

CHAPTER 18.36 – HISTORIC PRESERVATION

18.36.010 Purpose and Intent

The intent of this Chapter is to:

(A) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and also to establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving of or alteration to properties of historic value. In cases of historic districts or non-owner-nominated properties for historic designation, and changes to an existing district designation plan, decisions of the Commission are forwarded to the City Council for approval under Section 18.36.070(E)(2)(d) of this Chapter. All other actions by the Commission are considered final actions and may be appealed to the City Council under Section 18.36.090 of this Chapter. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council, as provided in Section 18.36.090.

(B) Foster civic pride in the beauty and accomplishments of the past.

(C) Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.

(D) Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.

(E) Promote the use of outstanding historic or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.

(F) Promote good urban design.

(G) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.

(H) Integrate historic preservation with the City's comprehensive development plan.

18.36.020 Applicability of Code

This section applies to the following properties:

(A) Individually designated properties are subject to the most current version of the Historic Preservation General Design Review Guidelines.

(B) Individually designated properties contributing in a Greeley Historic Register historic district are subject first to the District Designation Plan then to the Historic Preservation General Design Review Guidelines.

(C) Non-designated properties contributing in a Greeley Historic Register historic district are subject to the District Designation Plan.

(D) Non-contributing properties located in a historic district are subject to portions of the District Designation Plan applicable to non-contributing properties, unless specifically excluded under the plan.

(E) All pertinent municipal zoning and building codes are applicable for all properties.

18.36.030 Definitions

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

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the City's Historic Preservation Specialist is necessary under Chapter 18.36 and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of Chapter 18.36.

Area, for the purposes of Chapter 18.36, means the geographical region or the extent of land identified with one or more areas of significance as set forth in Criteria for designation, Section 18.36.060, and may be nominated for historic designation on the local register.

Burden of proof under Chapter 18.36 shall be a preponderance of the evidence.

Certificate of Approval means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under Chapter 18.36.

Commission means the Historic Preservation Commission as created in Section 18.36.040 of this Chapter.

Contributing buildings, sites, structures, and objects, for the purposes of Chapter 18.36, means historic properties within the proposed or designated district and includes individually designated properties and non-designated properties that contribute to the historic district by their shared and unique architectural, historic or geographical characteristics.

Days mean calendar days, unless otherwise noted.

Demolition, for the purposes of Chapter 18.36, means any act or process which destroys, in part or in whole, any designated property.

Designated property means a historic property individually listed on the City's historic register through the procedural requirements in section 18.36.070 and which meets the criteria set forth in section 18.36.060.

District designation plan, for the purposes of Chapter 18.36, is a plan generated by the historic district residents/owners for Commission use in reviewing Certificate of Approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

Emergency, for the purposes of Chapter 18.36, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Historic district means a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

Historic property means the public and private resources in the City, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites that have importance in the history, architecture, archeology or culture of the City, State or Nation, as determined by the Historic Preservation Commission.

Maintenance, as used in Chapter 18.36, shall mean measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. Maintenance shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other code-required work to make a property safe and functional.

Major Alteration, for the purposes of Chapter 18.36, means a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g. siding, etc.); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. Major alterations include any modification that is not considered maintenance or a minor alteration.

Minor Alteration, for the purposes of Chapter 18.36, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair/replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or replacement of architectural elements with the same material, design, size, color and texture; replacement of less than fifty percent (50%) of a porch railing; replacement of original material with the same material (e.g. replacing a portion of wood siding with wood siding of same size, profile, type); removal of non-original material, such as vinyl, aluminum, etc.; adding awnings; repointing masonry; and signs requiring a permit.

Moving/relocating means lifting a building, structure or object from the existing location and taking it to a new location.

Nomination, for the purposes of Chapter 18.36, means the process of filing an application for designation.

Noncontributing buildings, sites and structures are those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic

district's characteristics. New construction shall be considered a noncontributing building or structure.

Preservation plan means the officially adopted document which provides information about local history and preservation programs and articulates City preservation goals and objectives and guides decisions and actions of the Historic Preservation Commission and Staff.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

Register means a locally maintained list of properties designated as historic.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Historic Preservation Commission.

Secretary of the Interior's Standards means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define Preservation, Rehabilitation, Restoration and Reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

Streetscaping, for the purposes of Chapter 18.36, means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

Structure shall mean anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Unreasonable economic hardship means severe economic impact to the property as determined on a case-by-case basis by the Historic Preservation Commission.

Yard, front or street side, for the purposes of Chapter 18.36, shall mean that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

18.36.040 Commission (Establishment; Powers and Duties)

(A) Commission established. There is hereby created an Historic Preservation Commission, hereinafter in this Chapter referred to as "the Commission," which shall have principal responsibility for matters of historic preservation.

(B) Membership. The Commission shall consist of seven (7) members providing a balanced, community-wide representation, and all shall have an interest in historic preservation. The Commission shall be composed with the following areas of representation: one (1) architect,

landscape architect, design professional and/or licensed contractor/building tradesperson, one (1) historian, archaeologist, and/or architectural historian. one (1) licensed real estate broker, and four (4) citizens at large.

(C) Use of Alternates in Designations

(1) When a conflict of interest occurs with one (1) or more Commissioners associated with the proposed designation of an historic property or district, the use of an alternate is optional to replace the conflicted member(s) to secure a quorum. Alternates shall be selected from a pool of former Commission members who meet the minimum City board and commission standards, except for term limits, at the time of the temporary appointment and vote on the proposed designation. Best efforts will be made to replace conflicted members, but if a quorum of five (5) is attainable, the designation hearing may proceed.

