~ architectural, ~~and/or geographical~~ significance. If the cultural resource is not at least 50 years old, it must have exceptional ~~historic and/or architectural~~ significance. The finding of significance requires that the cultural resource meets at least one criterion within one of the following categories, or at least one criterion within two of the following categories for a finding of exceptional significance:
 - a. *Architectural category:* In order to be considered significant in the architectural category, at least one of the following criteria must be met. The cultural resource:
 - (1). Exemplifies specific distinguishing characteristics of an architectural period or style;
 - (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) Contains elements of architectural design, detail, materials, construction or craftsmanship which represent a significant innovation; or
 - (5) Evidences a style particularly associated with the Brighton area.
 - b. *Social and historic category:* In order to be considered significant in the social and historic category, at least one of the following criteria must be met. The cultural resource:
 - (1) Is the site of ~~a~~ historic event that had an effect upon society;
 - (2) Exemplifies cultural, political, economic or social heritage of the community;
 - (3) Represents a built environment of a group of people in an era of history;
 - (4) Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; or
 - (5) Has an association with a notable person or the work of a notable person.

- c. *Geographic and environmental category:* In order to be considered significant in the geographic and environmental category, at least one of the following criteria must be met. The cultural resource:
- (1) Enhances a sense of identity of the community;
 - (2) By being part of, or related to, a square, park or other distinctive area which should be developed or preserved according to a plan based on an historic, cultural or architectural motif;
 - (3) Is unique in its location of singular physical characteristics;
 - (4) Possesses unique and notable historic, cultural or architectural motifs; or
 - (5) Is an established and familiar mutual setting or visual feature of the community.
2. *Historic District Eligibility.* An area may be designated as an historic district upon a finding that the district has a definable area containing a number of individual cultural resources having historic, ~~and/or~~ architectural, ~~or geographical~~ significance that apply to the patterns and unifying elements of that particular district. ~~Historic~~ Significance is determined by applying criteria to the patterns and unifying elements found within a district.
- a. The district boundaries shall be defined by visual changes, historic documentation of different associations or patterns of development or evidence of changes in site type, density or other characteristics as established through a survey and inventory.
- b. Each individual cultural resources within an historic district shall be evaluated as to the degree of their ~~historic~~ significance, and assigned to one of the following categories:
- (1) *Noncontributing resource.* A resource that does not ~~contribute to the district's overall sense of time, place or historical and/or architectural significance~~ meet at least one of the categories for significance or is not at least 50 years old shall be considered a noncontributing resource. Noncontributing resources may be included within the boundaries of an ~~designated historically significant~~ designated district; however, their presence must not noticeably detract from the overall district's sense of time, place and ~~historic and/or architectural~~ significance. Noncontributing ~~structures~~ resources will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.
 - (2) *Contributing resource.* A resource that contributes to the district's overall sense of time and place, meets at least one of the categories for significance and is at least 50 years old shall be considered a significant resource. If the resource is not at least 50 years old, it must exhibit exceptional significance, which meets at least two of the categories for significance.
~~A resource that does contribute to the district's overall sense of time, place or historical and/or architectural significance, but does not necessarily meet the criteria necessary to be officially designated as historically and/or architecturally significant, shall be considered a contributing resource.~~
 - (3) *Historically significant resource.* ~~A resource that contributes to the district's overall sense of time, place or historical and/or architectural significance, meets at least one of the categories for historic significance and is at least 50 years old shall be considered an historically and/or architecturally significant structure. If the resource is not at least 50 years old, it must exhibit exceptional historic significance.~~

~~(4) — Exceptionally significant resource. A resource that is essential to the district's overall sense of time, place or historical and/or architectural significance and meets at least two of the categories for historical significance shall be considered an exceptionally significant resource.~~

- c. The establishment of a historic district shall be based on a finding of the following:
- (1) No more than 25% of the structures within a historic district may be noncontributing resources.
 - ~~(2) — No less than 25% of the structures within an historic district must be historically significant and/or exceptionally significant resources.~~

~~d. — In order to find that an historic district has exceptional historic and/or architectural significance, no less than fifty 50% of the structures within the historic district must be historically significant and/or exceptionally significant resources.~~

3. Inclusion of any cultural resource in the National Register of Historic Places and/or the Colorado Registers of Historic Properties shall be construed as a historic designation under this Section and shall be subject to the same protections as any City historic cultural resource~~locally designated historic landmark~~.

C. Nomination for Designation.

1. *Eligible Applicant.* Designation of a historic landmark or district may be initiated by:
 - a. The City Council;
 - b. The Historic Preservation Commission;
 - c. The City Manager; or
 - d. The owners of at least 51% of the cultural resource to be designated for a landmark, or the owners of at least 51% of the individual properties in a proposed district.
2. *Review With Owner's Consent.* The Historic Preservation Administrator shall make a reasonable effort to secure the owner's consent to a designation before the nomination is accepted as complete for review by the Historic Preservation Commission. If the Historic Preservation Administrator is unable to provide an owner with the notice, a written request for consent to designation shall be sent by certified mail, return receipt requested, to the owner of the property as shown on the most recent records. Once consent is obtained, a public hearing shall be scheduled and held by the Historic Preservation Commission to determine if the proposal complies with:
 - a. ~~The Eligibility for Designation criteria guidelines for designation as an historic landmark or an historic district;~~
 - b. The policy and intent of this Section; and
 - c. The City's Comprehensive Plan.
3. *Review Without Owner's Consent.* Once contacted, the owner of an individually nominated cultural resource or a property located in a nominated historic district shall notify the Historic Preservation Administrator, in writing, of any objection to a designation within 30 days from the date of mailing the nomination consent request. The Administrator shall notify the Historic Preservation Commission of all owners' objections received. Failure to provide written objection to the nomination within 30 days of receipt of the nomination consent request shall be considered as the owner's consent to the nomination.
 - a. If consent cannot be obtained, the Historic Preservation Administrator shall inform the property owner of the date and time of the Historic Preservation Commission review of the nomination.

