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LANDMARK PRESERVATION

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ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Adverse effect shall mean that a project or undertaking may alter, directly or indirectly, any of the characteristics that qualify a property for designation, either individually or as a contributing element of a district, in a manner that would diminish the property's exterior integrity. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be removed in distance, or be cumulative.

Alteration shall mean any act or process which changes one (1) or more of the exterior characteristics of a designated site, structure, object, or district or a site, structure, object or district eligible for designation.

Characteristics shall mean the visible and tangible attributes of a site, structure, object or district, including but not limited to the architectural design, style, general arrangement and components of all the outer surfaces of a site, object, structure or improvement, including but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to said site, object, structure or improvement.

Commission shall mean the Landmark Preservation Commission created in § 2-276.

Construction shall mean the erection of any on-site improvements on any parcel of ground located within a designated or eligible district or on a designated or eligible site, whether the site is presently improved or unimproved, or the erection of a new principal or accessory structure on such property.

Contributing to a district shall mean a site, structure or object eligible for designation, or formally designated, that has significance and that has experienced some alterations which, while not seriously damaging the exterior integrity of the property, have altered the appearance enough to be noted. These sites, structures, or objects retain enough exterior integrity to contribute to the significant characteristics of the district.

Demolition shall mean any act or process that destroys in part or in whole an eligible or designated site, structure or object, or a site, structure or object within an eligible or designated district.

Determination of eligibility shall mean a decision by the Director of Community Development and Neighborhood Services and/or the Commission that a site, structure, object or district meets one (1) or more of the standards for designation as a Fort Collins landmark. The determination of eligibility for the National and/or State Register of Historic Places shall be according to the processes and procedures of the Colorado Historical Society.

District shall mean a geographically definable area possessing a significant concentration, linkage, or continuity of sites, structures, or objects and their surrounding environs united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Eligibility shall mean a resource's ability to meet one (1) or more of the standards for designation as a Fort Collins landmark, or the criteria for designation on the National and/or State Register of Historic Places. There are three (3) levels of eligibility for designation: individual, contributing to a district, and noncontributing/ not eligible.

Exterior integrity shall mean the ability of a property to convey its significance. To be designated as a landmark, a property must not only be shown to be significant, but also must have exterior integrity. The degree of integrity required for landmark status is relative to a property's significance. Exterior integrity is the composite of seven (7) aspects or qualities, which in various combinations define integrity: *location, design, setting, materials, workmanship, feeling, and association*. The more qualities present in a property, the higher its integrity. Ultimately the question of exterior integrity is answered by whether or not the property retains the identity for which it is significant. *Location* is the place where the historic property was constructed or the place where the historic event occurred. *Design* is the combination of elements that create the form, plan space, structure, and style of a property. *Setting* is the physical

environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place. It involves how, not just where, the property is situated and its relationship to the surrounding features and open space. *Materials* are the physical elements that form a historic property. *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, or site. *Feeling* is a property's expression of the aesthetic or historic sense of a particular period or time. It results from the presence of physical features that, taken together, convey the property's historic character. *Association* is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

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

Individual landmark shall mean a site, structure or object eligible for designation, or formally designated, that has significance and which substantially retains its exterior integrity. The property may have minor alterations but these alterations will not have compromised the site's, structure's or object's exterior integrity.

Landmark or *landmark district* shall mean any site, structure, object or improvement and its surrounding environs or a group of sites, structures, objects or improvements or both and their surrounding environs:

- (1) Which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the City, State or Nation;
- (2) Wherein any event of major historic significance with a measurable effect upon society took place;
- (3) Which is closely identified with a person or group of persons who have had some measurable influence on society;
- (4) Wherein the broad cultural, political, economic or social heritage of the community is exemplified;
- (5) Which faithfully portrays the environment of a group of people in an era of history characterized by a distinctive architectural style or which embodies those distinguishing characteristics of an architectural-type specimen or which is the work of an architect or master builder whose individual work has influenced the development of the City;
- (6) Which, because of being a part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based upon a historic, cultural or architectural significance;
- (7) Which, due to unique location or singular physical characteristic, represents an established, familiar and significant visual feature of the neighborhood, community or City;
- (8) Officially designated as a Fort Collins landmark or Fort Collins landmark district pursuant to the provisions of this Chapter.

Noncontributing/not eligible shall mean a site, structure or object which does not possess sufficient significance and/or exterior integrity necessary for designation, and is considered noncontributing to a district, or not eligible to be designated as an individual landmark.

Object shall mean a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable.

Relocation shall mean moving all or part of a structure or object to a different location.

Repair and maintenance shall mean work done on a site, structure or object in order to correct any deterioration, decay or damage to any part thereof in order to restore the same as nearly as practical to its condition prior to such deterioration, decay or damage.

Resource shall mean any site, structure or object that is part of or constitutes a property.

Significance shall mean the importance of a property as defined by the standards for designation as a Fort Collins landmark or landmark district. The determination of significance for the National or State Registers of Historic Places shall be in accordance with the processes and procedures of the Colorado Historical Society.

Site shall mean the location of a significant event, a prehistoric or historic occupation or activity, or a structure or object whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Structure shall mean that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Working day shall mean any day except Saturday, Sunday and any national, state or local holiday (or day of observation) during which the Department of Community Development and Neighborhood Services is not open for regular business.

(Code 1972, § 69-3; Ord. No. 78, 1988, § 4, 6-7-88; Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 186, 2002, § 1, 1-7-03; Ord. No. 132, 2009, §§ 1, 2, 12-15-09)

Cross-reference—Definitions and rules of construction generally, § 1-2.

