



Legal Notice

Date: 02/08/2024

Subject: An ordinance of the City of Littleton, Colorado, amending Title 2: Boards and Commissions, of the Littleton City Code

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

**ORDINANCE 02
SERIES 2024**

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 02

Series, 2024

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO,
AMENDING TITLE 2, BOARDS AND COMMISSIONS OF THE
LITTLETON CITY CODE

WHEREAS, city council wishes to provide for more clarity, uniformity, and consistency amongst the various city appointed Boards, Commissions, and Committees within our city; and

WHEREAS, city council also wishes to be more strategic and effective in the use of citizen appointees' time, roles, and responsibilities; and

WHEREAS, to achieve those objectives, city council wishes to make revisions to various sections of our code and consolidate the functions of some of the City's existing boards, commissions, and committees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 1, Chapter 20, Section 3 of the Littleton City Code is hereby amended as follows:

1-20-3: SCOPE

Unless otherwise provided by law, all administrative hearings conducted by any officer or agency of the city wherein a determination of the rights or responsibilities of any person is made, shall be conducted in accordance with the procedures set forth in this Chapter. Provided, however, this procedure shall not apply to employee personnel matters as outlined in the Personnel Policy, or any hearing before the planning commission, the licensing authority COMMISSION, the ~~board of adjustment, the building board of appeals~~ APPEALS AND ADJUSTMENT COMMISSION, the historical preservation ~~board~~ COMMISSION, or the city council.

Section 2: Title 1, Chapter 20, Section 6(4) of the Littleton City Code is hereby amended as follows:

4. In the case of ~~board of adjustment~~ APPEALS AND ADJUSTMENT COMMISSION, the licensing authority COMMISSION, and such other hearings as may be, by ordinance, require posting, publication, or other public notice, such notice shall be provided in addition to the notice herein provided to parties.

Section 3: Title 2, Chapter 2 of the Littleton City Code is hereby amended as follows:

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48
49 2-2-1: CREATION:

50 There is hereby created a ~~Board of Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION,
51 ~~a Building Board of Appeals, a Fine Arts Board,~~ a Planning Commission, a Historical Preservation
52 ~~Board~~ COMMISSION, a Licensing Authority COMMISSION, ~~the Littleton AN ARTS and~~
53 Culture ~~commission~~ BOARD, Next Generation Advisory Board, and a Transportation and
54 Mobility ~~Board~~ COMMITTEE which shall hereinafter for the purposes of this title be referred to
55 as “boards and commissions.” THE CITY MAINTAINS THE AUTHORITY AND
56 DISCRETION TO FORM AND APPOINT MEMBERS TO VARIOUS COMMITTEES WHICH
57 ARE TYPICALLY ESTABLISHED FOR PROJECT OR SHORT-TERM ADVISORY
58 PURPOSES DEPENDENT UPON CITY NEEDS AS DETERMINED BY COUNCIL.

59
60 2-2-7: STAFF:

61 Each board and commission shall have such staff assigned to it by the City Manager or his
62 designee as is necessary to adequately perform its functions and correspondence. ~~Each board or~~
63 ~~commission shall have at a minimum a Secretary who shall cause minutes of the proceedings to~~
64 ~~be kept, shall conduct all official correspondence, and shall cause copies of all minutes to be~~
65 ~~forwarded to the City Council for its review and to the City Clerk for filing.~~

66
67 Section 4. Title 2, Chapter 3 of the Littleton City Code is hereby amended as
68 follows:

69
70 CHAPTER 3 ~~BOARD OF ADJUSTMENT~~ APPEALS AND ADJUSTMENT COMMISSION

71 2-3-1: POWERS AND DUTIES:

72 The ~~board of adjustment~~ APPEALS AND ADJUSTMENT COMMISSION, hereinafter in this
73 chapter referred to as “the ~~board~~ COMMISSION,” shall have the power to hear and decide ~~appeals~~
74 ~~relating to 10-9-1.3 and 10-9-3.9.1 of the Unified Land Use Code; requests for zoning ordinance~~
75 ~~variances as specified in section 10-9-9.4 of this code; appeals concerning newsracks as specified~~
76 ~~in section 3-15-8 of this code; appeals and requests for variances to the sign code as specified in~~
77 ~~section 4-3-4 of this code; appeals relating to mobile homes and mobile home parks as specified~~
78 ~~in section 4-4-8 of this code; requests for variances to the air pollution code as specified in section~~
79 ~~5-3-8 of this code; appeals regarding sewer tap penalty fees as specified in subsection 7-5-19 I of~~
80 ~~this code; request for enlargement of nonconforming uses as specified in subsection 10-10-1.2(a)~~
81 ~~of this code; appeals from orders of the city manager, or his designee, as specified in sections 8-4-~~
82 ~~5 and 8-4-7 of this code; appeals of license denials or summary suspensions, as specified in section~~
83 ~~8-4-3 of this code; appeals of the city manager’s decision regarding sound amplifying equipment~~
84 ~~as specified in subsection 7-3-5(k)3(c) of this code; appeals regarding sound pressure level~~
85 ~~exceptions pursuant to subsection 7-3-10(b)2 of this code.~~ AS SET FORTH IN THE CITY CODE
86 INCLUDING BUT NOT LIMITED TO ZONING ORDINANCE VARIANCES AS SET FORTH

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87 IN UNIFIED LAND USE CODE AND VARIOUS APPEALS AS SET FORTH IN TITLE 4 OF
88 THE CITY'S BUILDING REGULATIONS AND ADOPTED BUILDING CODES, AND AS
89 OTHERWISE SPECIFICALLY STATE IN CITY CODE.