- b. If consent to the nomination has not been obtained, the Historic Preservation Commission may review the nomination for designation of ~~an~~ historic landmark or historic district at a public hearing.
 - c. In order to refer a nomination for designation to the City Council without the consent of the property owner, the Historic Preservation Commission must find that the cultural resource and/or historic district has exceptional ~~historic~~ significance.
4. *Procedures.* The procedures for consideration of a nomination for designation shall be as follows:
- a. Nominations for historic landmark or historic district designations shall be filed with the Historic Preservation Administrator on forms prescribed by the Historic Preservation Commission and shall include the following items:
 - (1) The names and addresses of all owners (including owners of undivided interests);
 - (2) Legal description;
 - (3) Vicinity map;
 - (4) ~~Letter of application and justification, including a description of the particular physical features to be preserved~~ Nomination form in a format provided by the City; and
 - (5) Other data required by the Historic Preservation Commission.
 - b. Upon the filing of an application for nomination for designation, the Historic Preservation Administrator shall notify the owner of record of the nominated cultural resource or owners of the properties in the proposed historic district, by regular United States mail. The notice shall include the characteristics of the cultural resource or ~~proposed historic~~ district that justify its designation as ~~an~~ historic landmark or historic district, a description of the ~~particular physical character defining~~ features to be preserved and the effects of designation. Failure to send notice by mail to any property owner where the address of an owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
 - c. ~~The nomination shall then be referred to all relevant agencies for referral, review and recommendations comment at least 15 days prior to the public hearing.~~ The Historic Preservation Administrator shall set the dates for the Historic Preservation Commission public hearing. ~~The nomination shall then be referred to all relevant agencies for review and recommendations at least 15 days prior to the public hearing.~~
 - d. Notice of the public hearing shall be given and shall include a description of the location of the cultural resource or ~~historic-proposed~~ district sufficient to advise the public of the location, the purpose of the hearing, date, time, place and the Historic Preservation Administrator's name, address and phone number. The following notices of the public hearing shall be made at least 15 days prior to the public hearing:
 - (1) One publication in a newspaper or on a publicly accessible web page;
 - (2) Notice sent by regular mail to each owner and owners of contiguous properties, including owners of all real property and cultural resources within a nominated historic district; and
 - (3) A sign or signs, as determined by the Historic Preservation Administrator, shall be posted on the premises nominated for designation.

- The requirement to post a sign on the property is not required for public hearings related to the designation of an historic district.
- e. The Historic Preservation Commission shall consider all relevant evidence concerning the proposed designation at the public hearing. Opportunity shall be provided for all interested parties to express their opinions and provide evidence regarding the proposed designation or designations.
 - (1) The Historic Preservation Commission shall hold the public hearing to review a nomination for designation of an historic landmark or historic district at the next available regular Historic Preservation Commission meeting within 30 days of the receipt of the nomination and shall make a determination as to the appropriateness of the nomination, according to the standards and criteria adopted in this Section ~~or by the City Council~~.
 - (2). The Historic Preservation Commission may continue the public hearing for the review of the nomination for no more than two additional 30-day periods if it finds that further investigation is required prior to issuing a recommendation. The Historic Preservation Commission shall make specific findings to justify any continuance.
 - (3) If the Historic Preservation Commission fails to issue a recommendation regarding the nomination within these time frames, the nomination shall be deemed rejected.
 - f. If more than one cultural resource is under consideration in the designation procedure, the Historic Preservation Commission may consider each as a separately nominated landmark.
 - g. In no event may any cultural resource be added to the nomination without instituting a new designation procedure.
 - h. Following the close of the public hearing, the Historic Preservation Commission shall, by written resolution, recommend approval, approval with conditions or deny the nomination for historic designation to the City Council.
 - (1) If the nominated cultural resource or district is found to possess historic and/or architectural significance, as determined by the standards and criteria of this Section ~~and rules and regulations adopted by the City Council~~, the Historic Preservation Commission shall make a recommendation of approval to designate the cultural resource as an historic landmark or historic district to the City Council.
 - (2) If the Historic Preservation Commission makes a recommendation of denial or approval with conditions, the Commission shall approve a resolution with findings of fact that constitute the basis for its decision.
5. *City Council Review.* The procedures for consideration of a nomination for designation by City Council shall be as follows:
- a. Following action by the Historic Preservation Commission, the Historic Preservation Administrator shall submit a report to the City Council which shall include that portion of the Historic Preservation Commission's survey and inventory related to the nominated cultural resource, a summary of the historic significance of the nominated cultural resource, relevant documentation and information, the recommendations in the Historic Preservation Commission's resolution, and further information as may be requested by the City Council.
 - b. The City Manager shall set the date for the City Council public hearing at the next available City Council regular meeting agenda.

- c. The City Council shall then conduct a public hearing, pursuant to published and mailed notice as required above, and consider all relevant evidence concerning the proposed nomination.
- d. The City Council may ~~approve, approve with conditions or deny the nomination~~ take the following actions:
 - (1) Approve ~~the nomination via Ordinance;~~ the nomination via Ordinance;
 - (2) ~~Approve~~ Approve ~~the nomination~~ with conditions ~~via Ordinance;~~ via Ordinance; ~~by the City Council shall be by ordinance.~~
 - (3) ~~Deny the nomination~~ Deny the nomination ~~ial may be~~ by motion or ~~R~~resolution, as the City Council deems appropriate; ~~or~~
 - (4) Continue the nomination to a later, specified date via motion.
- e. The ~~Historic Preservation Administrator~~ City Clerk shall record, in the office of the applicable County Clerk and Recorder, a certified copy of the ordinance designating the specified cultural resource as a ~~an~~ historic landmark or historic district, and include a listing of the individual cultural resources and properties included.
- f. The Historic Preservation Administrator shall send to the owner of each property a copy of the ordinance and a letter which contains an explanation of the owner's obligations and restrictions created by a designation and specifically advising the owner of the owner's responsibility to apply for a Certificate of Appropriateness (COA) prior to ~~construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation or demolition of improvements~~ any alteration to a historic landmark ~~on a cultural resource or property.~~