(2) A pool of alternates shall be appointed by the City Council. The total number of potential alternates shall be between two (2) and twelve (12) people. The selection of the alternates to fill the role of any conflicted Commission members shall be at random and in advance of the historic designation hearing. The Historic Preservation Specialist shall draw names through some random process, e.g. draw names from a hat. The selection shall be done during a special session or meeting of the Commission where public notice has been given.

(3) The alternate may only act upon the matter for which a Commission member has a conflict.

(4) If a quorum is unattainable through the use of alternates in designations as provided for in this Section, then the historic designation hearing will be directly heard before the City Council by a special hearing for a designation vote, using the same guidelines as mandated by the Commission under this Chapter, except that such City Council vote shall be carried by a simple majority of the quorum present.

(D) Powers and Duties

The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character. It shall have the following powers, duties and rulemaking authority, subject to approval by the City Council under this Chapter:

(1) Recommend criteria for approval by the City Council by which the Commission shall conduct its review of historic properties and review proposals to alter, demolish or move designated properties. The Commission shall recommend or designate those properties or districts which meet the applicable criteria by placing them on the local register under the rules and procedures under this Chapter.

(2) Oversee surveys that are undertaken for the purpose of creating an inventory of potential historic properties and areas. Such inventory is to document existing structures in older areas of the community and assess the potential for historic designation and for the purpose of informing landowners of such properties that such properties may meet the criteria for designation.

- (3) Review and make a decision on any application for altering, moving or demolishing any designated properties.
- (4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.
- (5) Develop and assist in public education programs, such as walking tours, brochures, a marker program for historic properties, lectures, and conferences.
- (6) Advise the City Council on matters related to preserving the historic character of the City.
- (7) Assist in pursuing financial assistance for preservation-related programs.
- (8) Establish such rules, regulations and procedures relating to designation, nomination, preservation, relocation, demolition, exemptions, economic incentives, appeal of decisions or other processes relating to the powers and duties of the Commission.
- (9) Recommend to City Council removal of properties from the register for reasons the Commission deems appropriate, including but not limited to acts of God, undue hardship and public health/safety concerns.
- (10) Cause to be issued by the appropriate City department such municipal citations as are appropriate for enforcement of this Chapter.

18.36.050 Historic Preservation Specialist

- (A) Appointment of Historic Preservation Specialist. There shall be an Historic Preservation Specialist appointed by the City Manager or his designee to serve as a resource to the Commission. The Historic Preservation Specialist, hereinafter in this Chapter referred to as “the Specialist,” shall not be a member of the Commission.
- (B) The role of the Specialist as the Staff Liaison shall include responsibilities related to administration of this code and advancing historic preservation goals adopted by the City. These shall include items designated below and as found elsewhere in this chapter.
- (C) Duties and Responsibilities
 - (1) Minor Alterations. The Specialist is authorized to review applications for minor alteration, issue Certificates of Approval for properties designated on the Greeley Historic Register and for those properties included in Greeley Historic Register-designated historic districts, and to issue Certificates of Approval that meet pertinent design guidelines and the Secretary of the Interior’s Standards, as defined in Section 18.36.060, and have a minimal impact on the integrity of the historic structure or district. If the Specialist does not issue the Certificate of Approval for a Minor Alteration, the applicant may appeal the decision to the Commission. The Specialist may refer any minor alteration application to the Commission for review.
 - (2) Building Permit Fee Refund Applications. The Specialist is authorized to review and approve or deny applications for Building Permit Fee refunds, in accordance with policies established by the Commission, as established in Section 18.36.100, Incentives.

(3) Administrative review of undesignated properties 40 years old or older outside of a designated historic district.

(a) When application for a permit is made with the City that would make significant alterations to the streetscape view of the exterior of or demolition of any structure or building that is forty (40) years or older at the time of such request, the application shall be forwarded to and reviewed by the Specialist.

(b) Significant alterations shall include:

i. Siding - including new stucco or similar exterior material applied over original or other existing siding materials, including but not limited to wood, metal or brick exterior; removal of all or a portion of the original or existing siding and replaced with new siding.

ii. Fenestration – window or door openings enlarged or reduced.

iii. Roof - changes of roofline or structure.

iv. Porches - changes to porch visible from streetscape.

v. Additions

vi. Accessory structures

vii. Any building modification as viewed from any public street.

(c) The Specialist or designee shall have ten (10) business days to review and comment on applications that meet the criteria set forth above. The ten (10) business days shall commence on the day the permit application is submitted to Building Inspection. Should ten (10) business days expire without written comment from the Specialist, then the Specialist shall not be allowed to comment on the permit.

i. The Specialist shall review the property and, if necessary, research the historical significance of the building for which a permit has been applied.

ii. If the Specialist determines that a building currently holds no historical, architectural and/or geographical significance, then such a notice shall be placed with the permit that will be issued through the Building Inspection office.

iii. If the Specialist determines that potential significance exists, the Specialist shall make the information available to the groups named in Paragraph 18.36.080 of this Chapter.

iv. The Specialist shall issue comments and/or suggestions to the Building Inspection office. These comments shall recognize the historical, architectural and/or geographical significance or lack thereof concerning the building for which a permit has been requested. The Specialist may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of structure.

(d) Non-significant alterations shall be excluded from review by the Specialist.

Non-significant alterations shall include:

- i. Fenestration - replacement of windows or doors in original openings.
- ii. Roof - new shingles or deck without changing original roofline.
- iii. Patios - additions of back patios or decks.
- iv. Landscaping.
- v. Signs.

(e) Whenever an application for development includes alterations or demolition described in this Section and is required to go through the Community Development Department, the Community Development Department will use its best efforts to inform the applicant of the ramifications that this Section will have on the application.