90 ~~BUILDING BOARD OF APPEALS~~

91 ~~2-4-2: COMPOSITION OF BOARD:~~

92 ~~The board shall consist of five (5) members and two (2) alternates.~~

93 ~~Chapter 4 BUILDING BOARD OF APPEALS~~

94 ~~Contents:~~

95 ~~2-4-1: POWERS AND DUTIES~~

96 ~~2-4-2: COMPOSITION OF BOARD~~

97 ~~2-4-3: STAFF~~

98 ~~2-4-1: POWERS AND DUTIES:~~

99 ~~The building board of appeals, hereinafter in this chapter referred to as "the board", shall act as the~~
100 ~~board of appeals and shall have such duties as are specified in the adopted building codes of the~~
101 ~~city as may be in effect pursuant to section 4-1-1 of this code. Further, the board shall determine~~
102 ~~the suitability of alternative materials and methods of construction and provide for reasonable~~
103 ~~interpretations of said building codes of the city. The board shall also hear all matters concerning~~
104 ~~complaints for the suspension or revocation of licenses or registration certificates as same are~~
105 ~~addressed in Title 3, chapter 16 of this code. The board shall also hear and decide: appeals from~~
106 ~~determinations of the director of community development in regard to the international fire code~~
107 ~~as specified in section 5-2-4 of this code, and appeals regarding police or fire alarm systems as~~
108 ~~specified in Title 3, chapter 7 of this code.~~

109 ~~2-4-2: COMPOSITION OF BOARD:~~

110 ~~The board shall consist of five (5) members.~~

111 ~~(Ord. 43, Series of 1985) (Ord. 09, Series of 2022)~~

112 ~~Effective on: 4/28/2022~~

113 ~~2-4-3: STAFF:~~

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114 ~~In addition to those members mentioned in section 2-4-2 of this chapter, the city's building official~~
115 ~~shall be a nonvoting ex officio member and secretary of the board.~~

116 Section 5: Title 2, Chapter 6 is hereby amended as follows:

117 ~~Chapter 6 FINE ARTS BOARD~~

118 ~~Contents:~~

119 ~~2-6-1: POWERS AND DUTIES~~

120 ~~2-6-2: COMPOSITION OF BOARD~~

121 ~~2-6-1: POWERS AND DUTIES:~~

122 ~~The fine arts board shall have all of the powers set forth below and shall perform all of the~~
123 ~~following duties:~~

124 ~~A. Provide arts programs for the city through review and selection of artworks and exhibitions at~~
125 ~~public locations and public facilities throughout Littleton;~~

126 ~~B. Serve as stewards of the Littleton art portfolio;~~

127 ~~C. Serve as the city's representatives in art related projects with other public and private agencies~~
128 ~~to encourage the use of the arts in response to community needs and interests;~~

129 ~~D. Promote arts within the city of Littleton to enhance quality of life;~~

130 ~~E. Recommend acquisition and disposition of city owned art within city policies; and~~

131 ~~F. Review the proposed annual fine arts budget and make recommendations.~~

132 ~~2-6-2: COMPOSITION OF BOARD:~~

133 ~~The fine arts board shall consist of seven (7) members. Members appointed prior to and including~~
134 ~~March 27, 2012, shall be allowed to complete their original appointment term.~~

135 (Ord. 19, Series of 2012)

136 Section 6. Title 2, Chapter 9, Section 2 is hereby amended to read as follows:

137 PLANNING COMMISSION

138 2-9-2: COMPOSITION OF COMMISSION:

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139 The commission shall consist of seven (7) members and one (1) alternate member.

140

141 Section 7. Title 2, Chapter 10, is hereby amended to read as follows:

142 LICENSING ~~AUTHORITY~~ COMMISSION

143 2-10-1: POWERS AND DUTIES:

144 A. The licensing ~~authority~~ COMMISSION, hereinafter in this chapter referred to as the
145 “~~authority~~ COMMISSION”, shall have such powers and duties as conferred to the local liquor
146 licensing authority by articles 3, 4 and 5 of Title 44 Colorado Revised Statutes, and any regulations
147 adopted pursuant thereto and shall have such powers and duties as may be conferred to it by
148 amendment 20 and the administrative regulations issued by the Colorado department of public
149 health and environment found at 5 CCR 1006-2, all as amended from time to time; and (Ord. 3,
150 Series of 2010)

151 B. The ~~authority~~ COMMISSION shall have the power to conduct public hearings in accordance
152 with Title 3, chapter 2 of this code and Article 10 of Title 44 Colorado Revised Statutes, related to
153 the licensing of medical marijuana centers and retail marijuana establishments and all other powers
154 and duties as conferred by Title 3, Chapters 20 and 21 of this code and any regulations adopted
155 pursuant thereto and all as amended from time to time. (Ord. 3, Series of 2010; amd. Ord. 15,
156 Series of 2010) (Ord. 11, Series 2021)

157 2-10-2: COMPOSITION OF ~~AUTHORITY~~ COMMISSION:

158 The ~~authority~~ COMMISSION shall consist of five (5) members. No person shall serve as a
159 member of the ~~authority~~ COMMISSION who shall have any interest in the operation of a medical
160 marijuana center, a medical marijuana grow facility, a retail marijuana establishment, a liquor
161 establishment or in one serving fermented malt beverages or who has a member of his or her
162 immediate family who has such an interest. For purposes of this section, “immediate family” shall
163 mean one’s parents, children, brothers, sisters, spouse or the parents, children, brothers or sisters
164 of one’s spouse.

