

# Historic Preservation Regulations and Procedures in the Unified Land Use Code

September 20, 2021

## Article 10-8-1 General

- Purpose
  - protection, preservation, stabilization of historic neighborhoods, civic pride, maintenance, etc.
- Applicability
  - structures designated as a Landmark, as a property in a Historic District, and properties on the Legacy List
- Owner Responsibility
  - property maintenance, compliance with city code

## Article 10-8-2 Legacy Program

- Establishment
  - Creating an inventory of significant historic structures
  - Raising awareness of specific structures and neighborhoods, and educating the community
- Criteria
  - At least 40 years old and possess importance as identified through survey work
  - Meets one or more of the following characteristics
  - Contributes to a potential historic district
  - Represents an innovation in construction, materials or design
  - Demonstrates superior craftsmanship
  - Represents historic event or associated with notable person or ethnic group
  - Reflects work of a notable architect

## Article 10-8-3 Historic Register

- Establishment
  - Local Designation – Landmarks and Historic Districts
  - State and National Designation – designation to these Registers means eligibility for Local Designation as well, but they must be formally designated
- Criteria
  - Significance Criteria
    - Landmark – 40 years+, and one or more of the criteria
    - Historic District – 51% or more of properties are contributing; 40 years+; defined Period of Significance; one or more criteria
    - Criteria (both) – events, persons, distinctive characteristics, geographic importance, prehistory or history
    - Exemption from age criteria if a property is exceptionally important
  - Integrity Criteria, Location, design, setting, materials, workmanship, feeling, association

## Article 10-8-4 Alterations

- Purpose
  - Proposed alterations to a Landmark or contributing property in a Historic District are appropriate
- Major and Minor Alterations Chart
  - A chart to be maintained by staff, noting which alterations require staff level review and which require HPB review

- Changes to chart must be made during regular HPB meetings, including opportunity for public comment
- Exemption Criteria
  - Economic Hardship
    - Merit – expert testimony to cover a variety of information
    - Criteria – considers property condition and opportunities, as well as ensuring economic hardship is not granted due to lack of maintenance, failure to find tenants, etc.
  - Undue Hardship – criteria must be shown that health and safety needs can't be met
  - Inability to Use - Two years after denial of demolition permit; testimony may be solicited; criteria to prove the owner made an effort to utilize the property

### **Article 10-8-5 Maintenance**

- Purpose
  - Defining historic property maintenance and differentiating from demolition by neglect
  - Unsafe and dangerous conditions distinguished
- Compliance – property owners, lessees, and occupants required to maintain the designated property
- Notification – City required to notify of the need to repair, maintain, or restore; 90 day period for work
- Penalty – penalty issued after the 90 day period

### **Article 10-8-6 Incentives**

- Purpose – provides for economic and regulatory incentives, which will be active based on Director discretion
- Economic Incentives
  - Refund of City taxes
  - Main Street Historic District Grant Fund
  - Others

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### **Article 10-9-1.4 Historical Preservation Board (“HPB”)**

- Establishes HPB as an advisory body to protect and enhance historic buildings, sites, and neighborhoods in the City
- Powers and Duties
  - Surveys
  - Recommendations to Council
  - Recommendations on nominations of properties to the National Register of Historic Places
    - Education
    - Certifications

- Advice
- Guideline Recommendations

### **Article 10-9-8.1 Certificate of Appropriateness**

- Required prior to any new construction, alteration, relocation, or demolition involving the exterior of any designated Landmark or property in a Historic District
- Major changes require HPB review, and include:
  - Demolition
  - Relocation
  - New Construction
  - Modification of the front or side façade
  - Demolition of existing or construction of accessory structures
- Minor Alterations
  - Certificate obtained by the Director for work that is minimally or not visible from public rights-of-way and alterations to exterior of accessory buildings
  - Director can request HPB review

### **Article 10-9-8.1 Certificate of Appropriateness, cont.**

- HPB decision based on:
  - Federal Standards – Secretary of the Interior’s Standards for the Treatment of Historic Properties
  - Littleton Design Standards and Guidelines
  - Original features
  - Compatibility with abutting properties and those on the same block
  - Character, interest, and value
  - Color and materials
  - Exterior features
- Criteria for Relocating a Historic Property
  - Materials required for submittal
  - Considerations for the Historic Property
  - Considerations for the New Location
- Procedure
  - Application submittal – Public Hearing – HPB Decision – \*Appeal
- *\*Appeal, if desired, of a denied Certificate of Appropriateness*

### **Article 10-9-8.2 Certificate of Demolition**

- Applicability
  - Demolition of Landmark or property in designated Historic District
  - If demolition is requested on any basis other than imminent hazard or economic hardship, a Certificate of Demolition shall not be issued until all criteria in this section are met
- Decision criteria for total demolition and partial demolition including:
  - Whether the property is structurally sound
  - Practicality of moving property to another lot in Littleton
  - Impacts to visual character of neighborhood, architectural integrity
- Procedure
  - Submittal – Public Hearing – HPB Decision
- *\*Appeal, if desired, of a denied Certificate of Demolition*

### **Article 10-9-8.3 Certificate of Economic Hardship**

- Applicability
  - Following denial of Certificate of Appropriateness or Certificate of Demolition, the owners may apply for Certificate of Economic Hardship
  - Does not include self-created hardships, willful, or negligent acts by the owner(s)
- Decision criteria include:
  - No beneficial use
  - Decrease in value
  - Decrease in investment
  - Structural soundness
  - Economic feasibility
  - Health and/or safety issues
- Procedure
  - Submittal of evidence -- Public Hearing – HPB Decision
- *\*Appeal, if desired, of a denied Certificate of Economic Hardship*

### **Article 10-9-8.4 Designation of Historic Landmarks and Districts**

- Applicability – any persons to designate Landmark or Historic District
- Decision criteria for consensual designation
  - Cultural or archeological heritage
  - Site of a significant event
  - Identifies with significant person or persons
  - Work of a master builder, designer, or architect
  - Recognized for its quality of architecture
  - Displays characteristics of an architectural style
  - Character as a geographically definable area
- Decision criteria for non-consensual designation
  - List above (consensual), and
  - Unusual or uncommon significance, or
  - Superior or outstanding example of architectural, social, or geographic historic significance
- Procedure: Nomination -- Public Hearing -- HPB Recommendation to Council
- Council Proceedings
  - Post-Designation
    - Director shall maintain current record (including pending proposed designations) of Landmarks and Historic Districts (contributing and non-contributing properties)
    - Resubmission/Reconsideration – if a designation is denied by Council, an application that is the same/substantially the same must not be submitted until at least one year later
    - Amending a designation
    - Can add contributing and non-contributing features, add/remove properties, etc.
    - Notification must be provided to the owner(s) of the historic property(s)
    - Process: HPB Rec. to Amend – Notification -- Resolution – Council Review

- Revocation of designation
  - If Landmark/District altered so it no longer retains integrity
  - Process: HPB Rec. to Revoke -- Notification – Resolution –Council Review