(f) If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the City, this Section shall not apply.

18.36.060 Criteria for Designation

(A) Criteria for Individual, Owner-nominated Properties

A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets one (1) criterion or more in one (1) or more of the following categories:

(1) Historical significance. The site, building or property:

- (a) Has character, interest and integrity and reflects the heritage and cultural development of the city, state or nation;
- (b) Is associated with an important historical event;
- (c) Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

(2) Architectural significance. The property:

- (a) Characterizes an architectural style or type associated with a particular era and/or ethnic group;
- (b) Is identified with a particular architect, master builder or craftsman;
- (c) Is architecturally unique or innovative;
- (d) Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance;
- (e) Has visual symbolic meaning or appeal for the community.

(3) Geographical significance. The property:

- (a) Has proximity and a strong connection/link to an area, site, structure or object significant in the history or development of the city, state or nation;

(b) Is a visual feature identifying an area or neighborhood or consists of buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites historically or geographically associated with an area.

(B) Criteria for Individual, Non-owner nominated properties

In addition to meeting criteria requirements in this section, non-owner nominations shall be reviewed under stricter protections. The nominated property must demonstrate it possesses the characteristics of compelling historic importance to the entire community, including at least one of the following criteria:

(1) Unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley;
or

(2) Superior or outstanding examples of architectural, historical or geographical significance criteria outlined in the criteria for designation in Section 18.36.060 above. The term superior shall mean excellence of its kind and the term outstanding shall mean marked by eminence and distinction.

(C) Criteria for District Designation

A district shall be designated if the City Council determines that the proposed district meets the definition of an historic district pursuant to this section and meets one or more of the following criteria:

(1) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community;

(2) Is an area identified with historical personages or groups or which represents important events in national, state or local history;

(3) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or of indigenous materials of craftsmanship;

(4) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized; or

(5) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City.

(D) Integrity Criteria

All properties and districts shall be evaluated for their physical integrity using the following criteria, as defined by the National Park Service in the current version of the "How to Apply the National Register Criteria for Evaluation":

(1) Location – the place where the historic 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 historic property.

(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 historic 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.

(7) Association – the direct link between an important historic event or person and a historic property.

18.36.070 Designation

The following provisions shall apply to the nomination of individual properties and districts.

(A) A property or district may only be nominated once in any twelve (12) month period, unless such nomination is uncontested.

(B) Submittal of an incomplete application will result in a delay in the nomination and public hearing process.

(C) Owner-nominated Properties

(1) Owner-nominations. Any owner may nominate his or her area, building, house, replica, structure, object, property, park, land feature, tree and site for designation on the local register, subject to all the rules and procedures of this Chapter.

(2) Procedure

(a) Owner shall submit a complete application, as determined by Historic Preservation Staff. For the purposes of this Chapter, a complete nomination application will include:

(i) Nomination form, with ownership information including address of record, signature of all owners of record or of legally authorized representative of the owner, legal description or indication of attached legal description.

(ii) Historic Building Inventory Form, with the following required minimum information completed: nominated property address, owner & mailing address/phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), and significance (determined in consultation with the Historic Preservation Specialist if necessary).

(iii) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least 300 dpi. All

photos should be provided with a photo log indicating name of photographer, date of photo, view (front, rear, yard, etc.), direction (looking north, etc.), and the address of subject property.

(iv) Application fee, payable to the City of Greeley. The fee may be waived under certain circumstances. If the owner has a financial hardship, they may submit a request for a reduction or waiving of the nomination fee, explaining the need for the waiver or reduction. The Community Development Director or designee shall make determinations on fee waiver requests.

(b) Public Hearing Procedure

(i) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(ii) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(iii) Commission Action/Decision. After the Commission has heard all interested parties and relevant evidence, the Commission may approve the designation if it casts votes in favor of historic designation by a two-thirds (2/3) majority of the quorum present. The Commission decision is final unless appealed to City Council, pursuant to Section 18.36.090.

(D) Non-owner-nominated properties

(1) Non-owner-nominations. The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house, replica, structure, object, property, park, land feature, tree or site for designation on the local register, subject to all the rules and procedures of this Chapter.

(2) Procedure. For a non-owner application for designation, all paperwork for application must be completed pursuant to the rules promulgated by the Commission. Non-owner nominations must be approved by the City Council pursuant to the procedures set forth in this section.

(a) For the purposes of this Chapter, a complete nomination application will include:

(i) Nomination form, with ownership information including address of record, signature of an authorized official of the applicant organization, legal description or indication of attached legal description.

(ii) Historic Building Inventory Form, with the following required minimum information completed: nominated property address, owner & mailing address/phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), significance (determined in consultation with the Historic Preservation Specialist if necessary) and a detailed statement on how the nominated property possesses the characteristics of compelling historic importance to the community.

(iii) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least 300 dpi. All photos should be provided with a photo log indicating name of photographer, date of photo, view (front, rear, yard, etc.), direction (looking north, etc.), and the address of subject property.

(iv) Copy of legally recorded document containing legal description of the property. This could be an abstract of title, warranty deed, quit claim deed, etc., which may be obtained from the Weld County Clerk and Recorder.

(v) Application fee, payable to the City of Greeley.

(b) Public Hearing Procedure

(i) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(ii) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(iii) Commission Action/Decision. Non-owner-nominated properties. Commissioners may recommend in favor of historic designation for approval of non-owner-nominated properties, if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under this Section of this Chapter. Owners may appeal the decision pursuant to Section 18.36.090(B) of this Chapter.

