

TITLE 10 – UNIFIED LAND USE CODE (ULUC)

CHAPTER 8: HISTORIC PRESERVATION

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ARTICLE 10-8-1 GENERAL

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Section 10-8-1.1 Purpose and Applicability

- A. **Purpose.** The purpose of this Chapter is to enhance Littleton's historic resources and to promote the public health, safety, and welfare through:
1. The protection and preservation of the city's varied architectural styles reflecting distinct phases of its history, culture, social, economic, and political heritage as embodied in Historic Properties and Historic Districts, by regulations and incentives;
 2. The stabilization of historic buildings and neighborhoods;
 3. The establishment of the city's Historic Register listing Historic Properties and Historic Districts;
 4. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
 5. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
 6. The promotion of thoughtful community planning and design;
 7. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the city; and
 8. The provision of educational opportunities to increase public appreciation of the city's unique heritage.
- B. **Applicability.** This Chapter shall apply to all structures designated as a Landmark or as a contributing or noncontributing property in a Historic District, and properties in the Littleton Legacy List, as established in this Section.

Effective on: 8/19/2021

Section 10-8-1.2 Owner Responsibility

- A. **Purpose** Owners intending to reconstruct, relocate, improve, demolish, or in any way significantly alter or change a historic landmark or property in a designated Historic District shall follow the standards outlined in this Code.
- B. **Property Maintenance.** The owner shall perform regular maintenance on the landmark property in a historic district to prevent deterioration and damage. In no case shall neglect and the lack of maintenance warrant the issuance of a Certificate of Economic Hardship, as described in [Section 10-9-8.3, Certificate of Economic Hardship](#).
- C. **Permits Required.** Prior to beginning work on a designated historic landmark or property in a historic district, the property owner shall consult with the Director and submit materials, when deemed necessary, for a Certificate of Appropriateness, as outlined in [Section 10-9-8.1, Certificate of Appropriateness](#), or a Certificate of Demolition, as outlined in [Section 10-9-8.2, Certificate of Demolition](#). If a Certificate of Appropriateness or Certificate of Demolition is granted by the Board, the applicant shall obtain all necessary permits required by this and other city codes.
- D. **Prohibited Acts.** It shall be unlawful for an owner of a historic landmark or property in a designated historic district to allow-for demolition by neglect, including:
 - 1. Deterioration of exterior walls or other vertical supports;
 - 2. Deterioration of roofs or other horizontal members;
 - 3. Deterioration of external chimneys;
 - 4. Deterioration or crumbling of exterior plasters, mortars, brick, stone, or wood siding;
 - 5. Ineffective waterproofing of exterior walls, roof, and foundations, including windows and doors;
 - 6. Peeling of paint, rotting, holes, and other forms of decay;
 - 7. A lack of property maintenance, e.g., primary building, fences, gates, sidewalks, steps, signs, accessory structures, and landscaping to produce a detrimental effect on a historic landmark or contributing property in a Historic District; and
 - 8. Deterioration of any feature so as to create or permit any hazardous or unsafe condition.
- E. **Compliance with City Code.** No owner, lessee, or occupant of any historic landmark or property in a historic district shall fail to comply with all applicable provisions of this Code and other ordinances regulating property maintenance.
- F. **Owner Notification.** Before the City Attorney files a complaint in municipal court for failure to maintain a historic landmark or property in a Historic District, the Board shall notify the owner, lessee, or occupant of the need to repair or maintain, shall assist the owner, lessee, or occupant in determining how to preserve the property, and give the owner a period of 90 days to perform such work. The Board may grant an extension of the time period for good cause shown.

Effective on: 8/19/2021

ARTICLE 10-8-2 LEGACY PROGRAM

Contents:

Section 10-8-2.1 Establishment

Section 10-8-2.2 Criteria

Section 10-8-2.1 Establishment

- A. **Purpose.** The purpose of the Legacy Program is for staff to provide a resolution for approval of the Historical Preservation Board and to develop objective criteria for inclusion on a list of significant historic structures. Nothing in this program shall be construed to impose any regulations or controls upon or to provide incentives or awards to a structure solely because it is included in the Program.
- B. **Goals.** The goals of the Legacy Program are to:
1. Provide a comprehensive inventory of significant structures to better aid in neighborhood planning and preservation;
 2. Create awareness regarding the importance of recognizing, protecting, enhancing, and conserving significant structures;
 3. Educate owners of significant structures and their tenants on the economic benefits of preserving and conserving them;
 4. Create awareness in neighborhoods of the presence of significant structures;
 5. Survey the structures eligible for landmarking; and
 6. Establish tiers of structures.