Sec. 14-2. Declaration of policy.

(a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of sites, structures, objects and districts of historical, architectural or geographic significance, located within the City, are a public necessity and are required in the interest of the prosperity, civic pride and general welfare of the people.

(b) It is the opinion of the City Council that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets.

(Code 1972, § 69-2(A), (C); Ord. No. 186, 2002, § 2, 1-7-03)

Sec. 14-3. Purpose.

The purposes of this Section are to:

- (1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
 - (2) Foster civic pride in the beauty and accomplishments of the past;
 - (3) Stabilize or improve aesthetic and economic vitality and values of such sites, structures, objects and districts;
 - (4) Protect and enhance the City's attraction to tourists and visitors;
 - (5) 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) Promote good urban design;
 - (7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts now so owned and used, to the extent that the objectives listed above can be attained under such a policy.
- (Code 1972, § 69-2(B))

Sec. 14-4. Staff.

The staff of the Commission shall consist of a secretary and such other staff as may be authorized by the City. The secretary shall be the custodian of the records of the Commission, shall handle official correspondence and shall gen-

erally supervise the clerical and technical work of the Commission. The Director of Community Development and Neighborhood Services shall act as secretary and staff liaison to the Commission.

(Code 1972, § 69-5; Ord. No. 186, 2002, § 3, 1-7-03; Ord. No. 132, 2009, § 3, 12-15-09)

Cross-reference—Community Planning and Environmental Services, § 2-521.

Sec. 14-5. Standards for determining the eligibility for designation of sites, structures, objects and districts for preservation.

Properties that possess exterior integrity are eligible for designation as Fort Collins Landmarks or Fort Collins Landmark Districts if they meet one (1) or more of the following standards for designation:

- (1) The property is associated with events that have made a significant contribution to the broad patterns of history; or
- (2) The property is associated with the lives of persons significant in history; or
- (3) The property embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- (4) The property has yielded, or may be likely to yield, information important in prehistory or history.

(Code 1972, § 69-6; Ord. No. 186, 2002, § 4, 1-7-03)

Cross-reference—Buildings and building regulations, Ch. 5.

Secs. 14-6—14-20. Reserved.

**ARTICLE II.
DESIGNATION PROCEDURE**

Sec. 14-21. Initiation of procedure.

Whenever in the opinion of the Commission, upon its own motion or upon application of any citizen or owner of property in the City, a site, structure, object or district meets the criteria of a landmark or landmark district, the Commission shall contact the owner or owners of such landmark or landmark district outlining the reasons and effects of designation as a landmark and, if possible, shall secure the owner's consent to such designation. If the Commission is unable to personally contact such owner, it shall be sufficient to send a written request for the consent to designation of such property by certified or registered mail, return receipt requested, addressed to the owner of the property as shown on the most recent records of the County Assessor at the address shown on such records. Following such contact, if an owner does not consent to such designation of the property within fifteen (15) days from the date of receipt of the request for consent to designation, the Commission, upon the affirmative vote of at least five (5) of its members may proceed by officially adopting a resolution stating that the preliminary investigation by the Commission indicates that the described property is eligible for designation as a landmark or landmark district and the reason the Commission feels that it should proceed without the consent of the owner to such designation and scheduling a public hearing by the Commission on the question of designation, hereinafter called a designation hearing, at a specified time, date and place and directing that the notice of hearing be given as described in § 14-22. If the owner consents in writing to such designation, the Commission, upon the affirmative vote of a majority of the members present, may adopt a resolution recommending to the City Council the designation of the landmark or landmark district without the necessity of notice and without the review by the Department of Community Development and Neighborhood Services required by § 14-23. All applications submitted in accordance with this Section shall include a description of the property proposed for designation and a detailed outline of the reasons why such property should be designated and why the boundaries of the property should be determined as described in the application. No motion or application for designation of a specific landmark or landmark district may be made more than once during any twelve (12) consecutive months.

(Code 1972, § 69-7(A); Ord. No. 78, 1988, § 5, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 5, 1-7-03; Ord. No. 132, 2009, § 4, 12-15-09)

Sec. 14-22. Notice of hearing.

Notice of designation hearing shall be given as follows:

- (1) Written notice of the time, date, place and subject of the hearing shall be sent by registered or certified mail not less than thirty (30) days prior to the hearing to all owners of record on the date of the resolution who own the real property being proposed for designation as a landmark or landmark district. Such notice shall be deemed delivered upon the passage of five (5) days from the deposit of the notice in the mail.
- (2) Signs indicating that recommendation for landmark designation is being considered by the Commission shall be posted by the Commission for a period of not less than fifteen (15) days immediately preceding the hearing on all property proposed for landmark designation and/or on the boundaries of all areas proposed for landmark district designations. Such signs shall be prominently displayed and easily readable from abutting public ways.
- (3) A legal notice indicating the nature of the hearings, the property involved and the time, date and place of the scheduled public hearing shall be published in a local newspaper of general circulation one (1) time at least fifteen (15) days prior to the hearing.
- (4) Written notice of the proposed landmark designation, including the identification of the property, the basis for commencing with the designation procedure and the time, date and place of the hearing, shall be given to the Director of Community Development and Neighborhood Services not later than thirty (30) days prior to the hearing.

(Code 1972, § 69-7(B); Ord. No. 78, 1988, § 6, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 6, 1-7-03; Ord. No. 132, 2009, § 5, 12-15-09)

Sec. 14-23. Department of Community Development and Neighborhood Services review.