(iv) City Council Action on Non-owner nominations. Within thirty (30) days of the Commission decision, Council shall hold a public hearing and consider all relevant evidence. They shall vote and render a decision to affirm, deny or modify the designation with a vote of the simple majority. Council decision constitutes final agency action.

(E) Historic Districts

(1) Procedure

(a) For a district application for designation, all paperwork for application must be completed pursuant to the procedures set forth herein. Historic district nominations must be approved by the City Council pursuant to the procedures set forth in this section.

(b) District nominations. Two (2) or more individuals may nominate a district within which they own property. For the purposes of this Chapter, a complete nomination application will include:

(i) Complete nomination form with original signatures of all applicants. In the case of absentee owners as applicants, original signed statements will meet this requirement.

(ii) Completed Historic Building Inventory Form for District Properties for all properties within the nominated area. The following fields must be completed: Address, Legal Description, Owner Name and Address, Style, Materials, Stories, Other historic designation and Designating Authority, Historic Use, Present Use, Date of Construction, Condition, Original Owner, Associated Buildings, Architectural Description, Proposed Status, and the name, address and phone number and signature of the person or group who completed the inventory form.

(iii) Current digital photos of the front of each property and streetscape photos of each block. The photos should be at least 300 dpi and be provided with a photo log indicating name of photographer, date of photo, view (front, rear, yard, etc.), direction (looking north, etc.), and the address of subject property.

(iv) List of owners, mailing addresses, district property address, legal description of each property. This item may be supplemented or modified during the nomination process prior to the designation hearing.

(v) Proposed status of all properties as contributing or non-contributing. The applicants should consult with the Specialist in making these proposed determinations. This item may be supplemented or modified during the nomination process prior to the designation hearing.

(vi) Application fee, payable to the City of Greeley.

(vii) District Designation Plan, developed in accordance with requirements in this Section. The applicant must submit two unbound copies and an electronic version contained in a .pdf file..

(viii) Historic Context Statement.

(ix) Statement of Significance, including a detailed explanation of how the proposed district meets 1 or more criteria in Section 18.36.060(C) and how it meets the definition of historic district, as defined in Section 18.36.030.

(x) Petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for an historic district requires:

a. The petition shall contain no less than twenty (20) signatures or twenty percent (20%) of the number of properties or lots within the proposed area, whichever is less.

b. Each property or lot shall only be represented by one signature. Properties held in any type of joint ownership do not get split votes.

c. The petition shall be considered final for purposes of accounting the twenty percent (20%) at the time of submission to the City.

(c) District Designation Plan required. Owners of properties being nominated as part of a district must develop a District Designation Plan. The plan shall address all properties: contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Chapter, then the district designation plan approved by the City Council under Subsection 18.36.070(E) of this Chapter shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation. Requirements under this plan will be drafted by the applicant and reviewed by the Specialist and considered by the Commission. The Commission shall forward a recommendation for the Plan with the district application to City Council, who shall render the final designation decision.

(e) Neighborhood meeting required. If the nomination is for designation of an historic district, a neighborhood meeting shall be held to describe the proposed designation. All owners of property within the proposed district boundaries will be notified by first class mail of the time, date and location.

(f) Historic district owner vote required. After the neighborhood meeting, but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast to ascertain consent or objection about the proposed designation. The vote shall be done by mail ballot, with one (1) ballot per property as sent first class mail by the City Clerk's Office. The City Clerk's Office will be responsible for conducting the election of the eligible voters in the proposed historic district. The ballot must be received by the City Clerk's Office by mail or in person by the date and time specified by the City Clerk. Greater than fifty percent (50%) of votes cast must be in favor of historic designation or the nomination fails.

(g) If greater than 50% of cast votes are in favor of the district designation, a public hearing is scheduled and notification requirements are completed by the City in accordance with Section 18.36.080.

(2) Public Hearing Procedure

(a) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to

attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(b) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(c) Commission Action/Decision. Commissioners may recommend in favor of historic designation for historic districts, if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under Section 18.36.070 of this Chapter. Owners may appeal the decision pursuant to Section 18.36.090 of this Chapter.

(d) City Council Action on historic districts. Within thirty (30) days of the Commission decision, Council shall hold a public hearing and consider all relevant evidence. They shall vote and render a decision to affirm, deny or modify the designation. Council decision constitutes final agency action.

(3) Modification of a district designation plan will follow the same rules and procedures as for the nomination of a historic district, except no moratorium shall be placed on district properties. Property owners within the district or the Commission may propose to modify a district designation plan. Proposals to modify a district designation plan shall be reviewed by the Commission for recommendation to the City Council.

(F) Recording of Certificates of Designation and Notification of the designation after approval.

(1) The Certificate of Designation shall be recorded with the County Clerk and Recorder as follows:

(a) Owner-nominated properties shall be recorded within five (5) days after the thirty (30) day period for appeal pursuant to Section 18.36.090 if no appeal is filed, or within five (5) days after a final City Council decision.

(b) Non-owner-nominated properties or historic districts shall be recorded thirty-five (35) days after approval by the City Council pursuant to the procedures set forth in this section.

(c) Recording fees shall be paid by the nominating party.

(2) Within fifteen (15) days after recording of the historic designation, the Specialist shall send, via first class mail, notice to the owner(s) outlining reasons for designation.

(G) Moratorium

(1) A potential historic property or district which has been nominated but not yet designated shall be legally protected for one hundred twenty (120) days, or until its status is determined, whichever is sooner

(2) Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during the moratorium, except by written exemption by the Commission under the following criteria:

- (a) As necessary by law under Federal, State or City ordinance;
- (b) When deemed to be an emergency;
- (c) Due to unreasonable economic hardship, as defined in Section 18.36.030; or
- (d) Due to improper nomination.