Effective on: 8/19/2021

Section 10-8-2.2 Criteria

- A. **Conditions.** Properties included in the Legacy Program shall be at least 40 years old and possess architectural, political, economic, social, cultural, environmental, or geographical importance and identified as a potential local landmark through a survey.
- B. **Criteria.** To qualify, the structure shall meet one or more of the following characteristics:
1. Contributes to a potential Historic District;
 2. Represents an innovation in construction, materials, or design;
 3. Demonstrates superior craftsmanship or high artistic features or value;
 4. Represents or exemplify a historic event or be associated with a notable person or a particular ethnic group; or
 5. Reflects the work of an architect who is recognized nationally, statewide, regionally, or locally for their expertise or a builder's work, architectural design, detail, or historical type, particularly if associated with a style particular or an era of its history.

Effective on: 8/19/2021

ARTICLE 10-8-3 LITTLETON HISTORIC REGISTER

Contents:

Section 10-8-3.1 Establishment

Section 10-8-3.2 Criteria

Section 10-8-3.1 Establishment

- A. **Establishment.** The City Council hereby establishes the Littleton Historic Register.
1. *Local Designation.* Individual properties, known as Landmarks, or Historic Districts may be listed in the Littleton Historic Register only if a property or district has been so designated pursuant to this Code.
 2. *State and National Designations.* All properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Littleton Historic Register but are not designated until approval is obtained in accordance with this Code.

Effective on: 6/7/2021

Section 10-8-3.2 Criteria

- A. **Purpose.** Individual properties or districts may be listed in the Littleton Historic Register if they convey significance and integrity, as described in this Section.
- B. **Significance Criteria.** Significance is the importance of a site, structure, object, or district to the history, architecture, archaeology, engineering, or culture of our community, State or Nation. Significance is achieved through meeting one or more of five criteria recognized by the U.S. Department of Interior, National Park Service. These standards define how resources are significant for their association with events or persons, in design or construction, or for their information potential.
1. *Historic Landmarks.*
 - a. *Criteria.* A determination for eligibility for landmark designation typically applies to the entire lot, lots, or area of property upon which the landmark is located, and may include structures, objects, or landscape features not eligible for landmark designation located on the same lots, lots, or are part of property. Individual properties shall be at least 40 years old and meet one or more of the following eligibility criteria to be considered for designation:
 1. Association with events that have made a significant contribution to history. Resources may be determined to be significant if they are associated with events that have made a recognizable contribution to the broad patterns of the history of the community, State, or Nation. A resource can be associated with either, or both, of two types of events:
 - i. Is a site of a historic event that had an effect upon society; or
 - ii. Exemplifies the cultural, political, economic, or ethnic heritage of the city.
 2. Connection with persons significant in history. Resources may be determined to be significant if they are associated with the lives of persons or groups of persons recognizable in the history of the community, State, or Nation whose specific contributions to that history can be identified and documented. This also includes a resource that represents an association with a notable person or the work of a notable person.
 3. Distinctive characteristics of a type, period, method of construction, or artisan. Resources may be determined to be significant if they embody the identifiable characteristics of a type, period, or method of construction; represent the work of a craftsman or architect whose work is distinguishable from others by its characteristic style and quality; possess high artistic values or design concepts; or are part of a recognizable and distinguishable group of resources. The property or structure may meet this criteria if it:
 - i. Exemplifies specific elements of an architectural style or period;
 - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - iii. Demonstrates superior craftsmanship or high artistic value;
 - iv. Represents a style that is unique to the city;
 - v. Represents an innovation in construction, materials, or design; or
 - vi. Represents a built environment of a group of people in an era of history.
 4. Geographic importance including whether a structure or property:

- i. Enhances the sense of identity of the city; or
 - ii. Is an established visual feature.
 5. Possibility to yield important information related to prehistory or history, such as whether a structure or property:
 - i. Addresses research questions or fills recognized data gaps;
 - ii. Embodies construction, development, or design adaptations; or
 - iii. Informs the development of engineering systems.
 - b. *Exemption.* An individual property or district may be exempted from the age standard if the city Council finds it to be of exceptional importance in other criteria.
2. *Historic Districts.*
- a. *Criteria.* The historic district, as an entity, shall display character, interest, or value as part of the development, heritage, or cultural characteristics of Littleton. In order for a district to be eligible for designation, the majority (51% or more) of the properties within the boundaries of the historic district must be a minimum of 40 years of age and qualify as contributing to the district based on significance and integrity. Boundaries of a proposed district are typically defined based on the established period of significance, a pattern of physical elements or social activities, and unique physical characteristics that can be documented. Properties that do not contribute to the historic significance of the Historic District may be included within its boundaries and would be noted as "non-contributing" to the Historic District. Contributing properties must add to the defined period of significance in one or more of the following ways:
 1. Association with events that have made a significant contribution to history whether a structure or property:
 - i. Exemplifies the cultural, political, economic, or ethnic heritage of the city.
 - ii. Is a site of a historic event that had an effect upon society; or
 2. Connection with persons significant in history.
 3. Distinctive characteristics of a type, period, method of construction, or artisans, such as whether a structure or property:
 - i. Exemplifies specific elements of an architectural style or period;
 - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - iii. Demonstrates superior craftsmanship or high artistic value;
 - iv. Represents a style that is unique to the city;
 - v. Represents an innovation in construction, materials, or design; or
 - vi. Represents a built environment of a group of people in an era of history.
 4. Geographic importance including whether a structure or property:
 - i. Enhances the sense of identity of the city; or
 - ii. Is an established visual feature.
 5. Possibility to yield important information related to prehistory or history, such as whether a structure or property:
 - i. Addresses research questions or fills recognized data gaps;
 - ii. Embodies construction, development, or design adaptations; or

iii. Informs the development of engineering systems.

b. *Exemption.* An individual property or district may be exempted from the age standard if the city Council finds it to be of exceptional importance in other criteria.

C. **Integrity Criteria.** Integrity is the ability of a site, structure, object, or district to be able to convey its significance. The integrity of a resource is based on the degree to which it retains all or some of seven aspects or qualities established by the U.S. Department of Interior, National Park Service. All individual properties and districts shall be evaluated for their physical integrity to the degree they retain one or more of the following criteria:

1. *Location.* The place where the property was constructed or the place where the historic event occurred.
2. *Design.* The combination of elements that create the form, plan, space, structure, and style of a Property.
3. *Setting.* The physical environment of a property. Whereas location refers to the specific place where a resource was built or an event occurred, setting refers to the character of the place in which the resource played its historic role. It involves how, not just where, the resource is situated and its relationship to the surrounding features and open space.
4. *Materials.* The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a property.
5. *Workmanship.* The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. *Feeling.* A Property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the resource's historic character.
7. *Association.* The direct link between an important historic event or person and a property. A resource retains association if it is the place where the event or activity occurred and is sufficiently intact to convey the relationship to an observer. Like feeling, association requires the presence of physical features that convey a resource's historic character.

Effective on: 8/19/2021

ARTICLE 10-8-4 ALTERATIONS

Contents:

Section 10-8-4.1 Purpose

Section 10-8-4.2 Major and Minor Alterations Chart

Section 10-8-4.3 Exemption Criteria

Section 10-8-4.1 Purpose

Ensuring that proposed alterations to a landmark or contributing property in a Historic District are appropriate is the responsibility of the property owner and the HPB. Refer to Section [10-9-8.1](#), *Certificate of Appropriateness*, for the criteria that must be followed for alterations, new construction, and relocation, and the procedure to which these standards apply.

Effective on: 8/19/2021

Section 10-8-4.2 Major and Minor Alterations Chart

- A. **Purpose.** The Major and Minor Alterations Chart shall include types of alterations that an applicant may propose to a designated landmark or contributing property in a historic district, and shall note which alterations require staff level review and which require HPB review.
- B. **Availability.** The Director shall maintain a current chart on the city's webpage. The chart shall also be available to anyone who requests a copy.
- C. **Edits.** Changes to the chart shall be made during regular HPB meetings. These changes shall be published in the HPB meeting minutes and on the city's website. Public comment on the proposed change(s) may be received during the initial HPB meeting, via email to staff, or at the subsequent HPB meeting. The HPB shall consider public comment when voting on proposed changes to the chart.