(a) The Department of Community Development and Neighborhood Services shall review the proposed designation with respect to:

- (1) Its relationship to the zoning ordinance of the City and the Comprehensive Plan of the City;
- (2) The effect of the designation upon the surrounding neighborhood;
- (3) Such other planning considerations as may be relevant.

(b) The Department of Community Development and Neighborhood Services may recommend approval, rejection or modification of the proposed designation and its recommendation shall contain a statement of the basis for the recommendation. The recommendation shall be delivered to the Commission in written form at or prior to the hearing.

(Code 1972, § 69-7(C); Ord. No. 78, 1988, § 7, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 7, 1-7-03; Ord. No. 132, 2009, § 6, 12-15-09)

Cross-reference—Community Planning and Environmental Services, § 2-521.

Sec. 14-24. Interim control.

No building permit shall be issued by the Department of Building and Zoning for alteration, construction, relocation or demolition of a site, structure or object under consideration for landmark designation or any site, structure or object within a district under consideration for landmark district designation from the date of the hearing of the Commission at which the Commission approves a motion directing staff to investigate the benefits to the City of landmark designation until final disposition of the designation by the City Council unless such alteration, construction, relocation or demolition 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 one hundred eighty (180) days.

(Code 1972, § 69-7(D); Ord. No. 78, 1988, § 8, 6-7-88; Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 186, 2002, § 8, 1-7-03)

Sec. 14-25. Hearing.

(a) At least five (5) members of the Commission shall conduct the hearing. If at least five (5) members are not present, the members present may adjourn the meeting to another date within two (2) weeks. If at least five (5) members are not present at such adjourned meeting, the hearing shall be canceled and the designation procedure terminated. If any 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. Such information shall be promptly forwarded, by regular mail, to the owners of record as established and addressed pursuant to § 14-22.

(b) Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Commission from establishing reasonable rules to govern the proceedings of the hearings or from establishing reasonable limits on the length of individual presentations. The hearings shall be recorded and minutes provided to each City Council member. Written presentations, including the report of the Department of Community Development and Neighborhood Services, shall be included in the record of the hearing.

(Code 1972, § 69-7(E); Ord. No. 78, 1988, § 9, 6-7-88; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 9, 1-7-03; Ord. No. 132, 2009, § 7, 12-15-09)

Sec. 14-26. Findings and recommendations of the Commission.

The Commission shall act officially on each proposed designation within thirty-five (35) days of the hearing. The Commission may approve, reject or modify any proposal, but no proposal may be extended beyond the boundaries of the land described in the original resolution unless the initiation and hearing procedure is repeated for the enlarged boundaries. The Commission shall set forth in its records the findings of fact which constitute the basis for its decision. If the Commission fails to act within the thirty-five-day period, the designation shall be deemed to have been rejected and the designation procedure shall thereby be terminated.

(Code 1972, § 69-7(F); Ord. No. 78, 1988, § 10, 6-7-88; Ord. No. 186, 2002, § 10, 1-7-03)

Sec. 14-27. Transmittal to City Council.

(a) Within fifteen (15) days after reaching its decision, the Commission shall transmit to the City Council its recommendation on the designation of a landmark or landmark district, including the description of the property involved and the findings upon which the recommendation was based.

(b) If more than one (1) property is involved in the designation procedure, the Commission may approve in part and terminate in part. Each part shall then be treated as a separate action. In no event may any property be added to the area described in the initiation resolution without instituting a new designation procedure.

(Code 1972, § 69-7(G); Ord. No. 78, 1988, § 11, 6-7-88; Ord. No. 186, 2002, § 11, 1-7-03)

Sec. 14-28. City Council action.

Upon receipt of the recommendations transmitted by the Commission, the City Council may by ordinance designate property as a landmark or landmark district. Due consideration shall be given to the written view of owners of affected property, and in its discretion the City Council may hold public hearings on any proposed landmark or landmark district designation.

(Code 1972, § 69-7(H); Ord. No. 78, 1988, § 12, 6-7-88; Ord. No. 186, 2002, § 12, 1-7-03)

Sec. 14-29. Recording with County Clerk.

Within fifteen (15) days of the effective date of an ordinance designating property as a landmark or landmark district, the City shall record among the real estate records of the County Clerk and Recorder either:

- (1) A certified copy of the ordinance designating the specified property as a landmark or landmark district; or

- (2) A notice stating that the specified property has been designated as a landmark or landmark district and citing the ordinance and the effective date of the ordinance which made the designation effective. The notice may also contain a brief summary of the effects of such designation as set forth in this Chapter.

(Code 1972, § 69-7(1))

Sec. 14-30. Final notification to owner.

Within ten (10) days after the recording of the ordinance or the notice of designation of property as a landmark or landmark district, the secretary of the Commission shall send to the owner of each property so designated a letter outlining the reasons for such designation and the obligations and restrictions created by such designation. Such letter shall also contain a request that the owner or his or her successors or assigns notify the secretary of the Commission prior to:

- (1) Preparation of plans for the reconstruction or alteration of the exterior of improvements located on such property;
- (2) Preparation of plans for the construction, alteration, relocation or demolition of improvements on such property.

(Code 1972, § 69-7(J); Ord. No. 78, 1988, § 13, 6-7-88; Ord. No. 186, 2002, § 13, 1-7-03)

Sec. 14-31. Amendment or rescission of designation.

A landmark and landmark district designation may be amended or rescinded in the same manner as the original designation was made.

(Code 1972, § 69-8)

Secs. 14-32—14-45. Reserved.

**ARTICLE III.
CONSTRUCTION, ALTERATIONS, DEMOLITIONS AND RELOCATIONS**

Sec. 14-46. Work requiring building permit.