(3) Owners requesting such exemption may seek an expedited public hearing before the Commission at the next scheduled Commission meeting by filing such a request with the Specialist. If at such hearing the Commission votes by a two-thirds (2/3) majority vote that the property is eligible for exemption, the moratorium or nomination shall be suspended in whole or in part in consideration of the property seeking the waiver.

18.36.080 Notice

(A) Notification of a Commission public hearing at which a designation application or Certificate of Approval application will be considered shall be given by mailing or emailing a letter to the property owner and the applicant and by posting a sign at the property. Notification of designation hearings shall also be published in a newspaper of local circulation twice in the two weeks prior to the hearing.

(B) Notification of Nomination and Designation Public Hearings

(1) Notice of nomination and public hearing letter. The Specialist shall send a letter of notification of nomination and public hearing for all Greeley Historic Register nominations.

(a) Owner-nominated properties. For owner-nominated properties, all owners shall receive notice of nomination and public hearing by first class mail, sent by the City, by hand delivery or by electronic mail.

(b) Non-owner nominated properties. All owners of non-owner nominated properties shall receive notice of nomination and public hearing by certified mail, return receipt requested, sent by the City.

(c) All properties within a nominated district. All owners in a nominated district shall receive notice of nomination and neighborhood meeting by certified mail, return receipt requested, sent by the City.

(d) City-owned properties. The City shall receive notice by hand delivery.

(e) Such notice of nomination and public hearing shall be postmarked no less than fifteen (15) days prior to the hearing and shall reference the following:

(i) privileges, obligations and restrictions which apply to historic properties or districts.

(ii) for individual owner and non-owner nominations, the time, place and date of the Commission public hearing for designation.

(iii) for historic district nominations, such notice shall also include the time, place and date of the district informational neighborhood meeting, as required in Section 18.36.070(E)(1)d.

(f) If sufficient ballots voting in favor of district designation are returned from property owners, a district designation hearing shall be scheduled. For notification of public hearing for historic district nominations, notice shall include the time, date and place of the public hearing and letters shall be mailed certified mail, return receipt requested by the City.

(g) The notification letters shall be mailed to the owners at their last known address of record.

(2) Newspaper notice. The notice of designation hearing shall also be published in a newspaper of local circulation once a week for two (2) weeks prior to the hearing. Newspaper notice shall include the following information:

(a) Street address of the property or list of addresses or boundaries for properties in a proposed historic district;

(b) type of application: request for certificate of designation;

(c) date, time and place of the public hearing; and

(d) statement that additional information about the request is available at the Historic Preservation Office

(3) Sign. A sign of sufficient size to be readily visible by landowners of adjoining property and from a public right-of-way shall be posted in some prominent place on the property no less than fourteen (14) days prior to the public hearing. In the case of nominations for an historic district, postings shall occur in the district in a manner clearly visible from public rights of way adjacent to the proposed district.

(C) Notification of Certificate of Approval Public Hearings

Applicants and property owners shall receive written notice, via first class mail, at their last known address of record of the time, place and date of the hearing. Such notice shall be mailed no less than seven (7) days prior to the public hearing. Notice shall also be posted at the property, in a manner clearly visible from the public right-of-way, no less than seven (7) days prior to the public hearing. The notification requirements may be waived administratively with signed approval by the property owner and Certificate of Approval applicant.

18.36.090 Appeal

(A) Specialist to the Commission

(1) A final decision by the Specialist may be appealed by the applicant to the Commission.

(2) Appeals to the Commission are filed by mailing or hand-delivering to the Specialist a written notice of appeal within thirty (30) days after the applicant is served with notice of the decision by the Specialist. A determination by the Commission shall be issued within thirty (30) days.

(3) The decision of the Commission on appeal shall be final, unless the applicant or developer elects to appeal the Commission decision to the City Council.

(B) Commission to City Council

(1) Decisions of the Commission are reviewable by the City Council. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council.

(2) Appeals to the City Council are filed by mailing or hand-delivering to the City Clerk a written notice of appeal within thirty (30) days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall be conducted within thirty (30) days of filing of the notice of appeal and shall constitute final agency action.

18.36.100 Incentives

(A) An owner of a property that has been designated as historic or an owner of a contributing property in a designated historic district may apply for the following economic incentives for the restoration or rehabilitation of that property and such additional incentives as may be developed by the Commission pursuant to its rules and regulations:

(1) Applicable state and federal tax credits.

(2) The low-interest loan pool created by the City pursuant to Chapter 18.37 of this Title, subject to annual availability.

(3) Building Permit Fee Refund. Building portion of permit fees may be refunded for applications for projects on individually designated properties and all properties in a Greeley Historic Register designated district, including contributing and non-contributing properties. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation or rehabilitation in order that such refund of fees is equitable.

(B) The Commission shall attempt to identify and implement other economic incentives for historic properties. The Specialist shall notify the owners of historic properties of economic incentive opportunities available.

(C) The Commission shall make the determination for each request for State Historic Preservation Income Tax Credits.

18.36.110 Signage

A sign approved by the Commission may be installed indicating the designation. The Commission may supply and pay for uniform signs for designated properties subject to availability of funds. Such signs shall conform to City ordinances governing other signs in the City.

18.36.120 Fines and Penalties

(A) Failure to comply with requirements of this Chapter or of a district designation plan shall be a violation punishable in accordance with this subsection.

(B) Whenever any work is being done contrary to the provisions of this Chapter or any plan adopted by the Commission or approved by City Council, a code enforcement inspector or other authorized City official may issue a stop work order by posting notice at the property or providing notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, City official or Commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code.