Effective on: 8/19/2021

Section 10-8-4.3 Exemption Criteria

There may be cases when the owner requests an exemption from historic standards for work done on the historic resource. This Article explains when this may be the case and what factors may cause the Board to exempt a Certificate of Appropriateness. Some cases may include a request for a Certificate of Economic Hardship, as set out in Section 10-9-8.3, *Certificate of Economic Hardship*. To receive an exemption from the Certificate of Appropriateness requirements, an applicant shall prove their case using one or more of the following methods.

A. Economic Hardship.

1. *Merit*. The Board may solicit expert testimony and require the applicant to submit information before it makes a determination, which may include:
 - a. An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the conditions of approval of a Certificate of Appropriateness.
 - b. A report from a licensed engineer or architect with experience in rehabilitation of historic properties as to the structural soundness of any buildings, structures, or objects on the property and their suitability for rehabilitation.
 - c. In the case of a proposed alteration, the cost of the project proposed by the applicant is compared with the changes required by the Board.
 - d. In the case of a proposed demolition, the estimated market value of the property in its current condition, after rehabilitation, and after demolition, in addition to actual project costs.
 - e. The amount paid for the property, the date of purchase or acquisition, and the party from whom the property was purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.
 - f. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 - g. Any listing of the property for sale or rent, price asked, and any written offers received within the previous two years.
 - h. The actual or market value of the land and improvements according to the most recent assessment.
 - i. Real estate taxes for the previous two years.
 - j. Any proposal for a replacement building, structure, or object for the property and financial proof of the ability to complete the replacement project.
 - k. For an income-producing property, the annual gross income from the property and itemized operating and maintenance expenses for the previous two years.
2. *Criteria*. The following factors, evidence, and testimony shall be considered:
 - a. *General Considerations*.
 1. The structural soundness of any buildings or structures on the property and their potential for rehabilitation.
 2. The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.

3. For investment or income-producing properties, the ability to obtain a fair rate of return on the property in its present condition, or in a rehabbed condition pursuant to the requirements of this Code.
 4. For non-income producing properties consisting of owner-occupied single-family dwellings and/or non-income producing institutional properties not solely operating for profit, the ability to maintain or to convert the property to a residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this Code, the ability to transfer the property for a fair rate of return.
- b. **Economic Hardship.** The consideration for economic hardship shall not include any of the following:
1. Willful or negligent acts by the owner, including a lack of property maintenance;
 2. Purchase of the property for substantially more than its market value;
 3. Failure to perform normal maintenance and that would amount to demolition by neglect;
 4. Failure to diligently solicit and retain tenants;
 5. Failure to prescribe a fair rental amount; or
 6. Failure to provide normal tenant improvements.
- B. **Undue Hardship.** An applicant requesting an exemption based on an undue hardship shall show that the criteria result in a situation that is substantially inadequate to meet the applicant's specific health or safety needs.
- C. **Inability to Use.**
1. **Waiver.** Two years after denial of a demolition permit, if no feasible use or ownership is found for the designated structure or property, the owner may request a waiver of all or a portion of the criteria used to deny demolition.
 2. **Testimony.** The Board may solicit expert testimony and require that the applicant provide information before it makes a determination, which may include:
 - a. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the owner(s) to make necessary repairs, to find a user or purchaser for the property.
 - b. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the owner(s) to locate and obtain available assistance for making the property functional without demolition.
 3. **Criteria.** The following factors, evidence, and testimony shall be considered:
 - a. Efforts to locate and secure a potential user or purchaser for the property.
 - b. Efforts to locate and obtain available assistance for making the property functional without demolition.
 - c. Consideration for the inability to use a structure or property shall not include:
 1. Willful or negligent acts by the owner;
 2. Purchase of the property for substantially more than its market value; or
 3. Failure to perform normal maintenance and repairs.

Effective on: 8/19/2021

ARTICLE 10-8-5 MAINTENANCE

Contents:

Section 10-8-5.1 Purpose

Section 10-8-5.2 Compliance

Section 10-8-5.3 Notification

Section 10-8-5.4 Penalty

Section 10-8-5.1 Purpose

- A. **Historic Property Maintenance.** It is a policy of the City Council to preserve from deliberate or inadvertent neglect the exterior portions of a designated landmark or contributing property in a Historic District and all interior portions for which maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any landmark or contributing property within a Historic District shall fail to prevent significant deterioration of the exterior of a designated building, structure, object, or special feature beyond the condition of such landmark or contributing property within a Historic District on the effective date of this Code. The lack of proper maintenance may not lead to demolition by neglect, as described below, or to the application for a Certificate of Economic Hardship.
- B. **Characteristics of Demolition by Neglect.** Demolition by neglect shall be evidence by any of the following characteristics:
1. *Deterioration.* Deteriorated or inadequate foundations, walls, floors, ceilings, rafters; and other supports;
 2. *Waterproofing.* Ineffective waterproofing of roofs, walls, and foundation including deteriorated paint, brick, mortar, and stucco, along with broken doors and windows;
 3. *Holes.* Holes and other signs of rot and decay;
 4. *Hazardous Conditions.* Deterioration of any feature so as to create a hazardous condition; or
 5. *Lack of Maintenance.* Lack of maintenance of the surrounding environment (Such as accessory structures, fences, walls, sidewalks, and other landscape features).
- C. **Declaration of Unsafe or Dangerous Conditions.** Nothing in this Code shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct an unsafe or dangerous condition of a landmark or contributing property in a Historic District. Temporary measures may be taken without first obtaining a Certificate of Appropriateness.

Effective on: 8/19/2021

Section 10-8-5.2 Compliance

No owner, lessee, or occupant of any landmark or contributing property within a Historic District shall fail to comply with all applicable provisions of this Code and other ordinances regulating property maintenance.

Effective on: 6/7/2021

Section 10-8-5.3 Notification

Before the City Attorney files a complaint in municipal court for failure to maintain a landmark or contributing property within a Historic District, the city shall notify the owner, lessee, or occupant of the need to repair, maintain or restore the property; shall assist the owner, lessee, or occupant in determining how to preserve the property; and shall give the owner, lessee, or occupant a period of 90 days to perform their work. The Board may grant an extension of the time period for good cause shown.

Effective on: 6/7/2021

Section 10-8-5.4 Penalty

After notification, if an owner has not undertaken action to repair or stabilize a landmark or contributing property within a Historic District requiring immediate attention to mitigate unsafe or dangerous conditions, the Director may take such action and bill all expenses to the owner. If payment is not made by the owner within 90 days, the Director shall record a notice with the office of the County Clerk and Recorder of a lien against the historic property.

Effective on: 8/19/2021

ARTICLE 10-8-6 ECONOMIC INCENTIVES

Contents:

Section 10-8-6.1 Purpose

Section 10-8-6.2 Economic Incentives

Section 10-8-6.1 Purpose

Recognizing that historic preservation regulations require additional rules for property owners of historic resources, this Section provides for economic and regulatory incentives. These incentives are intended to encourage historic preservation and context-sensitive reinvestment, and to prevent inappropriate alterations to or demolition of historic resources. Incentive programs will be active based on the discretion of the Director.

Effective on: 8/19/2021

Section 10-8-6.2 Economic Incentives

- A. **Incentives.** An owner of a property designated as a historic landmark may apply for incentives to restore or rehabilitate property. Additional incentives may include:
1. Funds through the certified local government program;
 2. Matching funds available through local preservation organizations; or
 3. State and national rebate and tax incentive programs available for historic properties.
- B. **Refund of City Taxes.** The owner of a designated property may apply for a refund of certain ad valorem taxes which have been paid on a landmark or property in a historic district during the year of designation and for all subsequent years of designation. A refund requires that all maintenance and rehabilitation activities are completed and the property is maintained as required by this Code. The amount of refund shall be computed by multiplying the mill levy imposed for the current year on the assessed valuation of the designated property, as follows:
1. *Designated Historic Landmark:* 100%
 2. *Property within a Historic District:* 50%
 3. *Main Street Historic District.* Not applicable.
- C. **Main Street Historic District Grant Fund.** Monies in this fund shall be established by the City Council, which may be granted to owners or tenants of properties within the Main Street Historic District or a designated landmark used for commercial purposes. Grant funds shall be used for architectural design assistance, facade work, removal of graffiti, maintenance for signage, or other improvements. Applications shall be made to and granted by the Historical Preservation Board (Board).
- D. **Other Incentives; Notice of Refunds.** The Board shall attempt to identify and implement other economic incentives and notify owners of the opportunities available. The Board shall distribute public information informing citizens of the tax refund for historic buildings.
- E. **Other.** Owners of properties within the Main Street Historic District are entitled to other exemptions for sales and use taxes as set out in the City Code.

Effective on: 6/7/2021