D. Certificates of Appropriateness.

1. Prior to submitting a land development application or receiving a permit for ~~construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation or demolition of improvements on any alteration to a cultural resource, property or other exterior physical feature on a designated historic cultural resource,~~ historic landmark or to a historic landmark within a historic district, the applicant shall obtain a COA from the Historic Preservation Commission for the proposed work.
 - a. Any type of work occurring on a designated ~~historic cultural resource,~~ historic landmark, or within a ~~an~~ historic district shall obtain a COA prior to initiating the work notwithstanding the City's requirement for a land development application or permit for work.
 - b. The Historic Preservation Administrator shall have the authority to review a building permit to determine if a COA would be required. Permits that do not or insignificantly modify the exterior or non-historic elements of a ~~historic resource,~~ historic landmark, or historic district may be considered ~~for~~ exemption from this ~~COA~~ requirement, as determined by the Historic Preservation Administrator.
 - c. Any non-contributing resource within a historic district may be exempt from obtaining a COA as long as the proposed alterations do not detract from the characteristics of the historic district, as determined by the Historic Preservation Administrator.
 - d. The applicant shall submit to the Historic Preservation Administrator an application for a COA. The application for a COA shall include information that the Historic Preservation Administrator determines necessary to consider the application and shall include the following items:

- (1) The names and addresses of all owners (including owners of undivided interests);
 - (2) A clear description of work, including the work to be performed and the impact of that work to the historic resource, landmark, or district;
 - (3) Other plans applicable to the nature/scope of work and level of review, such as:
 - i. Legal description;
 - ii. Vicinity map;
 - iii. Site development plan;
 - iv. Landscape plan;
 - v. Architectural elevations, including specifications of the textures, materials, colors, architectural details and design; and,
 - vi. Other data as determined by the Historic Preservation Commission.
2. The procedures for consideration of an application for a COA shall be as follows:
- a. There shall be three levels of review for obtaining a COA: 1) administrative review; 2) COA/~~Demolition Review Sub~~-Committee review; and/or 3) Historic Preservation Commission public hearing.
 - (1) At any time throughout this process, the applicant may request to be scheduled for a public hearing before the Historic Preservation Commission and omit the administrative and COA/~~Demolition Review Sub~~-Committee review process.
 - (2) Administrative and COA/~~Demolition Review Sub~~-Committee reviews may only approve or partially approve a COA application. If, after consideration of the certificate of appropriateness criteria, findings of significant impact are found, the application will be forwarded to the next level of review. Denial of a COA application will only occur through the public hearing review process of the Historic Preservation Commission as further outlined within this Section.
 - b. *Administrative review.* The Historic Preservation Administrator shall review a COA application against the certificate of appropriateness criteria and make a determination of impact to the historic resource, landmark, or district. If no significant impact is found, the Historic Preservation Administrator shall issue a COA by approving or partially approving the proposed changes in writing. If significant impact is found, the Historic Preservation Administrator shall refer the COA application to the COA/~~Demolition Review Sub~~-Committee for review.
 - c. *COA/~~Demolition Review Sub~~-Committee review.* Upon completion of the administrative review, the Historic Preservation Administrator shall refer the COA application and a summary of the administrative review findings to the COA/~~Demolition Review Sub~~-Committee for review.
 - (1) ~~The COA/Demolition Review Committee of the Commission shall consist of the chair, one regular member of the Commission selected by the chair, the Historic Preservation Administrator, and the City Manager or Manager's designee. The COA/Demolition Review Sub-Committee shall consist of three members of the Historic Preservation Commission. Each member will be selected by a vote of the Commission on an annual basis. No fewer than two members of the Sub-Committee are required to make a final determination on a COA.~~
 - (2) Each COA/~~Demolition Review Sub~~-Committee member shall review the application against the certificate of appropriateness criteria, and may seek input from, the applicant, staff and other ~~Sub~~-Committee members

- as necessary to make their determination. Each ~~Sub~~-Committee member shall prepare a separate written review and provide the same to the Historic Preservation Administrator.
- (2) Once the ~~Sub~~-Committee members have completed their review, the Historic Preservation Administrator shall gather and combine the written reviews of the COA/~~Demolition Review~~ ~~Sub~~-Committee members and report on the Committee's determination of impact to the historic resource, landmark, or district.
- (3) If no significant impact is found, the Historic Preservation Administrator shall issue a COA on behalf of the COA/~~Demolition Review~~ ~~Sub~~-Committee by approving or partially approving the proposed changes in writing.
- ~~(2)~~(4) If significant impact is found, the Historic Preservation Administrator shall schedule a public hearing before the Historic Preservation Commission.
- d. *The Historic Preservation Commission review.* The Historic Preservation Commission shall review a COA application by conducting a public hearing to consider all relevant evidence concerning the proposed COA application. Opportunity shall be provided for all interested parties to express their opinions and provide evidence regarding the proposed application.
- (1) The application shall then be referred to all relevant agencies for review and recommendations at least 15 days prior to the public hearing.
- (2) The Historic Preservation Administrator shall make every effort to schedule the public hearing for the earliest available date before the Historic Preservation Commission. ~~The application shall then be referred to all relevant agencies for review and recommendations at least 15 days prior to the public hearing.~~
- (3) The Historic Preservation Commission shall hold the public hearing to review an application and shall make a determination as to the appropriateness of the proposed work, according to the certificate of appropriateness criteria.
- (4) Following the close of the public hearing, the Historic Preservation Commission shall make a determination regarding the impact of the COA application on the designated resource, landmark, or district.
- i. The Historic Preservation Commission shall, by written resolution, approve, approve with conditions, or deny the application for a COA.
- ii. If the proposed work is found to adequately comply with the standards and criteria of this Section, the Historic Preservation Commission shall issue a COA to the applicant.
- iii. If the Historic Preservation Commission denies the application for a COA, the Commission shall approve a resolution with findings of fact that constitute the basis for its decision.
- (5) The Historic Preservation Commission may continue the public hearing for the review of the COA for no more than two additional 30-day periods if it finds that further investigation is required to explore acceptable solutions to the COA application prior to rendering a decision. The Commission shall make specific findings to justify any continuance.
- (6) If the Historic Preservation Commission fails to issue a decision regarding the COA application within these time frames, the application shall be deemed rejected.