(C) A penalty may be imposed by the Commission. The maximum penalty for violation of this Chapter shall be the same as for violations that are sanctioned administratively as code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

18.36.130 Illustrative flow chart

A process flow chart for illustrative purposes only has been added as Appendix 18-L to this Title.

18.36.140 Alterations to designated properties and contributing properties within a designated district

(A) Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property, or a property in an historic district, must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.

(B) All required building, relocation and/or demolition permits shall be applied for. Permits will not be released without Commission approval or unless the Community Development Director determines the permit should be released due to extenuating or emergency circumstances. The Commission or Specialist shall not issue a Certificate of Approval without evidence of permit application, if required. Certificates of Approval shall be issued contingent upon the owner and/or applicant obtaining all required permits.

(C) After consultation with the City's development departments, the owner shall submit a plan for review by the Specialist or Commission, and a Certificate of Approval shall be issued to properties that the Specialist or Commission feels can be altered without diminishing the historic character of the property or district.

(D) Major Alterations

(1) Application requirements. For the purposes of this Chapter, a complete application for major alterations will contain the following: a signed application, legal description, narrative, drawings and mockups as necessary, product literature and/or samples as necessary, and digital photos as determined by the City. Projects shall be reviewed in accordance with the Criteria and Standards for altering properties set forth in this section.

(2) Application and Hearing Process

(a) Notification. Upon receipt of a complete application, the Specialist shall schedule a public hearing for a Certificate of Approval on the matter before the Commission on the next available agenda, providing sufficient staff review time. Notice will be given by the City in accordance with requirements in Section 18.36.080.

(b) Public Hearing. A quorum must be present at a public hearing for a Certificate of Approval. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(c) The Specialist shall prepare a report which shall include a summary of all comments received on the Certificate of Approval application, along with the staff recommendation, which shall be presented to the Commission. In taking action on a Certificate of Approval application, the Commission shall consider the staff report and recommendation and comments received from the applicant and the public. The Commission shall also consider whether the proposed project meets the criteria and standards in Section 18.36.090 in taking action to approve, approve with conditions, deny or table the application for future consideration.

(3) Findings. The findings of the Commission shall be based on Criteria and Standards in Section 18.36.060 and the decision of the Commission on a Certificate of Approval major alteration application shall be considered final unless appealed by the property owner or applicant to the City Council, in accordance with the appeal process in Section 18.36.080.

(4) Certificate of Approval issued and recorded. After approval of a Certificate of Approval major alteration application, the Specialist shall cause the Certificate of Approval, signed by the Commission chair, which may include plans, drawings, photos and other documents, as approved to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees.

(5) If an application for a Certificate of Approval is denied, the applicant may revise the application extensively or submit a new application for review by the Commission. In this case, the application would be considered a new application and would follow the entire process for Certificate of Approval applications. The applicant may appeal decisions of the Historic Preservation Staff to the Historic Preservation Commission and decisions of the Historic Preservation Commission to the City Council, in accordance with appeal procedures in Section 18.36.080.

(E) Minor Alterations

(1) Application requirements. For the purposes of this Chapter, a complete application for minor alterations will contain the following: signed application, photos, narrative, product literature or drawings as necessary and application fee as determined by the City.

(2) Application Process

(a) Notification. Upon receipt of a complete application, the Specialist shall notify the property owner and applicant of receipt of the application and requirement for staff review.

(b) No public hearing is required for minor alteration applications.

(c) Findings. The Specialist shall review the application for minor alterations and make findings based on Criteria and Standards set forth in this section.

(d) Certificate of Approval issued and recorded. The Specialist shall approve the application and issue a Certificate of Approval if the proposed project meets the Criteria and Standards set forth in this section and can be completed without negatively impacting the historical integrity of the property. After approval the Specialist shall cause the Certificate of Approval for Minor Alterations to be signed by the Specialist and which may include plans, photos, or other documents, and to be recorded in the Office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees.

(e) If the Specialist finds the proposed project does not meet the Criteria and Standards in this section, the Specialist will notify the applicant of the reasons for denial and notify them of the opportunity to appeal the decision to the Commission.

(F) Relocation

(1) Application requirements. For the purposes of this Chapter, a complete application for relocation will contain the following: signed application, location information, narrative, drawings and digital photos, and application fee as determined by the City.

(2) Application Process – the application process for relocation applications will follow the same process as for Major Alterations, as set forth in this section.

(G) Demolition

(1) Application process and requirements. For the purposes of this Chapter, a complete application for demolition will contain the following: signed application, narrative, digital photos, additional documentation as requested, and application fee as determined by the City.

(2) Application Process – the application process for demolition applications will follow the same process as for Major Alterations, as set forth in this section.

(H) Emergencies

In the event of an emergency, as defined in Section 18.36.030, owners shall perform necessary measures to preserve the property and notify the Specialist, within three (3) days of the

emergency event. Owners shall make efforts to document the damage and provide that documentation including photos and the measures done to preserve the structure to the Specialist to assist in establishing the proper treatment for the property and to obtain a Certificate of Approval if necessary.

(I) Requirement of Maintenance to Prevent Demolition by Neglect

(1) Maintenance shall be required by the owner of a designated property and owners of properties in an historic district. Maintenance means that owners:

- (a) Shall not permit a structure to deteriorate so badly as to produce a detrimental effect on a designated property; and
- (b) Shall reasonably maintain the surrounding environment, e.g. accessory structures, fences, gates, sidewalks, steps, signs, and landscaping.

(2) Demolition by neglect shall mean neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (a) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of exterior chimneys;
- (d) The deterioration of exterior plaster or mortar;
- (e) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (f) The serious deterioration of any documented exterior architectural feature or significant landscape feature which in the judgment of the commission produces a detrimental effect upon the character of the district.