(a) Action on an application for a building permit, including any permit for the demolition of a structure or object, shall be deferred by the Director of Building and Zoning except as provided in § 14-52 until the application is accompanied by a report of acceptability from the Commission for the proposed work when the proposed work involves any of the following:

- (1) Alteration or reconstruction of or addition to the exterior of any improvement which constitutes all or part of a landmark or landmark district;
- (2) Demolition or relocation of any improvement or object which constitutes all or part of a landmark or landmark district;
- (3) Construction or erection of or addition to any improvement upon any land included in a landmark district.

(b) In order to obtain a report of acceptability, the applicant shall submit the application for a building permit, including sketches, plans and other documents as required by the Commission, to the Commission through the Director of Community Development and Neighborhood Services. All such applications shall be reviewed by the Commission in two (2) phases to determine compliance with this Chapter as follows:

- (1) *Conceptual review.* Conceptual review is an opportunity for the applicant to discuss requirements, standards, design issues and policies that apply to landmarks or sites, structures and objects within a landmark district. Problems can be identified and solved prior to final review of the application. After review of the application by the Commission, the Director of Community Development and Neighborhood Services shall furnish the applicant with written comments regarding the conceptual review. Conceptual approval of any proposed work may be limited to certain portions of the work as deemed appropriate by the Commission. Conceptual approv-

al does not guarantee final approval of any proposed work. If, upon review of the proposed work, the Commission determines that conceptual review is not necessary given the absence of a significant impact on the landmark or landmark district involved, it may be waived by the Commission, and the Commission may then proceed to consider the proposed work on final review at the same meeting.

- (2) *Final review.* If an application or parts thereof is conceptually approved, it shall be finally reviewed by the Commission at the same or a subsequent meeting of the Commission. During final review, the Commission shall consider the application or parts thereof that have received conceptual approval and any changes made by the applicant since conceptual review.

(Code 1972, § 69-9(A); Ord. No. 130, 2002, §§ 11, 21, 9-17-02; Ord. No. 186, 2002, § 14, 1-7-03; Ord. No. 132, 2009, § 8, 12-15-09)

Sec. 14-47. Work not requiring building permit; application for approval.

(a) Except as otherwise provided herein, no land surface within any real property designated as a landmark or landmark district shall be changed and no improvements shall be erected, removed, restored, demolished or altered including alteration of color without prior written approval of the Commission. No addition shall be made to any real property designated as a landmark or landmark district in such a manner or of such a character as to change the exterior appearance or exterior characteristics which change shall be visible from any public street, park or other public place, without prior written approval of the Commission.

(b) Any person desiring to remove, demolish or in any way change the exterior appearance or the exterior characteristics of improvements on real property designated as a landmark or in a landmark district or desiring to change the land surface of any such real property, shall submit to the Commission an application for approval and a specific statement of the work proposed, together with such details as the Commission may require.

(Code 1972, § 69-9(B); Ord. No. 89, 1989, § 1, 6-20-89; Ord. No. 186, 2002, § 15, 1-7-03)

Sec. 14-48. Approval of proposed work.

(a) If, upon receipt of an application for a building permit pursuant to § 14-46, or upon receipt of an application pursuant to § 14-47, the Commission finds that the proposed work is of a nature which will not erode the authenticity or destroy any distinctive exterior feature or characteristic of the improvements or site and is compatible with the distinctive characteristics of the landmark or landmark district and with the spirit and purpose of this Chapter, the Commission shall advise the applicant in writing by issuing a report of acceptability and shall affix its seal to the plans and specifications for the approved work. In the case of an application for a building permit, upon receipt of the Commission's report of acceptability and approved plans and specifications, the Director of Building and Zoning shall proceed with the review of the application for a building permit. No change which would defeat the purpose of this Chapter shall be made in an application for a building permit or the plans and specifications for the proposed work approved by the Commission without resubmittal to the Commission and approval of such changes in the same manner as the original application.

(b) In determining the decision to be made concerning the issuance of a report of acceptability, the Commission shall consider the following criteria:

- (1) The effect of the proposed work upon the general historical and/or architectural character of the landmark or landmark district;
- (2) The architectural style, arrangement, texture and materials of existing and proposed improvements, and their relation to the sites, structures and objects in the district;
- (3) The effects of the proposed work in creating, changing or destroying the exterior characteristics of the site, structure or object upon which such work is to be done;
- (4) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district;

(5) The extent to which the proposed work meets the standards of the City and the United States Secretary of the Interior then in effect for the preservation, reconstruction, restoration or rehabilitation of historic resources. (Code 1972, § 69-9(C); Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 16, 1-7-03)

Sec. 14-48.5. Work not detrimental to historic, architectural or cultural material; administrative process.

(a) Any work which would otherwise qualify for consideration under the procedures established in § 14-46 or § 14-47 of this Article may, at the option of the applicant, be considered administratively by the Director of Community Development and Neighborhood Services (the "Director"). The Director may only consider, under the authority of this Section, applications for approval of color selection from a historically authentic palette of colors, awning coverings and changes to a landmark or a site, structure or object located in a landmark district that would not remove, cover, alter or destroy any significant historic, architectural or cultural material. The Director may, under the authority of this Section, consider changes originally initiated by the applicant as well as changes to plans previously approved by the Commission. Any application submitted to the Director under the authority of this Section shall be in writing and shall contain a specific statement of the work proposed, together with such details as the Director may require.