- e. *Certificate of appropriateness (COA) criteria.* A COA shall only be issued if the Historic Preservation ~~Coordinator~~Administrator, COA/~~Demolition Review Sub-~~Committee, or Historic Preservation Commission, as applicable, finds that the proposed ~~construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation, or demolition of improvements~~ alterations will not have significant impact to a ~~historic resource, historic~~ landmark, or ~~historic~~ district. Findings of insignificant impact shall demonstrate that the proposed work will not detrimentally alter, destroy, or adversely affect any architectural or site feature that contributes to the ~~designated resource, historic~~ landmark, or ~~historic~~ district, and that the proposed work is visually compatible with existing historic cultural resources. A ~~finding of insignificant impact must meet all of the following criteria~~determination of impact shall be made using the following criteria:
- (1) The effect upon the ~~general historic and/or architectural~~ character of the ~~cultural resource,~~ historic landmark, and/or the historic district ~~does not detract from the categories under which the landmark was designated;~~
 - (2) The architectural style, arrangement, texture, and material used on the ~~existing and proposed cultural resources~~historic landmark and their relation to and compatibility with one another ~~is historically appropriate and consistent with the surrounding cultural resources;~~
 - (3) The size of the ~~cultural resource~~proposed structure, if applicable, the setbacks, location, and the appropriateness thereof, when compared to the existing ~~cultural resource~~historic landmark and site ~~do not adversely affect the scale of surrounding cultural resources;~~
 - (4) ~~The compatibility of accessory structures and fences with the existing structure;~~
 - (5) The ~~effects of the~~proposed work ~~does not significantly~~in creating, changing, destroying, or otherwise impacting the ~~exterior architectural character defining~~ features of the structure upon which work is proposed;
 - (6) The condition of existing improvements ~~and whether they~~ are ~~not~~ a hazard to public health and safety;
 - (7) The ~~effects of the~~proposed work ~~will upon the~~ protection, preservation, enhancement, and perpetuation, and the use of the ~~cultural resource,~~ historic landmark, and/or historic district;
 - (8) ~~The proposed alterations are in~~ compliance with the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings, a section of the Secretary of the Interior's Standards for Historic Preservation Projects, of the Department of the Interior Regulations (36 C.F.R. Part 67, Historic Preservation Certifications), as may be amended from time to time; and,
 - (9) Rules and guidelines as may be recommended by the Historic Preservation Commission and approved by the City Council for ~~construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation, or demolition of improvements of a cultural resource, historic landmark, and/or historic district.~~ alterations to a ~~historic landmark or historic district.~~
3. All work performed on ~~a the cultural resource, designated~~ historic landmark, or ~~a contributing resource~~ an element within a ~~designated~~ historic district shall conform to the conditions, restrictions, and limitations in the COA.
4. *Appeals.* The applicant may appeal a decision of the Historic Preservation Commission to the City Council.
- a. The notice of appeal shall be filed with the Historic Preservation Administrator within 30 days of the date of the decision.

application for a COA for demolition of a ~~designated cultural resource~~historic landmark or a contributing ~~structure resource~~ in a ~~historically designated~~ district:

- (1) *Total demolition criteria.* The following criteria shall be used when determining the appropriateness of total demolition of a cultural resource:
 - i. ~~Whether the~~The historic landmark cultural resource proposed for demolition is not structurally sound despite documented evidence of the owner's efforts to properly maintain the structure;
 - ii. ~~Whether the~~The historic landmark cultural resource cannot be rehabilitated or reused on the site to provide for any reasonable beneficial use of the property;
 - iii. ~~Whether the~~The historic landmark cultural resource cannot be practically moved to another site in the community; and,
 - iv. ~~Whether the~~The applicant can demonstrate that the proposal mitigates, to the greatest extent possible, the following:
 - (A) Any impacts that occur to the visual character of the neighborhood where the demolition is proposed to occur;
 - (B) Any impact on the historic importance of other cultural resources located on the property and adjacent properties; and,
 - (C) Any impact to the architectural integrity of other cultural resources located on the property and adjacent properties.
- (2) *Partial demolition criteria.* The following criteria shall be used when determining the appropriateness of partial demolition of a ~~designated cultural resource~~historic landmark or a contributing ~~structure resource~~ in a ~~historically designated~~ district:
 - i. ~~Whether the~~The partial demolition is required for ~~the renovation, restoration, or rehabilitation~~alterations to of the ~~cultural resource~~historic landmark; and,
 - ii. ~~Whether the~~The applicant has mitigated, to the greatest extent possible, the following:
 - (A) Impacts to the historic importance of the cultural resource or other cultural resources on the property; and,
 - (B) Impacts to the architectural integrity of the cultural resource or other cultural resources on the property.

7. *Exemptions.* If a COA has been denied, or the application for a COA does not conform to the applicable criteria, an applicant may request demolition pursuant to a Certificate of Exemption from the denial and/or requirements, provided that the intent and purpose of this Section is not significantly compromised, and provided that adequate documentation is submitted to the Historic Preservation Commission, either in writing or by testimony, to establish qualification for one of the exemptions below:

a. Exemptions:

- ~~(1)a-~~ *Economic hardship exemption.* An economic hardship exemption may be granted if:
 - a.(1)— For investment or income-producing properties, the owner is unable to obtain a reasonable return on investment in the ~~cultural resource's~~ present condition of the historic landmark ~~or in a rehabilitated condition~~;
 - b.(2)— For non-income-producing properties, the owner is unable to resell the property in its current condition ~~or if rehabilitated~~; or,
 - c.(3)— The economic hardship claimed is not self-imposed.
- ~~(2)b-~~ *Health/safety hardship exemption.* An applicant requesting an exemption based on health/safety hardship must show that the application of the

Certificate of Appropriateness criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

~~(3)e-~~ *Inability to use.* Three years after denial of a demolition permit, 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.