(3) Non-compliance with this subsection will be punishable in accordance with other violations of this Chapter, the same as for violations that are sanctioned administratively as code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

18.36.150 Criteria and Standards for Review of Certificate of Approval Applications

(A) Criteria and Standards for alterations to a designated property or a property in an historic district.

(1) The effect of the alteration or construction upon the general historical or architectural character of the designated property.

(2) The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.

(3) The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.

(4) The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.

(5) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.

(6) Compliance with the current Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, as defined in Section 18.36.030 of this Chapter.

(7) If the property is a noncontributing property in an historic district, then alterations will be in accordance with the district designation plan as recommended by the Commission and approved by City Council.

(8) Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission.

(B) Criteria for relocation of a designated property or contributing properties in a district.

(1) In all cases it shall be the preference of the Commission to keep structures at their original sites.

(2) For relocation applications, the Commission shall consider the following criteria in addition to those described for alterations:

(a) Original site.

i. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.

ii. The significance of the structure as it relates to its present setting.

iii. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.

iv. Whether the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure.

v. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting.

vi. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

(b) New location.

i. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved.

ii. Whether the structure's architectural integrity is consistent with the character of the neighborhood.

iii. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

iv. Whether the proposed relocation is in compliance with all City ordinances.

(C) Criteria for demolition of a designated property or contributing property in a district.

(1) A permit for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Chapter by balancing the criteria of Paragraphs (A) through (D) below versus Paragraph (E) below. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 18.36.090 of this Chapter.

(a) The structure must be demolished because it presents an imminent hazard.

(b) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.

(c) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

(d) The structure cannot be moved to another site because it is physically or economically impractical.

(e) The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:

i. Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.

ii. Significant impact on the historical importance of other structures located on the property and adjacent properties.

iii. Significant impact to the architectural integrity of other structures located on the property and adjacent properties.

(f) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:

i. Impacts on the historical importance of the structure or structures located on the property.

ii. Impacts on the architectural integrity of the structure or structures located on the property.

18.36.160 Removal from historic register/hardship exemptions

(A) City Council may remove an historically designated property or district if it finds that historic designation creates an undue hardship in accordance with the criteria in this Section.

(B) Criteria for removal or hardship exemption. If a request to the Commission for a Certificate of Approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Chapter are not

significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one (1) of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

(1) Economic hardship exemption. An economic hardship exemption may be granted if:

a. The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.

b. For non-income-producing properties: the owner's inability to resell the property in its current condition or if rehabilitated.

c. The economic hardship claimed is not self-imposed, including from lack of maintenance.

(2) Health/safety hardship exemption. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.

(3) Inability to use exemption.

a. If no sale can be made or no feasible use found for the structure within two (2) years of denial of a permit, the owner may request a waiver of all or part of the process described above.

b. In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:

1. Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.

2. Written evidence of the owner's efforts to secure assistance for conforming the application with this Chapter without demolition or defacement.

(4) For the purpose of establishing and maintaining sound, stable and desirable historic districts within the City, the removal of historic designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historic districts and individually designated properties are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

18.36.170 Severability clause.

If any provision of this Chapter or any provision of any rule or regulation lawfully promulgated hereunder or any application of this Chapter or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Chapter or rules or regulations. The City Council hereby declares that in these regards the provisions of this Code and all rules and regulations promulgated hereunder are severable. In the event that any part of this Chapter negatively affects

the City's certified status as a certified local government by the National Park Service, then the conflicting provision shall be severable. (Ord. 34, 2006 □~1)

CHAPTER 18.37 – HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM

18.37.010 Statement of purpose.

- (A) To promote and support the maintenance of historic properties by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City;
- (B) Foster civic pride in the accomplishments and heritage contained in Greeley's past as exhibited in Greeley's architecture, homes and public/private buildings;
- (C) Enhance the physical attractiveness of Greeley;
- (D) Promote the recycling and adaptive reuse of architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of Greeley;
- (E) Promote the economic revitalization of Greeley.

18.37.020 Creation of Committee.

- (A) The Loan Committee shall consist of seven (7) voting members as appointed by the Historic Preservation Commission. The Loan Committee shall have one (1) member with experience in residential/commercial construction management, one (1) member engaged in regional or local history, one (1) licensed real estate broker, one (1) member of the Greeley Historic Preservation Commission and the following City employees: Director of Community Development, Historic Preservation Specialist and Assistant City Manager.
- (B) The Loan Committee shall have the following ex officio members: a member of the City Attorney's office shall be the legal advisor; a representative of the City Finance Department; and one (1) member of the City Council.
- (C) Appointment of the Loan Committee members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.
- (D) Vacancies on the Loan Committee shall be filled by the Historic Preservation Commission.
- (E) Members of the Loan Committee whose term of office expires may apply for reappointment.
- (F) Members of the Loan Committee wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing with a copy sent to the Loan Committee Chairman and the Staff Liaison.
- (G) One (1) City employee Loan Committee member shall be appointed by the City Manager as an administrator to be referred to hereafter as Staff Liaison.

18.37.030 Rules of procedure.

The Committee shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the Committee.

18.37.040 Powers and duties of Committee.

(A) The Committee shall have the power to:

- (1) Establish loan criteria to be approved by Council resolution;
- (2) Receive and review applications for credit;
- (3) Approve or deny applications for loans;
- (4) Conduct inspections;

(5) Supervise and administer an historic preservation loan program between/among the City and the owners of designated properties, including those designated on the State Register or the National Register of Historic Places.

(B) The Committee shall have the duty to:

- (1) Conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence;
- (2) Make all loan decisions with consideration for the future and stability of the loan pool.