(b) If, upon receipt of any such application, the Director finds that the proposed work will not remove, cover, alter or destroy any significant historic, architectural or cultural material and is compatible with the distinctive characteristics of the landmark or landmark district and with the spirit and purpose of this Chapter, and complies with all of the criteria for review established in § 14-48, the Director shall advise the applicant in writing, by issuing a report of acceptability, and shall affix his or her signature to the plans and specifications for the approved work. In the case of an application for a building permit, the Director of Building and Zoning shall proceed with the review of the application only upon receipt of the Director of Community Development and Neighborhood Services' report of acceptability and approved plans and specifications. No change shall be made in any such application for a building permit or in the plans and specifications for work approved by the Director unless such changes are submitted to and approved by the Director in the same manner as the original application. The proposed work shall not be commenced until the Director has issued a report of acceptability and a building permit (if applicable) has been issued.

(c) Decisions of the Director made under the authority of this Section may be appealed to the Commission, provided that any such appeal shall be set forth in writing and filed with the Director within fourteen (14) days of the date of the decision of the Director. The Director shall schedule a date for hearing the appeal before the Commission as expeditiously as possible. The Director shall provide the appellant written notice of the date, time and place of the hearing of the appeal, which notice shall be deposited in the U.S. Mail not less than five (5) days prior to the date of the hearing.

(Ord. No. 160, 1996, 1-7-97; Ord. No. 130, 2002, §§ 11, 23, 9-17-02; Ord. No. 186, 2002, § 17, 1-7-03; Ord. No. 132, 2009, § 9, 12-15-09)

Sec. 14-49. Signs.

(a) Any person desiring to remove, demolish, erect, restore or alter any sign, including alteration of color, on any real property designated as a landmark or in a landmark district, shall submit to the Director of Community Development and Neighborhood Services an application for approval and a specific statement of the work proposed, together with such details as the Director may require.

(b) If, upon receipt of any such application, the Director finds that the proposed work is of a nature which will not erode the authenticity or destroy any distinctive exterior feature or characteristic of the improvements and is compatible with the distinctive characteristics of the landmark or landmark district and with the spirit and purpose of this Chapter, the Director shall advise the applicant in writing by issuing a report of acceptability and shall affix his or her signature to the plans and specifications for the approved work. In the case of an application for a building permit, the Director of Building and Zoning shall proceed with the review of the application only upon receipt of the Director of Community Development and Neighborhood Services' report of acceptability and approved plans and specifications. No change shall be made in any such application for a building permit or in the plans and specifications for work

approved by the Director of Community Development and Neighborhood Services unless such changes are submitted to and approved by the Director in the same manner as the original application.

(c) In deciding whether to issue a report of acceptability, the Director of Community Development and Neighborhood Services shall consider the following criteria:

- (1) The effect of the proposed sign upon the general historical and/or architectural character of the landmark or landmark district.
- (2) The design and construction, arrangement, texture and materials of the proposed sign, its relation to the structure, site or object on which it will be attached, and its relation to other improvements and signs within the district.
- (3) The effect of the proposed sign in obscuring, changing or destroying the exterior characteristics of the structure, site or object upon which it will be attached.
- (4) The effect of the proposed sign upon the protection, enhancement, perpetuation and use of the landmark or landmark district.
- (5) The recommendations of the adopted *Design Guidelines for Historic Old Town Fort Collins* for sign proposals within the Old Town Historic District, and the design guidelines for local landmarks outside the Old Town Historic District adopted by the Commission on June 4, 1986.

(d) Decisions of the Director of Community Development and Neighborhood Services regarding the acceptability of applications for the erection, removal, restoration, demolition or alteration of signs may be appealed to the Commission, provided that any such appeal shall be set forth in writing and filed with the Director within fourteen (14) days of the date of the decision of the Director. The Director shall schedule a date for hearing the appeal before the Commission as expeditiously as possible. The Director shall provide the appellant written notice of the date, time and place of the hearing of the appeal, which notice shall be deposited in the U.S. Mail not less than five (5) days prior to the date of the hearing.

(Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, §§ 11, 21, 9-17-02; Ord. No. 186, 2002, § 18, 1-7-03; Ord. 132, 2009, § 10, 12-15-09)

Sec. 14-50. Denial of building permit.

If the proposed work is not approved by the Commission, the Director of Building and Zoning shall deny the application for the building permit and shall advise the applicant. No reapplication shall be submitted pursuant to § 14-46 et seq., under the original plans and specifications found unacceptable by the Commission except upon a showing of changed circumstances sufficient to justify the reapplication.

(Code 1972, § 69-9(D); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 19, 1-7-03)

Sec. 14-51. Action of Commission on unacceptable proposed work.

(a) If the proposed work is not acceptable, the Commission, acting with all due diligence, shall explore with the applicant all means for substantially preserving the landmark site, structure or object, or landmark district which would have been affected by the required permit. These investigations may include, by way of example and not of limitation:

- (1) Feasibility of modification of the plans;
- (2) Feasibility of any alternative private use of the site, structure or object which would substantially preserve the original character;
- (3) Possibility of public acquisition for a public purpose of the site, structure or object involved.

(b) If the Commission is unsuccessful in developing either alternate plans or an appropriate public or private use for such site, structure or object, which are acceptable to the applicant, it shall notify the owner and the Director of Building and Zoning in writing. No work, erection, construction, reconstruction or alterations or demolitions of landmarks or sites, structures or objects in landmark districts shall be allowed except upon approval of the Commission as provided in this Chapter.

(Code 1972, § 69-9(E), (F); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 20, 1-7-03)

Sec. 14-52. Remediating of dangerous conditions.