bd. The applicant must provide adequate documentation and/or testimony to establish, to the satisfaction of the Historic Preservation Commission, qualification for one of the listed exemptions:

- (1) 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.
- (2) The Historic Preservation Commission may request additional information from the applicant as necessary to make informed decisions.

ce. The Historic Preservation Commission shall include the following factors in its consideration of the request:

- (1) Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to comply with this Section and/or make the necessary repairs;
- (2) Efforts of the applicant to find an appropriate user or to find a purchaser for the property; and,
- (3) The adequacy of the applicant's efforts to locate available assistance for complying with this Section and/or making the property functional without demolition.

df. The Historic Preservation Commission shall review all the evidence and information required of the applicant for a Certificate of Exemption and approve, approve with conditions, or deny the same. Failure of the Historic Preservation Commission to act within 60 calendar days after the date a completed application for exemption is received, unless an extension is agreed upon in writing by the applicant, shall be deemed to constitute approval, and a Certificate of Exemption shall be issued.

eg. The applicant may appeal the Historic Preservation Commission's approval with conditions or denial of an application for a Certificate of Exemption to the City Council. The notice of appeal shall be filed with the Historic Preservation Administrator within 30 days of the Historic Preservation Commission's decision. The City Manager shall set the appeal on the next available regular meeting agenda. At the City Council meeting, the applicant and the Historic Preservation Commission may present evidence relevant to the application, the decision of the Historic Preservation Commission, and the basis of the appeal. Following the hearing, the City Council may uphold the decision of the Historic Preservation Commission, approve the application, approve the application with conditions, or deny the application.

fh. All work performed on the ~~designated historic~~-landmark or on ~~an element a contributing resource~~ within a ~~designated~~ historic district shall conform to the conditions, restrictions, and limitations in the Certificate of Exemption.

E. Demolition and Moving Permit Review.

1. *Purpose.* The purpose of this Section is to prevent the loss or destruction of structures that are 50 years of age or older that may have ~~historical or architectural~~-significance, but which have not been designated historic landmarks ~~that are subject to the provisions of Section 10.03.D. above~~, and to provide the time necessary to initiate landmark designation or consider other alternatives for the preservation of the structures.

2.

Application Review. ~~Prior to approval of any land development application or issuance of any permit that may require the demolition or relocation of a non-designated structure of at least that is 50 years or older which has not been designated as an historic structure or is not located in an historic district, the application shall be referred Community Development Department shall refer the application to the Historic Preservation Administrator and/or the City Manager, for review. Prior to issuing a permit for the demolition or moving, in whole or in part, for any structure that is 50 years or older which has not been designated as an historic structure, the Chief Building Official shall refer the demolition or moving permit application to the Historic Preservation Administrator or the City Manager, to be reviewed. The application shall be stayed for 14 days, pending review. The Historic Preservation Administrator or the City Manager, shall review the application and inspect the nondesignated structure to prevent the potential demolition or removal of structures that may be of significance to the historic resources of the City or which may be eligible for designation as an historic landmark as provided in Section 10.03.B above. In order to determine the significance of the non-designated structure, the Historic Preservation Administrator and/or the City Manager shall complete the following:~~

 - a. ~~Review the application and inspect the non-designated structure; and~~
 - b. ~~Review the application against the Historic Preservation Documents.~~

3.

Initial Determination. ~~The application for land development approval or demolition/moving permit shall be reviewed and the structure proposed for demolition or moving inspected by the Historic Preservation Administrator or the City Manager, in order to make an initial determination of whether there exists a reasonable belief that the subject property may be of significance to the historic resources of the City or eligible for designation as an historic landmark. An initial determination shall be made within 14 days of the permit or application submittal. The subject property may be reviewed against the Historic Properties Priority Matrix and/or the Historic Properties Watch List and may be inspected in the field to make the initial determination.~~

 - a. ~~If the Historic Preservation Administrator and/or the City Manager determines that the structure is not identified-listed on the Historic Preservation Documents, has no significance, the demolition or removal of the structure would have no significant impact on the historic resources of the City, and that there is no reasonable basis to believe that the structure may be eligible for designation as a historic landmark, Historic Properties Priority Matrix or the Historic Properties Watch List, and the Historic Preservation Administrator or the City Manager, determines that the property does not possess historic significance and there is no reasonable basis to believe that the structure may be eligible for designation as an historic landmark; and the loss thereof will not have a significant impact on the historic resources of the City, the land development application may proceed or the demolition or relocation permit may be issued by the Chief Building Official, provided that all other requirements for the application or permit are satisfied.~~
 - b. ~~The Historic Preservation Administrator or the City Manager, shall refer the application for land development approval or demolition/moving permit to the COA/Demolition Review Sub-Committee if the structure is identified on the Historic Properties Priority Matrix or the Historic Properties Watch List, or if the Historic Preservation Administrator or the City Manager, determines by written notice to the owner with a copy thereof to the COA/Demolition Review Sub-Committee that there is a reasonable belief that the structure may possess historic or architectural significance, the loss of the structure may have a significant impact on the historic resources of the City, and the structure may be eligible for designation as an historic structure. Approval of the application and/or issuance of the permit shall be stayed for 30 days from the date of the initial determination unless the owner of the subject property agrees to more time. If the Historic Preservation Administrator and/or the City Manager determines that~~

the structure is listed in the Historic Preservation Documents, or there is a reasonable belief that the structure may be eligible for designation as a historic landmark, the application shall be referred to the COA/Demolition Review Committee. Upon finding that there exists a reasonable belief of significance, the Historic Preservation Administrator and/or the City Manager shall contact the applicant and the property owner in order to notify the owner of the initial determination and to schedule a meeting with the COA/Demolition Review Committee. The meeting of the COA/Demolition Review Committee shall be held within 45 days of the referral of the ~~land development application or permit.~~