18.37.050 Procedure for application to Committee.

(A) Any owner of an eligible property may submit an application for consideration by the Historic Preservation Loan Committee. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.

(B) The property owner shall submit an itemized brands and materials list.

(C) Owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the Loan Committee.

(D) The Loan Committee reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the Loan Committee determines pertinent.

18.37.060 Criteria for approval or denial.

(A) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.

(B) Ownership and title to the property, which will be the subject of the historic preservation loan, must be in "good" or marketable title with all taxes and loans current, liens paid, no foreclosure proceedings pending, all restrictions of record and encumbrances disclosed and approved by the Loan Committee, and be in compliance with all zoning codes.

(C) Owner will provide such documents and proof of title, including encumbrances, liens, restrictions of record, or other evidence of the title to the property as the Loan Committee may request; owner agrees to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the Loan Committee may deem necessary or appropriate. All such costs must be paid by the owner at the commencement of the loan application process.

(D) The Loan Committee shall apply such loan repayment criteria to each historic preservation loan application as the Loan Committee determines is appropriate.

(E) The Loan Committee shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property, and shall have priority over all liens, except general taxes and prior special assessments and the same may be certified by the Director of Finance, together with all accrued interest thereon and a ten-percent collection charge, to the County Treasurer for collection as provided by law; provided, however, that at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the ten-percent collection charge thereon, and any other penalties and costs of collection. Upon such payment, applicants shall thereupon be restored to non-delinquent status and may thereafter pay in installments in the same manner as if default had not been made.

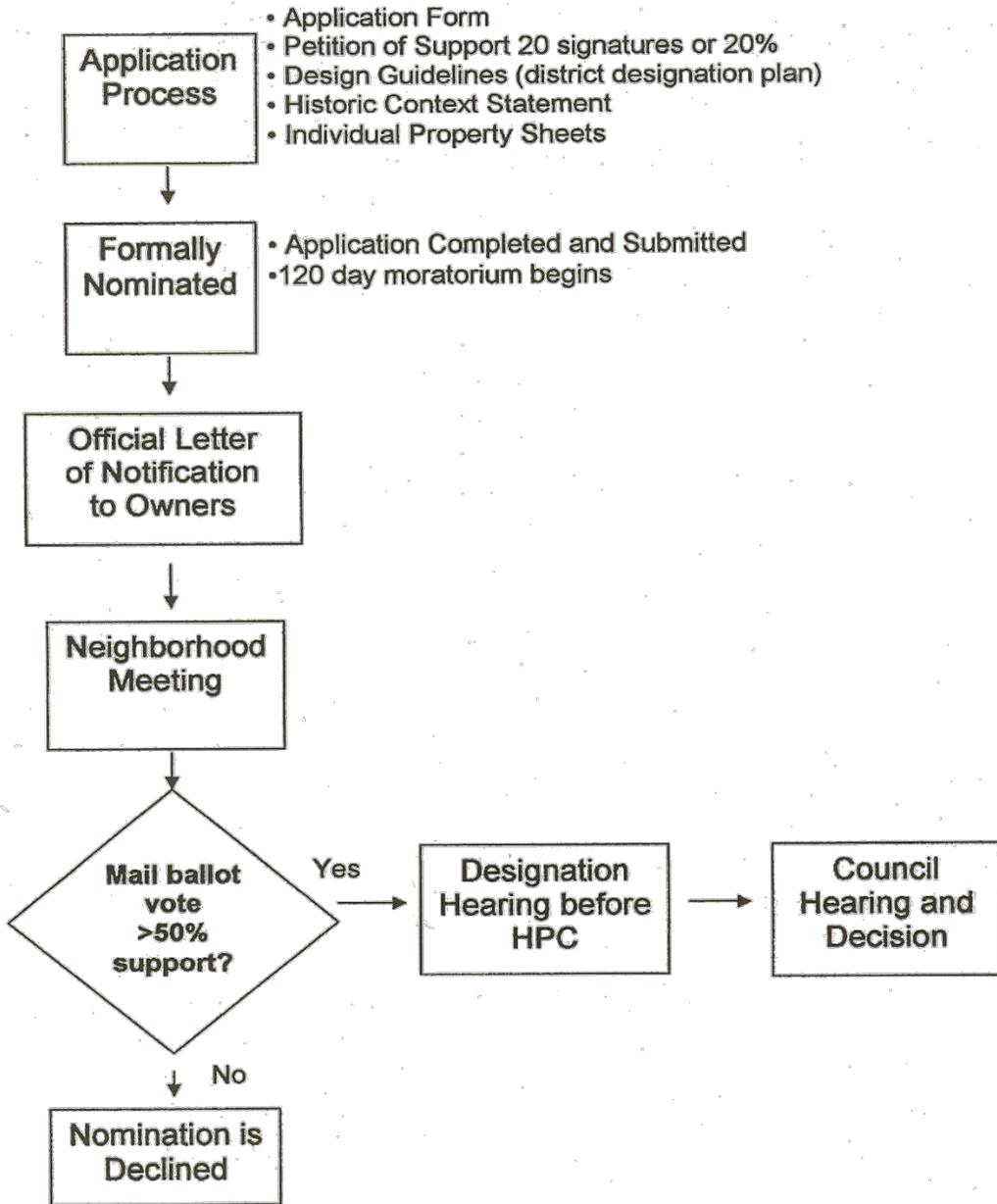
18.37.070 Request for reconsideration.

A person who applies for money pursuant to this Chapter and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the Committee are final.

Appendix 18-L

**Illustrative Flow Chart for
Historic District Designation Process**

(Reference Section 18.36.130)



(Ord. 34, 2006 §1)