In any case where the Director of Building and Zoning, the Poudre Fire Authority or any other public authority having the power, orders or directs the construction, reconstruction, alteration, repair, relocation or demolition of any landmark improvement for the purpose of remediating conditions determined by that officer, department or authority to be imminently dangerous to life, health or property, nothing contained herein shall be construed as making it unlawful for any person to comply with such order. Any such officer, department or authority shall take immediate steps to notify the Commission of the proposed issuance of any such order or directive and may include in such order or directive any timely received requirements or recommendations of the Commission.

(Code 1972, § 69-9(G); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 21, 1-7-03)

Cross-reference—Dangerous buildings, § 5-46 et seq.

Sec. 14-53. Waiver of conditions.

Upon a showing of substantial hardship or to protect against an arbitrary result, the Commission may waive such conditions and requirements as are set forth in this Chapter provided that the spirit and purpose of the Chapter are not significantly eroded.

(Code 1972, § 69-9(H); Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 186, 2002, § 22, 1-7-03)

Sec. 14-54. Appeal of decisions.

Decisions of the Commission regarding the acceptability of applications for building permits under § 14-46 or applications for approval of work not requiring a building permit under § 14-47, or appeals of applications regarding signs under § 14-49, shall be considered final decisions within the meaning of § 2-46 et seq.; and such decisions shall be subject to the right of appeal to the City Council as set forth in § 2-46 et seq.

(Code 1972, § 69-9(I); Ord. No. 78, 1988, § 14, 6-7-88; Ord. No. 89, 1989, §§ 2, 3, 6-20-89; Ord. No. 186, 2002, § 23, 1-7-03)

Sec. 14-55. Extension of time limits.

Any time limit set forth in this Chapter may be extended by mutual consent of the Commission and the applicant, or the Commission, the Department of Community Development and Neighborhood Services and the applicant, whichever is applicable.

(Code 1972, § 69-10; Ord. No. 78, 1988, § 15, 6-7-88; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 130, 2002, § 20, 9-17-02; Ord. No. 186, 2002, § 24, 1-7-03; Ord. No. 132, 2009, § 11, 12-15-09)

Sec. 14-56. Normal maintenance and repair.

Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior characteristics of improvements, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.

(Code 1972, § 69-11; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 186, 2002, § 25, 1-7-03)

Sec. 14-57. Minimum maintenance requirements.

(a) All sites, structures or objects designated as landmarks and all sites, structures or objects located within a landmark district shall be maintained in such fashion as to meet the requirements of the Uniform Code for Building Conservation as adopted by the City. The owner of such sites, structures or objects shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such sites, structures or objects to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such sites, structures or objects or the landmark districts, if any, in which they are situated.

(b) The Commission may request that the Director of Building and Zoning require correction of defects or repairs to any sites, structures or objects regulated by this Section.

(Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 186, 2002, § 26, 1-7-03)

Sec. 14-58. Notification of state or national designation.

The Director of Community Development and Neighborhood Services shall promptly notify the Commission of any known national or state designations which occur within the City.

(Code 1972, § 69-12; Ord. No. 78, 1988, § 16, 6-7-88; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 130, 2002, § 21, 9-17-02; Ord. No. 186, 2002, § 27, 1-7-03; Ord. No. 132, 2009, § 12, 12-15-09)

Sec. 14-59. Violations and penalties.

Any person violating any provision of this Chapter shall be subject to the penalty provided in § 1-15. In case any improvement is erected, constructed, reconstructed, altered, added to or demolished in violation of this Chapter, the City or any proper person may institute an appropriate action or proceeding to prevent such unlawful action. The imposition of any penalty hereunder shall not preclude the City or any proper person from instituting any proper action or proceeding to require compliance with the provisions of this Chapter and with administrative orders and determinations made hereunder.

(Code 1972, § 69-13; Ord. No. 69, 1989, § 2, 6-20-89; Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 186, 2002, § 28, 1-7-03)

Cross-reference—General penalty, § 1-15.

Sec. 14-60. Severability.

It is hereby declared to be the legislative intent that the several provisions of this Chapter shall be severable in accordance with the provisions set forth below:

- (1) If any provision of this Chapter is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision which is expressly stated in the decision to be invalid. Such decision shall not affect, impair or nullify this Chapter as a whole or any other part, but the rest of this Chapter shall continue in full force and effect;
- (2) If the application of any provision of this Chapter to any lot, structure or other improvement or a tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that lot, structure or other improvement or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this Chapter as a whole or the application of any provision to any other lot, structure or other improvement or tract of land.

(Code 1972, § 69-14; Ord. No. 89, 1989, § 2, 6-20-89; Ord. No. 56, 1994, § 1, 4-19-94; Ord. No. 186, 2002, § 29, 1-7-03)

Secs. 14-61—14-70. Reserved.

ARTICLE IV.
DEMOLITION OR RELOCATION OF HISTORIC STRUCTURES NOT DESIGNATED
AS FORT COLLINS LANDMARKS OR LOCATED IN A FORT COLLINS LANDMARK DISTRICT

Sec. 14-71. General.

With the exception of any structure governed by § 203 of the Uniform Building Code or any structure designated as a Fort Collins landmark or located in a Fort Collins landmark district, no structure (or portion thereof) fifty (50) years of age or older which meets one (1) or more of the criteria contained in § 14-5, "Standards for Determining the Eligibility for Designation of Sites, Structures, Objects and Districts for Preservation" of the Code may be demolished or relocated nor shall any permit for such demolition or relocation be issued unless the owner of such structure has complied with the provisions of §§ 14-71 and 14-72. (This Article shall not apply to interior demolition activities, or to demolition or relocation activities as they affect the surface or subsurface of the ground, or any archeological impacts pertaining thereto.)
(Ord. No. 56, 1994, § 2, 4-19-94; Ord. No. 186, 2002, § 31, 1-7-03)

Sec. 14-72. Procedures for review of applications for demolition or relocation.