4. COA/Demolition Review Committee Review. Demolition Review Meeting. Upon a finding that there exists a reasonable belief that the subject property possesses historic significance or may be eligible for designation as an historic structure, the Historic Preservation Administrator or the City Manager, shall contact the applicant and the owner of the subject property, by regular United States mail, in order to notify the owner of the initial determination and the 30-day stay, and in order to schedule a meeting with the COA/Demolition Review Sub-Committee. ~~The process for reviewing an application for land development approval or a permit is as follows:~~
 - a. If the owner of the subject property is unable to attend the scheduled COA/Demolition Review Committee meeting, ~~demolition review meeting within 30 days of the initial determination,~~ the meeting may be postponed to a later date as agreed to by the owner of the subject property.
 - b. ~~Should~~ If the owner of the subject property ~~property owner is~~ be unable to attend ~~a demolition review~~ the meeting and does not agree to additional time, waives the right to attend the meeting in writing, or is unable to be contacted, the COA/Demolition Review Sub-Committee shall ~~schedule a meeting within 30 days of the initial determination~~ hold the meeting.
 - c. The COA/Demolition Review Sub-Committee shall then meet, with or without the owner, in order to consider all relevant evidence concerning the historical significance of the structure, the proposed demolition or moving of the structure and any alternatives to demolition or relocation. Opportunity shall be provided for the property owners, if attending, to express their opinions and provide evidence regarding the application. ~~historical significance of the structure and the proposed demolition or moving of the structure.~~
 - d. ~~Alternatives.~~ During the demolition review meeting and the stay of the application or demolition or moving permit, the COA/Demolition Review Sub-Committee may seek alternatives to demolition or moving of the structure, which may include:
 - (1) ~~Soliciting cooperation from the owner to find solutions or alternatives to demolition or moving;~~
 - (2) ~~Consult with the Historic Preservation Commission, civic groups, public or private agencies, interested citizens, the City, the City Council or any other interested parties, in order to find alternative solutions to demolition or moving of the structure;~~
 - (3) ~~Recommend and/or facilitate acquisition of the property by another interested party;~~
 - (4) ~~Explore the potential for moving the structure to another location;~~
 - (5) ~~Explore the potential for salvaging historically significant features of the property;~~
and
 - (6) ~~Seek any other acceptable alternative to prevent demolition or removal of the structure.~~
 - d. If the COA/Demolition Review Sub-Committee finds that further investigation and negotiations are required in order to explore acceptable solutions ~~to the proposed demolition or removal of the structure prior to rendering a final decision,~~ the Sub-Committee may continue the ~~demolition review~~ meeting for no more than 30 days

- from the initial meeting date, unless additional time ~~is agreed to by the property owner.s or meetings are agreed upon by the owner of the subject property.~~
- e. If the ~~COA/Demolition Review Sub-Committee~~ determines that the structure has no ~~historic or architectural~~ significance, the demolition or removal of the structure would have no significant impact on the historic resources of the City, and there is no reasonable basis to believe that the structure may be eligible for designation as a landmark, ~~the land development application may proceed or~~ the Chief Building Official shall issue the permit, if all other requirements of the ~~application or~~ permit process have been met.
- f. If the ~~Sub-Committee~~ determines that there is a reasonable ~~belief~~ basis to believe that the structure ~~has historic or architectural significance, that the loss of the structure would have a significant impact on the historic resources of the City and there is reasonable basis to believe that the structure~~ may be eligible for designation as an historic ~~structure~~ landmark, the ~~application or~~ permit shall be referred to the Historic Preservation Commission. Upon finding that there exists a reasonable ~~belief~~ of significance, the COA/Demolition Committee shall provide the Historic Preservation Commission and the property owner with a written notice of the determination and of the next steps. ~~may be postponed for a period not to exceed 60 days from the date of the final COA/Demolition Review Sub-Committee Meeting. The Sub-Committee shall provide the Historic Preservation Commission and the property owner with a written notice of the determination that the structure may have historical or architectural significance and of the additional sixty-day postponement.~~
5. Demolition/Moving Permit Postponement/Historic Preservation Commission Review. The Historic Preservation Commission shall review the ~~applicataion~~ application at the next available regular meeting. At this meeting, the Historic Preservation Commission may take any action that it deems necessary, ~~during the sixty-day postponement, in order to research and document the significant features of the property or to preserve the structure. Any action shall be taken within 60 days of said meeting.~~
- a. ~~During the 60-day postponement, t~~The Historic Preservation Commission may conduct a Cultural Resource Survey of the property, ~~as described in the Colorado Cultural Resources Survey Manual: Guidelines for Identification: History and Archaeology,~~ for the purpose of researching and documenting the property ~~prior to demolition of the structure.~~
- b. ~~During the sixty-day postponement, the~~The Historic Preservation Commission may take action to preserve the structure, including initiating ~~consideration nomination~~ of the structure as an historic landmark in accordance with Section 10.03.C ~~above~~ and the issuance of a Certificate of Appropriateness pursuant to Section 10.03.D.
- (1) If the property has been nominated for historic designation ~~during the 60-day postponement of the application or permit,~~ the ~~postponement of the~~ permit shall be ~~continued postponed~~ during the consideration of historic designation, application for a Certificate of Appropriateness or application for a Certificate of Exemption.
- c. If the property has not been nominated for historic designation ~~ander~~ the Historic Preservation Commission and owner have ~~not~~ entered into an agreement for the preservation of the structure ~~during the 60-day postponement of the application or permit,~~ the ~~application or~~ permit shall be ~~considered approved and the application may move forward or the permit~~ issued by the Chief Building Official, provided that all other requirements for the ~~application or~~ permit are met.
6. Alternatives. At any time during the application review process, the Historic Preservation Administrator and/or the City Manager, the COA/Demolition Review Committee, or the Historic Preservation Commission may seek alternatives to demolition or moving of the structure.

- a. Acceptable alternatives may include, but are not limited to the following:
 - (1) Soliciting cooperation from the owner to find solutions or alternatives to demolition or moving;
 - (2) Consult with the Historic Preservation Commission, civic groups, public or private agencies, interested citizens, City staff, the City Council or any other interested parties, in order to find alternative solutions to demolition or moving of the structure;
 - (3) Recommend and/or facilitate acquisition of the property by another interested party;
 - (4) Explore the potential for moving the structure to another location;
 - (5) Explore the potential for salvaging significant features of the property;
and
 - (6) Seek any other acceptable alternative to prevent demolition or removal of the structure.
- b. If the Historic Preservation Administrator and/or the City Manager, the COA/Demolition Review Committee, or the Historic Preservation Commission and the property owner agree on an alternative solution, with written documentation of the change, the applicant may pursue the appropriate permits to facilitate the alternative solution. the land development application may proceed or the Chief Building Official shall issue the permit, if all other requirements of the application or permit process have been met.