165

166 Section 8: Title 2, Chapter 11 is hereby amended to read as follows:

167 HISTORICAL PRESERVATION ~~BOARD~~ COMMISSION

168 The historical preservation ~~board~~ COMMISSION, hereinafter in this chapter referred to as the
169 “~~board~~ COMMISSION”, shall have such powers and duties as conferred to them pursuant to Title
170 10, Chapter 9, Section 1 et seq of this code and any regulations adopted pursuant thereto.

171 (Ord. 15, Series of 1997) (Ord. 09. Series of 2022)

172 2-11-2: COMPOSITION OF ~~BOARD~~ COMMISSION:

|

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173 The ~~board~~ COMMISSION shall be composed of seven (7) members, one of whom shall be an
174 architect, and one (1) alternate member. Other members, when possible, shall have experience
175 with or be directly involved in the following occupations: architecture, landscape architecture,
176 archaeology, curation, ethnography, urban planning, art history, historic preservation or history.

177
178 Section 9: Title 2, Chapter 13 is hereby amended to read as follows:
179

180 CHAPTER 13 NEXT GENERATION ADVISORY COMMITTEE

181
182
183 2-13-2: COMPOSITION OF THE COMMITTEE: the committee shall be comprised of ~~at least~~
184 seven (7) ~~and no more than fifteen (15)~~ individuals between the ages of 16 and 36 who live, work
185 or attend school in Littleton.
186

187 Section 10: Title 2, Chapter 14 is hereby amended to read as follows:
188

189 CHAPTER 14 ~~LITTLETON~~ ARTS AND CULTURE ~~COMMISSION~~ BOARD

190
191 2-14-1: POWERS AND DUTIES:
192 The ~~Littleton~~ Arts and Culture ~~Commission~~ BOARD, hereinafter in this chapter referred to as “the
193 ~~commission~~ BOARD”, shall be an advisory board which shall advise city council and be charged
194 with encouraging and supporting the growth and expansion of culture and the arts in the
195 community in the areas of visual arts, theater, film, music, dance, history, and humanities and to
196 promote, publicize, and advocate for activities that support awareness and creativity in the
197 community. ADDITIONALLY, THE BOARD IS TASKED WITH:

- 198 1. RAISE THE PROFILE OF ARTS AND CULTURAL PROGRAMS AND ACTIVITIES AND
- 199 PROMOTE THE POSITIVE ROLE THEY PLAY IN CIVIC LIFE
- 200 2. BRING TOGETHER AND ORGANIZE ESSENTIAL ARTS AND CULTURAL ELEMENTS
- 201 AND OTHER STAKEHOLDER GROUPS IN THE COMMUNITY TO FOSTER A
- 202 COLLABORATIVE APPROACH TO ARTS AND CULTURAL ISSUES
- 203 3. DEVELOP, PRIORITIZE, AND RECOMMEND STRATEGIES FOR FUNDING CURRENT
- 204 AND FUTURE ARTS AND CULTURE NEEDS
- 205 4. CULTIVATE COMMUNITY SUPPORT FOR ARTS AND CULTURAL ENDEAVORS BY
- 206 THE CITY
- 207 5. SERVE AS A PUBLIC FORUM FOR COMMUNITY ENGAGEMENT ON ARTS AND
- 208 CULTURE ISSUES
- 209 6. REVIEW AND MAKE RECOMMENDATIONS TO CITY COUNCIL THAT FACILITATE
- 210 THESE POLICIES
- 211 7. BECOME A CITY THAT ATTRACTS AND ENCOURAGES ARTISTS TO RESIDE AND
- 212 THRIVE IN THE COMMUNITY
- 213 8. BE THE CREDIBLE VOICE TO ADVOCATE FOR ARTS AND CULTURE IN LITTLETON
- 214 9. RECOMMENDING ANY POLICIES AND PROCEDURES AS MAY BE REQUIRED
- 215 BY 24-90-109 *ET SEQ.*

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216 2-14-2: COMPOSITION OF THE COMMISSION BOARD: the ~~commission~~ BOARD shall be
217 comprised of eleven (11) voting members. The commission shall be comprised of ~~one (1)~~
218 ~~representative from the fine arts board~~, four (4) representatives from local arts and cultural
219 organizations, two (2) representatives from the business community, and ~~four~~ FIVE (45)
220 representatives from the citizenry at large. All members of the ~~commission~~ BOARD will either
221 reside within the Littleton city limits or represent an organization operating within the city limits.
222

223 Section 11: Title 3, Chapter 2, Section 1 is hereby amended to read as follows:
224

225 3-2-1: DEFINITIONS:

226 As used in this chapter, the following words or phrases shall have the following meanings unless
227 the text otherwise requires:
228

229 APPLICANT: Any person, partnership or corporation who is applying for, or has applied for, a
230 license to sell malt, vinous, spirituous liquors or fermented malt beverages, but is not yet licensed
231 as a licensee.
232

233 EMPLOYEE: Any employee of a licensee involved in the sale, dispensing or serving of malt,
234 vinous, spirituous liquors or fermented malt beverages.
235