(a) The owner of any structure governed by this Article shall make application for City approval of the demolition or relocation of such structure (or portion thereof) on forms prescribed by the City. Said application shall be filed with the Director of Community Development and Neighborhood Services. Within ten (10) days of the filing of such application, the Director of Community Development and Neighborhood Services, and the chair of the Commission, (or a designated member of the Commission appointed by the chair) shall determine the structure's current level of eligibility (individual, contributing to a district or not eligible) for designation as a Fort Collins landmark, and shall determine whether demolition or relocation approval should be granted by the Director or whether the application should instead be referred to the Commission. Such approval shall be granted, subject to compliance with all other applicable laws, under the following circumstances:

- (1) The structure (or portion thereof) sought to be demolished or relocated is, upon review, determined to be less than fifty (50) years of age;
- (2) The Director of Community Development and Neighborhood Services and chair of the Commission (or designee) agree that the structure (or portion thereof), upon review, is not eligible for individual designation as a Fort Collins landmark, and the structure is not designated on the National or State Registers of Historic Places, either individually or as a contributing element of a district; or
- (3) The proposed demolition or relocation of the structure (or portion thereof), in the judgment of the Director of Community Development and Neighborhood Services and the chair of the Commission (or designee), would not be detrimental to the current level of eligibility of the remaining structure, if any, adjacent properties, the surrounding neighborhood and the National and/or State Register district in which the structure is located, if any.

If none of the foregoing circumstances is determined to exist, the Director of Community Development and Neighborhood Services shall refer the application to the Commission for consideration pursuant to Subsection (b) below.

(b) If it is determined by the Director of Community Development and Neighborhood Services and/or chair of the Commission (or designee), pursuant to Subsection (a) above, that a demolition or relocation permit should not be issued without review by the Commission, then the Director of Community Development and Neighborhood Services shall schedule a public hearing on the application before the Commission as expeditiously as possible following such determination, and following receipt of such information, including sketches, plans and other documents as required by the Commission. All such applications shall be reviewed by the Commission in two (2) phases to determine compliance with this Chapter as follows:

- (1) Preliminary hearing. The preliminary hearing is an opportunity for the applicant to discuss requirements, standards and policies that apply to structures eligible for designation. Problems, including issues which could affect a resource's significance and/or exterior integrity, can be identified and solved prior to the final hearing of

the application. After review of the application by the Commission, the Director of Community Development and Neighborhood Services shall furnish the applicant with written comments regarding the preliminary hearing.

- a. At the preliminary hearing, the Commission, acting with all due diligence, shall explore with the applicant all means for substantially preserving the structure which would be affected by the required permit. These investigations may include, by way of example and not of limitation:
 1. Feasibility of modification of the plans;
 2. Feasibility of any alternative public or private use of the structure which would substantially preserve the original character.
 - b. In determining the decision to be made concerning the issuance of a report of acceptability, the Commission shall consider the following criteria:
 1. The effect of the proposed work upon the general historical and/or architectural character of the structure and adjacent properties;
 2. The architectural style, design, construction, arrangement, texture and materials of existing and proposed structures;
 3. The effect of the proposed work in creating, changing or destroying the exterior characteristics of the structure upon which such work is to be done;
 4. The effect of the proposed work upon the protection, enhancement, perpetuation and use of the structure;
 5. The extent to which the proposed work meets the standards of the City and the United States Secretary of the Interior then in effect for the preservation, reconstruction, restoration or rehabilitation of historic resources.
- (2) If the Commission, at the preliminary hearing, is unsuccessful in developing either alternate plans or an appropriate public or private use for such structure which are acceptable to the applicant, it shall order the Director of Community Development and Neighborhood Services to schedule a final hearing within forty-five (45) days of the receipt of the following:
- a. A fee of two hundred fifty dollars (\$250.) paid by the applicant to cover the costs of processing the request for demolition or relocation at the final hearing before the Commission.
 - b. Such information from the applicant as the Director of Community Development and Neighborhood Services believes is necessary for the full and complete consideration of the request, which information shall include, but not be limited to:
 1. A completed Colorado Cultural Resource Survey Architectural Inventory Form for the property, which form shall be provided by the Director of Community Development and Neighborhood Services for completion by the applicant;
 2. A report regarding the effect that the removal or demolition of the structure (or portion thereof) will have on the character of the site and the adjacent properties. The required components of the report shall be established by the City Manager, and shall, at a minimum, include all information, data, maps, documents or other items reasonably necessary, desirable or convenient to assist the Commission in making its decision;
 3. A plan for the redevelopment of the property, which plan shall first be approved by all administrative and/or quasi-judicial decision-making officials and/or boards or commissions as are necessary as a prerequisite to the presentation of construction specifications to the Director of Building and Zoning if applicable, and if not applicable, then as a prerequisite to the commencement of construction (for purposes of this requirement, allowing the property to lie vacant or fallow shall not constitute "redevelopment").
- (3) Not less than thirty (30) days prior to the hearing of the Commission, the applicant shall:
- a. Cause a sign to be posted on or near the structure proposed for demolition or relocation, stating that the building or structure is being considered for such demolition or relocation. Said sign shall be at least four (4) square feet in size, readable from a point of public access and shall state that more information may be obtained from the Director of Community Development and Neighborhood Services.