F. Administration and Enforcement.

1. *Interim Control.* No building permit, relocation permit or demolition permit shall be issued by the Building Division for ~~construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation or demolition alteration~~ of a cultural resource under consideration of historic designation as a landmark or within a historic district, from the date of receipt of a nomination for designation, until a final decision related to the designation by the City Council is determined, or unless ~~the construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation or demolition alteration~~ is authorized by resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay in issuance of a building permit due to the provisions of this Section be for more than 90 days.
2. *Cultural Resource Survey.* If any cultural resource 50 years or older exists on a property at the time that a land ~~use~~ development application is submitted, the City Council, the Historic Preservation Commission or the City Manager may require the owner or applicant of the property to submit a Cultural Resource Survey, ~~as described in the Colorado Cultural Resource Survey Manual: Guidelines for Identification: History and Archaeology, in a form acceptable to the City, prior to processing during the review of the land use development application.~~ The cost of conducting the ~~C~~cultural ~~R~~esource ~~S~~urvey may be solely borne by the applicant of the land development application.
3. ~~Register of Locally Designated Historic Landmarks or Districts. City of Brighton Local Register of Historic Places.~~ The Historic Preservation Administrator shall maintain a current record of all pending designations and a ~~register~~registry of designated ~~cultural resources, historic~~ landmarks and ~~historic~~ districts.
4. *Amendment or Revocation of Designation.* A historic landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made. The ordinance therefore shall be recorded in the office of the applicable County Clerk and Recorder.

5. *Application of Standards.* All standards, rules and regulations adopted by the City Council by resolution or ordinance, the Colorado Cultural Resource Survey Manual: Guidelines for Identification: History and Archaeology and the Standards for Rehabilitation and Guidelines of Rehabilitating Historic Buildings, a section of the Secretary of the Interior's Standards for Historic Preservation Projects, of the Department of the Interior Regulations (36 C.F.R. Part 67, Historic Preservation Certifications), shall be the technical documents utilized by the Historic Preservation Commission for the evaluation of all materials, construction types and all other relevant issues relating to ~~the construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation or demolition to cultural resources~~ alteration of historic landmarks. These standards shall be on file and available for inspection by the public in the Community Development Department. The standards, rules and regulations ~~are to~~ shall be applied to all work in a reasonable manner, taking into consideration economic and technical feasibility.
 6. *Property Maintenance Required.* The deliberate or inadvertent neglect of a cultural resource, including neglect to interior portions of those structures for which maintenance is necessary to prevent exterior deterioration, is prohibited and shall be considered by the City a violation of this Section. No owner, lessee, occupant or person in possession of a cultural resource shall act in a way as to cause deterioration, or act in a way as to fail to prevent the deterioration, of any cultural resource, ~~historic landmark or any physical features of a cultural resource~~ or historic landmark.
 7. *Maintenance and Repair.* Nothing in this Section shall be construed to prohibit the accomplishment of any work on any cultural resource, historic landmark or historic district which will change neither the exterior appearance (including color and materials), nor the ~~exterior architectural character~~ defining 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.
 8. *Remedying of Dangerous Conditions.* Nothing in this Section shall be construed as making it unlawful for any person to comply with ~~in~~ any case where the Building Inspector, the ~~Greater Brighton Fire Protection~~ Brighton Fire Rescue District or any other public authority having the power, orders or directs the ~~construction, reconstruction, alteration, repair, relocation or demolition~~ alteration of a cultural resource for the purpose of remedying conditions determined by that officer, department or authority to be imminently dangerous to life, health or property. ~~Nothing in this Section shall be construed as making it unlawful for any person to comply with this order.~~ The officer, department or authority shall take immediate steps to notify the Historic Preservation Administrator and the Historic Preservation Commission of the proposed issuance of any order or directive.
 9. *Extension of Time Limits.* Any time limit in this Section may be extended by mutual consent of the Historic Preservation Commission or City Council, whichever is applicable, and the applicant.
- G. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

Alteration. Any act or process that changes any of the exterior architectural character defining features of a ~~designated historic landmark~~ cultural resource, including but not limited to, construction, reconstruction, repair, restoration, rehabilitation, relocation, or demolition. ~~or any of the physical features of an historic site or historic district.~~

~~*Building.* Any structure which, by illustration, may include a house, barn, agricultural structure, church, public structure or commercial structure.~~

Certificate of Appropriateness. A certificate issued by the Historic Preservation Commission or staff, showing approval of plans for construction, alteration, reconstruction, ~~remodeling~~, repair, restoration, demolition, or relocation of structures that would affect a cultural resource designated as an historic landmark, district or element thereof.

Certificate of Exemption. A certificate issued by the Historic Preservation Commission, authorizing the ~~construction, alteration, reconstruction, remodeling, repair, restoration, demolition or relocation~~ alteration of a designated ~~cultural resource~~ historic landmark or an element within a ~~designated~~ historic district in accordance with the provisions of this Section, even though a Certificate of Appropriateness has previously been denied.

Colorado Register of Historic Properties. The official listing of state-designated historic sites.

~~*Compatibility.* Consistent with, harmonious with and/or enhancing the mixture of complementary styles, either of the architecture of an individual cultural resource, historic landmark or the character of a particular historic district.~~

Construction. The erection of on-site improvements on a parcel of land, whether the site is presently improved or unimproved, or the erection of a new principal or accessory structure on such property.

Contributing ~~structure~~ resource. Those cultural resources, structures, landmarks, ~~or physical or character defining~~ features within an officially designated site or district that contribute to the ~~historical or architectural~~ significance of the cultural resource, historic site or district.