236 LICENSEE: A person licensed by law to sell fermented malt beverages, or malt, vinous or
237 spirituous liquors at retail, and who is engaged at any time during the calendar year in such
238 operation within the City.
239

240 LOCAL LICENSING AUTHORITY: City's licensing ~~authority~~ COMMISSION as created in
241 section 2-2-1 of this Code, except as otherwise provided herein.
242

243 Other definitions not specifically enumerated herein shall be as defined in title 44, articles 03, 04,
244 and 05 Colorado Revised Statutes.
245

246 Section 12: Title 3, Chapter 2, Section 10 is hereby amended as follows:
247

248 In all cases where a hearing is held regarding the suspension, revocation or nonrenewal of any
249 license issued, the licensing ~~authority~~ COMMISSION shall consider the following factors in
250 mitigation or aggravation:
251

- 252 A. Seriousness of the violation(s) (affront to the public);
- 253 B. Corrective action(s) taken (if any);
- 254 C. Prior violations and offenses at the licensed premises and effectiveness of prior corrective
255 action;
- 256 D. Prior violations and offenses by this licensee or his employees;
- 257 E. Violation as a repeated course of conduct or as a single event;
- 258 F. Likelihood of recurrence;
- 259 G. All circumstances surrounding a violation;

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- 260 H. Willfulness of the violation(s);
- 261 I. Hardship on this licensee for the sanction imposed;
- 262 J. Length of time a license has been held by this licensee;
- 263 K. Previous sanctions imposed against this licensee; and
- 264 L. Other factors making the situation with respect to the licensee or premises unique.

265
266 Section 13: Title 3, Chapter 2, Section 12 is hereby amended to read as follows:

267
268 3-2-12: LICENSE RENEWAL PROCEDURES:

269 A. The City Clerk's Office shall review and forward any liquor license renewal application to the
270 City Attorney prior to forwarding to the Chairperson of the ~~authority~~ COMMISSION. The renewal
271 application shall be accompanied by a police report containing information, if any, as to alleged
272 violations of the Colorado Liquor or Beer Codes or Amendment 20 of the Colorado Constitution
273 and of this Code by the licensee or any of his or her employees.

274 B. The Chairperson of the ~~authority~~ COMMISSION, or in his or her absence the Vice Chairperson,
275 is hereby authorized to grant liquor or beer license renewals as provided herein. All applications
276 for renewal shall initially come before the Chairperson and may be approved by him or her so long
277 as all applicable fees have been paid, all required procedures have been complied with, and no
278 information regarding alleged violations of the Colorado Liquor and Beer Codes or Amendment
279 20 of the Colorado Constitution or violations of this Code have been referred to him or her by the
280 Police Department or otherwise.

281 C. In all instances where alleged violations of the Colorado Liquor or Beer Codes or Amendment
282 20 of the Colorado Constitution or this Code have been referred to the Chairperson of the ~~authority~~
283 COMMISSION, approval of the requested renewal shall not be granted by him or her and the
284 application for renewal shall come before the authority and shall be processed in accordance with
285 the provisions of State law and this Code.

286
287 Section 14: Title 3, Chapter 2, Section 13, is hereby amended to read as follows:

288
289 3-2-13: TEMPORARY PERMITS:

290 The Chairperson of the local licensing ~~authority~~ COMMISSION, or in his or her absence the
291 ~~Chairperson Pro-Tem~~ VICE CHAIR, shall have the discretionary authority to issue a temporary
292 permit to a proposed transferee of a liquor or beer license for those purposes and in accordance
293 with sections 44-4-106.5 and 44-3-106.5, Colorado Revised Statutes

294
295 Section 15: Title 3, Chapter 2, Section 14 is hereby amended to read as follows:

296
297 3-2-14: LOCAL LICENSING ~~AUTHORITY~~ COMMISSION PROCESS:

298 On behalf of the local licensing ~~authority~~ COMMISSION and upon application by the City, the
299 licensee, or any party in interest, the City Clerk is hereby authorized to issue subpoenas or
300 subpoenas duces tecum to require the presence of persons and the production of papers, books and
301 records necessary to the determination of any hearing which the local licensing authority is
302 authorized to conduct. Unless a waiver of personal service is received by the City Clerk, all
303 subpoenas shall be served on the person ordered to appear in the same manner as a subpoena issued

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304 by the District Court. A subpoena shall not be issued for any documents which can be obtained
305 under the State Public (Open) Records Act, article 72 of title 24 Colorado Revised Statutes.

306
307 Section 16: Title 3, Chapter 2, Section 15 is hereby amended to read as follows:
308

309 3-2-15: FAILURE TO APPEAR IN RESPONSE TO PROCESS:

310 A. It shall be unlawful for any person to fail to appear or produce materials in response to any
311 local licensing ~~authority~~ COMMISSION subpoena. The Municipal Court shall enforce the
312 subpoenas of the authority, and upon good cause shown, shall enter its orders compelling witnesses
313 to attend and testify or produce books, records, or other evidence and shall impose penalties and
314 punishment for contempt in case of failure to comply with such orders.