- b. Request that the City generate a list of owners of record of all real property, neighborhood groups and homeowners associations, within five hundred (500) feet (exclusive of public rights-of-way, public facilities, parks or public open space) of the property lines of the parcel of land upon which the structure is situated, which list shall be prepared from the records of the County Clerk and Recorder.
- (4) Written notice of the hearing shall be mailed by the Director of Community Development and Neighborhood Services to all persons named on the list generated under Paragraph (3)b above. Said mailing shall occur at least fourteen (14) days prior to the hearing date. The applicant shall pay postage and handling costs of fifty cents (\$.50) per notice. The fact that any notice required under this Subsection has not been mailed or received shall not affect the validity of any hearing or determination by the Commission.
 - (5) The Commission shall review the evidence presented at the hearing and shall approve the application (with or without conditions). Alternatively, it may postpone consideration of the application, for a period not to exceed forty-five (45) days, for any of the following reasons:
 - a. Additional information is needed for the full and complete consideration of the request by the Commission; or
 - b. The request has generated substantial neighborhood concerns, and such postponement could, in the judgment of the Commission, contribute to resolving these concerns; or
 - c. The Commission has approved a motion directing staff to investigate the benefits to the City of landmark or landmark district designation of the property in accordance with Article II.
 - (6) In the event that the Commission has not made a final decision within sixty (60) days of the date of the submittal of information required pursuant to Subparagraph (2)b.2. hereof, in detail acceptable to the Director of Community Development and Neighborhood Services, then the Commission shall be deemed to have approved, without condition, the proposed demolition or relocation.
- (Ord. No. 56, 1994, § 2, 4-19-94; Ord. No. 130, 2002, § 22, 9-17-02; Ord. No. 186, 2002, § 32, 1-7-03; Ord. 132, 2009, § 13, 12-15-09)

Sec. 14-73. Requirements and conditions for approval of demolition and relocation.

(a) Upon approval of the application by the Director of Community Development and Neighborhood Services or the Commission, the owner may obtain a demolition or relocation permit and may thereafter demolish or relocate the structure (or portion thereof) in compliance with all applicable laws, ordinances and regulations.

(b) The Commission may, as a condition of its approval of the demolition or relocation of a structure (or portion thereof), require the property owner to provide the City with such additional information which, in the opinion of the Commission, will help to mitigate the loss to the City caused by the demolition or relocation of the structure (or portion thereof). These conditions may include:

- (1) Comprehensive photographic documentation of such structure, with prints and negatives;
- (2) Comprehensive historical, developmental, social, and/or architectural documentation of the property and the neighborhood containing the property; and/or
- (3) Any other mitigating solution agreed upon by the Commission, the applicant, and any other applicable parties.

(c) The Commission shall have the authority to enter into an agreement with the owner of any structure (or portion thereof) proposed for demolition whereby the City or certain designated third parties may enter upon the property upon which such structure is situated, for the purpose of removing and taking possession and ownership of any particular artifacts and other items of historic interest or value, identified in such agreement.

(Ord. 56, 1994, § 2, 4-19-94; Ord. No. 130, 2002, § 22, 9-17-02; Ord. No. 186, 2002, § 33, 1-7-03; Ord. No. 132, 2009, § 14, 12-15-09)

Secs. 14-74—14-80. Reserved.

ARTICLE V.
LANDMARK REHABILITATION LOAN PROGRAM

Sec. 14-81. Purpose.

The City Council hereby establishes a landmark rehabilitation loan program and finds that the program promotes a valid public purpose of increasing the quality, integrity and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of designated Fort Collins landmarks or contributing structures in designated Fort Collins landmark districts a source of funding for exterior rehabilitation of such structures.

(Ord. No. 137, 2000, § 2, 10-17-00; Ord. No. 186, 2002, § 34, 1-7-03)

Sec. 14-82. Establishment; funding.

The City Manager shall administer the program for awarding zero-interest loans for the rehabilitation of Fort Collins landmark structures and/or contributing structures in Fort Collins landmark districts. The City Manager may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of seven thousand five hundred dollars (\$7,500.) unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.

(Ord. No. 137, 2000, § 2, 10-17-00; Ord. No. 186, 2002, § 35, 1-7-03; Ord. No. 108, 2009, § 1, 11-3-2009)

Sec. 14-83. Criteria.

No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:

- (1) The subject structure must have been designated as a Fort Collins landmark or be a contributing structure in a Fort Collins landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded.
- (2) All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan.
- (3) The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures. Neither the loan nor the matching funds shall be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the installation of building additions or the addition of architectural or decorative elements which are not part of the landmarked structure.
- (4) Loan funds may be expended only for rehabilitation of the exterior of a designated Fort Collins landmark structure or contributing structure in a Fort Collins landmark district. No interior improvements may be purchased utilizing City loan funds.
- (5) The standards and/or guidelines of the City and the United States Secretary of the Interior for the preservation, reconstruction, restoration or rehabilitation of historic resources then in effect shall serve as the standards by which all rehabilitation work must be performed.
- (6) No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City and has been approved by the City Manager and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by actual proof of expense.
- (7) Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program.

- (8) Property owners who have previously received loans shall be eligible for subsequent loans.
- (9) All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work.
- (10) No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:
- a. The applicant has demonstrated an effort to return the structure to its original appearance;
 - b. It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations; and
 - c. The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances.
- (11) No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan, agreed to repay the loan in full upon sale or transfer of the property.
(Ord. No. 137, 2000, § 2, 10-17-00; Ord. No. 186, 2002, §§ 36—39, 1-7-03)

Sec. 14-84. Reserved.*

* **Editor's note**—Ord. No. 108, § 2, 2009, adopted Nov. 3, 2009, repealed § 14-84 in its entirety.