Cultural resource. Any individual ~~building~~, object, ~~monument~~, structure, site or geographically definable area, ~~such as an historic district that possesses a significant concentration, linkage or continuity of buildings, objects, monuments, structures and sites united by past events, or aesthetically by plan or physical development,~~ that possess distinctive character and ~~special~~ historic, ~~aesthetic~~, architectural or geographic interest or ~~significance~~ importance, ~~or reflect the multicultural multiethnic heritage of the City. All properties listed on the National Register of Historic Places and the Colorado Registers of Historic Properties shall be deemed cultural resources.~~

Demolition. Any act or process that destroys, in whole or in part, a cultural resource. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure.

~~*Designated historic landmark or historic district* means a cultural resource which is officially included in the City of Brighton Registry of Historic Cultural Resources, National Register of Historic Places and the Colorado Registers of Historic Properties.~~

~~*Exceptional historic importance.* Possessing such unusual or uncommon significance that any cultural resource's potential demolition or major alteration would diminish the character and sense of place in the City, or possessing superior or outstanding examples of the architectural, social or geographic historic significance criteria, outlined in the standards and criteria in this Section.~~

Exterior appearance. The character and general composition of the exterior of a cultural resource, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures and appurtenant elements.

~~Exterior~~Character defining feature. The architectural design, style, components and general arrangement of all the outer surfaces of a cultural resource, including but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to said cultural resource that contribute to its significance.

Historic district. Any geographically definable area that has been designated as such by the City Council because of its ~~historic and/or architectural~~ significance and importance to the City. A historic district will include a concentration, linkage or continuity of cultural resources and/or ~~physical features~~character defining features. A district may be related by a pattern of either physical elements or social activities.

Historic landmark. Any cultural resource which ~~has been designated as historic and~~ has been included in the ~~City of Brighton Local Register of Historic Properties~~Registry of Historic Cultural Resources, the National Register of Historic Places or the Colorado Registers of Historic Properties, whether individually or within a historic district.

Historic Preservation Administrator. The City employee appointed by the City Manager to assist and advise the Historic Preservation Commission and administer duties in this Section.

Historic Preservation Documents. Any document relating to historic preservation, including completed Architectural Inventory Forms (1403), and other documents approved by the City Council, commissioned by the City or Historic Preservation Commission such as surveys and/or context studies, and the Historic Preservation Watch List.

~~Historic property.~~ Any cultural resources, including buildings, structures, objects, sites or districts, which is officially included in the City of Brighton Registry of Historic Cultural Resources, the National Register of Historic Places and the Colorado Registers of Historic Properties.

~~Historic significance.~~ Having importance in the history, architecture or culture of the City as outlined in the standards and criteria in this Section.

Improvement. Any ~~building~~ structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including improvement on public property.

Land development application. Any application, form, accompanying documents, exhibits and fees that are required of an applicant by the applicable City department, board or commission, in order to obtain approval or permitting to establish a use, activity or development and having the effect of permitting development. A land development application shall include construction permit, demolition permit, tenant finish permit, home occupation permit, sign permit, business license application, certificate of occupancy, conditional use permit, subdivision plan, final plat, annexation petition, zoning and rezoning, conditional use permit and variance, planned development application, site plan, site improvement permit, or other similar plans.

~~Landmark.~~ A cultural resource as defined in this Article and designated as such by the City Council by ordinance.

Local Register of Historic Places. The City of Brighton's list of locally designated historic landmarks.

~~Monument.~~ A building, object, structure or site closely linked in remembrance of a person or event.

National Register of Historic Places. The national list of districts, sites, ~~buildings~~, structures and objects significant in American history, architecture, archaeology, engineering or culture maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

Nomination. The process of filing an application for designation as an historic ~~cultural resource~~ landmark or historic district. ~~For a district or nonowner application for designation, all paperwork for the application must be completed per the rules promulgated by the Historic Preservation Commission.~~

Noncontributing ~~structure~~ resource. Any cultural resource, structure or ~~physical exterior architectural~~ feature that may be within a site or district, but does not contribute to the historic significance of the district or site ~~per se~~.

Non-designated structure. Any structure that has not been designated as an historic landmark ~~which may or may not be considered a cultural resource~~.

Object. A material item of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Owner. The person, corporation or other legal entity, including any public entity, who owns or who has any legal or equitable interest in property and who is so listed as owner in the records of the Assessor's Office of Adams County or Weld County. If title to a cultural resource is held by two or more undivided interest holders, the term *owner* shall refer to all owners of the property and/or their authorized agents.

~~*Physical features.* The features of a cultural resource that contribute to its historic significance.~~

Preservation. The identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of cultural resources, including the act or process of applying measures to sustain the existing form, integrity and material of a cultural resource.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished cultural resource, or part thereof, as it appeared at a specific time.

Rehabilitation. The act or process of returning a cultural resource to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the cultural resource which are significant to its historic, architectural and cultural values.

Relocation. Moving a cultural resource to a different location, either temporarily or permanently.

Repair. The replacement of deteriorated materials which are impractical to save and the repair or reclamation of items worn to the point that they can no longer perform their intended function. Material used for repairs on cultural resources should be as close as possible to the original in composition or materials, in method of fabrication and in manner of erection.

~~*Repair and maintenance.* Work done on a cultural resource in order to correct any deterioration, decay or damage to any part thereof and in order to restore the same as nearly as practical to its condition prior to such deterioration, decay or damage.~~

Restoration. The act or process of accurately recovering the form and details of a cultural resource and its setting as it appeared at a particular period of time by means of the removal of later work or by replacement of missing earlier work.

Significance. Having historical, architectural, or geographical importance to the City's heritage as determined by Subsection B of this Section.

Site. The location of a significant event, historic occupation or activity or a ~~building or~~ structure, whether standing or vanished, where the location itself maintains historical or architectural value and significance to the community, regardless of the value of any existing ~~building or~~ structure.

Structure. A work made up of interdependent and interrelated parts in a definite pattern or organization constructed by man without regard to the size thereof. This definition includes any structure which may include a house, barn, agricultural structure, church, public structure or commercial structure.