315 B. Upon failure of any witness to comply with such subpoena, the City Attorney may, at the
316 direction of the ~~authority~~ COMMISSION either:

317
318 1. Petition any Judge of the Municipal Court, setting forth that due notice has been given of the
319 time and place of attendance of the witness and the service of the subpoena, in which event the
320 court, after hearing evidence in support of or contrary to the petition, may enter an order
321 compelling the witness to attend and testify or produce books, records or other evidence under
322 penalty of punishment for contempt in case of willful failure to comply with such order of court;
323 or

324 2. Petition the District Court in and for the Counties of Arapahoe, Douglas, or Jefferson setting
325 forth that due notice has been given of the time and place of attendance of the witness and service
326 of the subpoena, in which event the court, after hearing evidence in support of or contrary to the
327 petition, may enter an order as in other civil actions, compelling the witness to attend and testify
328 or produce books, records, or other evidence, under penalty of punishment of contempt in case of
329 willful failure to comply with such order of court.

330
331 Section 17: Title 3, Chapter 15, Section 8 is hereby amended to read as follows:
332

333 3-15-8: APPEALS:

334 Any person or entity aggrieved by a finding, determination notice or action taken under the
335 provisions of this chapter may appeal and shall be appraised of his right to appeal to the ~~board of~~
336 ~~adjustment~~ APPEALS AND ADJUSTMENT COMMISSION. An appeal must be perfected within
337 seven (7) days after receipt of notice of any protested decision or action by filing with the office
338 of the community development a letter of appeal briefly stating therein the basis for such appeal.

339 A hearing shall be held on a date no more than thirty (30) days after receipt of the letter of appeal.
340 Appellant shall be given at least ten (10) days' notice of the time and place of the hearing. The
341 ~~board of adjustment~~ APPEALS AND ADJUSTMENT COMMISSION shall give the appellant,
342 and any other interested party, a reasonable opportunity to be heard, in order to show cause why
343 the determination of the director of public services should not be upheld. At such hearing the
344 appellant shall have the right to examine the evidence upon which the director of public services
345 acted, to cross examine any witnesses who may have appeared before it and to offer any evidence
346 which may tend to show that the subject newsrack does not violate any provision of this chapter.
347 In all such cases, the burden of proof shall be upon the appellant to show that there was no evidence

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348 to support the action taken by the director of public services. At the conclusion of the hearing, the
349 ~~board of adjustment~~ APPEALS AND ADJUSTMENT COMMISSION shall make a final and
350 conclusive determination.

351
352 The perfection of any appeal to the ~~board of adjustment~~ APPEALS AND ADJUSTMENT
353 COMMISSION shall stay the removal of any newsrack until the ~~board of adjustment~~ APPEALS
354 AND ADJUSTMENT COMMISSION makes its final determination unless said newsrack
355 presents a clear and present danger of imminent personal injury or property damage. Nothing
356 contained in this chapter shall be interpreted to limit or impair the exercise by the city of its police
357 power, in the event of an emergency, to remove any such newsrack.

358
359 Section 18: Title 3, Chapter 20, Section 1 Definitions is hereby amended as
360 follows:

361
362 LOCAL LICENSING AUTHORITY OR AUTHORITY: SHALL MEAN THE LICENSING
363 COMMISSION ~~The city council appointed board~~ as defined in Title 2, chapter 10 of this code
364 AND SHALL HAVE THE SAME MEANING AS SET FORTH IN STATE LAW.

365
366 Section 19: Title 3, Chapter 21, Section 1 Definitions is hereby amended as
367 follows:

368
369 LOCAL LICENSING AUTHORITY OR AUTHORITY: ~~The City Council appointed board~~
370 ~~defined in Title 2, Chapter 10 of this code.~~ SHALL MEAN THE LICENSING COMMISSION
371 AS DEFINED IN TITLE 2, CHAPTER 10 OF THIS CODE AND SHALL HAVE THE SAME
372 MEANING AS SET FORTH IN STATE LAW.

373
374 Section 20: Title 3, Chapter 20, Section 8 is hereby amended to read as follows:

375
376 3-20-8: DECISION BY LICENSING ~~AUTHORITY~~ COMMISSION:

377 A. The licensing ~~authority~~ COMMISSION shall approve, deny or conditionally approve an
378 application within ninety (90) days of receipt by the city clerk of the completed application, unless
379 the city or applicant is granted an extension by the authority. Any failure to act on the application
380 within ninety (90) days shall result in the conditional approval of the license pending compliance
381 with the terms of this chapter.

382 B. If an application is denied, the licensing ~~authority~~ COMMISSION shall set forth in writing the
383 grounds for denial.

384 C. If an application is conditionally approved, the licensing ~~authority~~ COMMISSION shall set
385 forth in writing the conditions of the approval.

386 D. Upon the approval or conditional approval of a license, the licensee shall have five (5) days to
387 remit the full annual license fee to the city clerk. Such fee must be paid prior to the issuance of the
388 license.

389
390
391 Section 21: Title 4, Chapter 1, Section 3 is hereby amended to read as follows:

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392

393 4-1-3: Appeals. Whenever reference is made in any of the codes adopted in section 4-1-1 of this
394 chapter, to the board of appeals or to the housing advisory and appeals board, said codes shall be
395 amended to refer to the ~~building board of appeals~~ APPEALS AND ADJUSTMENT
396 COMMISSION and any appeal to the board of appeals or the housing advisory and appeals board
397 shall be to the ~~building board of appeals~~ APPEALS AND ADJUSTMENT COMMISSION. An
398 appeal must be taken within ten (10) days of the final decision of the city's building official. All
399 appeals shall be in writing on forms provided by the city and shall be filed with the building official
400 who shall then schedule a hearing on the appeal at the next regular session of the ~~building board~~
401 ~~of appeals~~ APPEALS AND ADJUSTMENT COMMISSION.

402

403 Section 22: Title 5, Chapter 3, Section 8 is hereby amended to read as follows:

404

405 5-3-8: VARIANCES:

406 Any person having been denied a permit to burn either by open burning or by incinerator burning,
407 which may be in violation of the provisions of the foregoing sections, may apply to the ~~Board of~~
408 ~~Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION of the City for a variance from the
409 terms and conditions of this Chapter; if a variance is obtained from said ~~Board~~ COMMISSION,
410 then burning shall be permitted under such restrictions and conditions as may be imposed by said
411 ~~Board~~ COMMISSION.

412

413 Section 23: Title 7, Chapter 3, Section 5I is hereby amended to read as follows:

414

415 c. Appeal: The applicant may appeal decisions of the City Manager to the ~~Board of Adjustment~~
416 APPEALS AND ADJUSTMENT COMMISSION. Any appeal notice shall be in writing, shall
417 state the reasons for the appeal and the alleged error of the City Manager, and shall be taken within
418 ten (10) days of the final decision of the City Manager. Upon timely receipt of any written notice
419 of appeal, the City Manager shall schedule a hearing at the next regular meeting of the ~~Board of~~
420 ~~Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION. The ~~Board~~ COMMISSION shall
421 determine whether there was an error in any decision or determination made by the City Manager
422 in the administration of the provisions of this subsection (K). (Ord. 21, Series of 1988)

423

424 Section 24: Title 7, Chapter 4, Section 3(D) is hereby amended to read as
425 follows:

426

427 D. Hearing: The property owners whose real property is placarded pursuant to subsection I of
428 this section may file a written request for hearing before the city's ~~Board of Adjustment~~ APPEALS
429 AND ADJUSTMENT COMMISSION within the five (5) day period of compliance prescribed in
430 said subsection by filing his written request with the secretary of said ~~Board~~ COMMISSION. The
431 hearing shall be held as soon as practicable after the filing of the request and the persons to whom
432 notices are directed shall be advised of the time and place of said hearing at least five (5) days in
433 advance thereof. At such hearing said ~~Board~~ COMMISSION shall determine whether or not the
434 provisions of subsection (A) or (B) of this section have been violated and to what extent. The
435 decision of said ~~Board~~ COMMISSION after hearing shall be final and, until such decision, the city

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436 shall not commence any of the procedures specified under sections 7-4-5, 7-4-6 and 7-4-7 of this
437 chapter. If the decision of said ~~Board~~ COMMISSION is adverse to the person requesting a hearing,
438 he shall have five (5) days from the date of such decision to perform the work specified by said
439 ~~Board~~ COMMISSION himself and if such work is not performed and completed within such five
440 (5) days, the city may then implement the proceedings specified in sections 7-4-5, 7-4-6 and 7-4-
441 7 of this chapter. (Ord. 11, Series of 2006)

442
443 Section 25: Title 7, Chapter 5, Section 19(C) is hereby amended to read as
444 follows:

445
446 7-5-19: UNLAWFUL TAPS:

447
448 C. Appeal Of City Manager’s Determination: Any person who has timely requested innocent user
449 status from the city manager, who desires to appeal the city manager’s determination that they are
450 not innocent users, or desires to assert facts in mitigation of the sewer tap penalty, shall be entitled
451 to a de novo hearing before the ~~Board of Adjustment~~ APPEALS AND ADJUSTMENT
452 COMMISSION pursuant to the following procedures:

453
454 4. Payment of said sewer tap fee, sewer tap penalty and all past due sewer service charges
455 shall be made no later than thirty (30) days after notice of the city manager’s denial of
456 innocent user status is received. All such fees or charges shall be paid as a condition
457 precedent to any such appeal, and failure to pay shall be grounds for automatic denial of
458 said appeal, and the sewer tap fee, past due sewer service charges, late payment fees and
459 sewer tap penalty shall thereupon be due and shall be paid to the city.

460
461 2. The appellant shall submit, within said thirty (30) days, a written notice of appeal with the
462 ~~secretary of the board of adjustment~~ CITY CLERK on forms supplied by the city, within thirty
463 (30) days of the date the notice of penalty assessment is received.

464
465 3. If a notice of appeal, past due sewer service charges, late payment fees and the normal tap fee
466 payments are received by the city within thirty (30) days of the date of notice of penalty assessment
467 is received, then the ~~Board of Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION shall
468 schedule a hearing on said appeal to take place within forty five (45) days of receipt of the notice
469 of appeal. Notice of the time and place of the appeal hearing shall be mailed to the user by certified
470 mail, return receipt requested, or shall be personally delivered.

471
472 Section 26: Title 7, Chapter 5 Section 19(D) is hereby amended to read as
473 follows:

474
475 D. ~~Board of Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION -Appeal Authority:
476 The ~~board~~ COMMISSION, as a result of evidence produced at said hearing, may waive any or all
477 of said penalty after considering:

- 478 1. Whether the person was an “innocent user” as defined in subsection (B) of this section;
479 2. Prior instances of unauthorized sewer system connections;

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480 3. Whether the unauthorized sewer tap was made with knowledge of the requirement to
481 have a valid city sewer tap permit;

482 4. The amount of time from the unauthorized sewer tap until same is discovered by the
483 city;

484 5. The reasons why a sewer tap permit fee was not paid prior to the unauthorized
485 connection and whether or not the failure to pay the applicable sewer tap fee was within the control
486 of the user;

487 6. Steps taken by the user to ensure that unauthorized sewer taps do not occur again; and

488 7. Any other relevant facts in explanation, mitigation or aggravation.

489 (Ord. 8, Series of 2009)

490

491

492 Section 27: Title 8, Chapter 4, Section 3(A)(4) is hereby amended to read as
493 follows:

494

495 4. Any applicant who feels that they have been wrongfully denied a license may, within
496 ten (10) days of the denial, appeal the denial to the ~~board of adjustment~~ APPEALS AND
497 ADJUSTMENT COMMISSION, whose decision shall be final and subject to judicial review.

498

499 Section 28: Title 8, Chapter 4, Section 5(H) is hereby amended to read as
500 follows:

501

502 H. Any person who is denied a permit may, within ten (10) days of the date that written notice of
503 the denial is mailed by the city, appeal the decision of the city manager, or his designee, to the
504 city's ~~board of adjustment~~ APPEALS AND ADJUSTMENT COMMISSION. The appeal shall be
505 de novo and the burden of proof shall be on the applicant to show that the criteria specified herein
506 for the issuance of a permit to remove a tree has been met. The ~~board of adjustment's~~
507 COMMISSION'S decision shall be final and shall be subject to judicial review.

508

509 Section 29: Title 8, Chapter 4, Section 7 is hereby amended as follows:

510

511 8-4-7: PROCEDURE UPON ORDER TO PRESERVE OR REMOVE:

512 When the city manager, or his designee, orders spraying, trimming, preservation or removal of
513 trees or plants on public property, rights of way, or private property as authorized in this chapter,
514 or in regulations adopted pursuant to the terms hereof, he/she shall serve a written order to correct
515 the dangerous condition upon the owner, operator, occupant, tenant, or other person responsible
516 for the premises.

517

518 A. Method Of Service: Any order of the city manager, or his designee, shall be served in one of
519 the following ways:

520 1. By making personal delivery of the order to the owner of the premises which contains the tree
521 to which the order is directed;

522 2. By leaving the order with a person over the age of eighteen (18) years who resides at such
523 premises;

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- 524 3. By affixing a copy of the order to the door at the entrance to such premises; or
525 4. By mailing a copy of the order to the last known address of the owner of the premises by
526 registered or certified mail, return receipt requested, in the event all of the above methods have
527 failed to achieve service.

528
529 B. Time For Compliance: Unless the city manager, or his designee, determines, in the exercise of
530 his/her sole discretion, that there exists a present risk of harm or injury due to the condition of a
531 tree or its location, the order allowed herein shall set forth a time limit for compliance of not less
532 than forty five (45) days nor more than ninety (90) days. In all cases of present risk, the order shall
533 state an earlier time for compliance which is reasonable in light of the degree of risk.

534 C. Appeal From The Order: The person to whom an order hereunder is directed shall have the
535 right within seven (7) calendar days of the service of such order to appeal to the ~~board of~~
536 ~~adjustment~~ APPEALS AND ADJUSTMENT COMMISSION, which shall review such order at
537 its next subsequent meeting. The city shall have the burden of proof to show that the order was
538 reasonable under the totality of the circumstances. Unless the order is revoked, it shall remain in
539 full force and be obeyed by the person to whom directed. It shall be unlawful for any person to
540 whom an order is directed to fail to comply with such order if not appealed, or within seven (7)
541 days after an appeal shall have been determined against him/her. Any person who receives an order
542 which requires an emergency action on his/her part shall comply with said order not later than the
543 time set forth in the order and shall be entitled to a post compliance hearing wherein the propriety
544 of the order and the costs associated therewith, may be determined. At such hearing the burden of
545 proof shall be on the city to show that the action ordered was reasonable in light of the imminency
546 and potential severity of the emergency. In the event that the ~~board of adjustment~~ APPEALS AND
547 ADJUSTMENT COMMISSION deems any actions taken in response to an emergency order to be
548 unreasonable, the city shall be responsible for the costs associated with complying with the order.
549 Such a hearing shall be requested in writing on a form supplied by the city within seventy two (72)
550 hours of the service of such order or the right to such hearing shall be deemed waived. The hearing
551 shall be heard by the ~~board of adjustment~~ APPEALS AND ADJUSTMENT COMMISSION at its
552 next regularly scheduled meeting.

553
554 D. Failure To Comply: It shall be unlawful for any person to fail to timely comply with any order
555 issued by the city manager, or his designee. When the person to whom the order is directed shall
556 fail to comply within the specified time, the city is authorized, in the public interest, and after the
557 obtaining of a warrant from the municipal judge authorizing execution of the order by the city or
558 its agents, which warrant shall be issued upon the sworn testimony or sworn affidavit of the city
559 manager, or his designee, that the order has not been executed and no city appeal has been timely
560 filed, to enter or cause others to enter the property to spray, trim, prune, treat or remove any or all
561 of the diseased or dangerous trees or otherwise carry out the provisions of the order.

562
563 E. Costs And Assessments: Assessments for the costs of services and collections shall follow the
564 procedure as set forth in 1-9-9.

565
566 F. Emergency Actions: Notwithstanding anything contained in this chapter to the contrary, if the
567 city finds a condition involving a tree, shrub or other plant which constitutes an imminent threat

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568 to life, limb or property, the city shall have the authority to immediately correct or remedy or cause
569 the correction of such condition at the owner’s expense without the imposition of any
570 administrative fees or incurring liability for trespass. The costs of any such emergency action shall
571 be otherwise treated as specified in subsection € of this section.

572
573 G. Injunctive Relief: Nothing contained in this chapter shall be construed as preventing the city
574 from seeking and obtaining injunctive relief from the appropriate district court to enforce the
575 provisions of this chapter or any rules or regulations adopted pursuant hereto. (Ord. 3, Series of
576 2014) (Ord. 02, Series of 2020)

577
578 Section 30: Title 10, Chapter 8, Section 1.2(C) is amended to read as follows:
579

580 C. Permits Required. Prior to beginning work on a designated historic landmark or property in a
581 Historic District, the property owner shall consult with the Director and submit materials, when
582 deemed necessary, for a Certificate of Appropriateness, as outlined in Section 10-9-8.1, Certificate
583 of Appropriateness, or a Certificate of Demolition, as outlined in Section 10-9-8.2, Certificate of
584 Demolition. If a Certificate of Appropriateness or Certificate of Demolition is granted by the ~~Board~~
585 HISTORICAL PRESERVATION COMMISSION, the applicant shall obtain all necessary permits
586 required by this and other city codes.

587
588 Section 31: Title 10, Chapter 8, Section 1.2(F) is amended to read as follows:
589

590 F. Owner Notification. Before the City Attorney files a complaint in municipal court for failure
591 to maintain a historic landmark or property in a Historic District, the ~~Board~~ HISTORICAL
592 PRESERVATION COMMISSION shall notify the owner, lessee, or occupant of the need to repair
593 or maintain, shall assist the owner, lessee, or occupant in determining how to preserve the property,
594 and give the owner a period of 90 days to perform such work. The ~~Board~~ COMMISSION may
595 grant an extension of the time period for good cause shown.

596
597 Section 32: Title 10, Chapter 8, Section 2.1(A) is amended to read as follows:
598

599 A. Purpose. The purpose of the Legacy Program is for staff to provide a resolution for approval of
600 the Historical Preservation ~~Board~~ COMMISSION and to develop objective criteria for inclusion
601 on a list of significant historic structures. Nothing in this program shall be construed to impose any
602 regulations or controls upon or to provide incentives or awards to a structure solely because it is
603 included in the Program.

604
605 Section 33: Title 10, Chapter 8, Section 4 is amended to read as follows:
606

607 ARTICLE 10-8-4: ALTERATIONS

608 Contents:

609 Section 10-8-4.1 Purpose

610 Section 10-8-4.2 Major and Minor Alterations Chart

611 Section 10-8-4.3 Exemption Criteria

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612 Section 10-8-4.1 Purpose

613

614 Ensuring that proposed alterations to a Landmark or contributing property in a Historic District
615 are appropriate is the responsibility of the property owner and the ~~HPB~~ HISTORICAL
616 PRESERVATION COMMISSION. Refer to Section 10-9-8.1, Certificate of Appropriateness, for
617 the criteria that must be followed for alterations, new construction, and relocation, and the
618 procedure to which these standards apply.

619

620 Effective on: 10/28/2021

621

622 Section 10-8-4.2 Major and Minor Alterations Chart

623

624 A. Purpose. The Major and Minor Alterations Chart shall include types of alterations that an
625 applicant may propose to a designated Landmark or contributing property in a Historic District,
626 and shall note which alterations require staff level review and which require ~~HPB~~ HISTORICAL
627 PRESERVATION COMMISSION review. Any approved alterations are subject to building
628 permit review and compliance with adopted International Existing Building Code (IEBC)
629 requirements.

630 B. Availability. The Director shall maintain a current chart on the city's webpage. The chart shall
631 also be available to anyone who requests a copy.

632 C. Edits. Changes to the chart shall be made during regular ~~HPB~~ HISTORICAL PRESERVATION
633 COMMISSION meetings. These changes shall be published in the ~~HPB~~ HISTORICAL
634 PRESERVATION COMMISSION meeting minutes and on the city's website. Public comment on
635 the proposed change(s) may be received during the initial ~~HPB~~ HISTORICAL PRESERVATION
636 COMMISSION meeting, via email to staff, or at the subsequent ~~HPB~~ HISTORICAL
637 PRESERVATION COMMISSION meeting. The ~~HPB~~ COMMISSION shall consider public
638 comment when voting on proposed changes to the chart.

639

640 Section 10-8-4.3 Exemption Criteria

641

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

648

649 A. Economic Hardship.

650 1. Merit. The ~~Board~~ COMMISSION may solicit expert testimony and require the applicant to
651 submit information before it makes a determination, which may include:

652 a. An estimate of the cost of the proposed construction, alteration, demolition, or removal and an
653 estimate of any additional cost that would be incurred to comply with the conditions of approval
654 of a Certificate of Appropriateness.

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- 655 b. A report from a licensed engineer or architect with experience in rehabilitation of historic
656 properties as to the structural soundness of any buildings, structures, or objects on the property and
657 their suitability for rehabilitation.
- 658 c. In the case of a proposed alteration, the cost of the project proposed by the applicant is compared
659 with the changes required by the ~~Board~~ COMMISSION.
- 660 d. In the case of a proposed demolition, the estimated market value of the property in its current
661 condition, after rehabilitation, and after demolition, in addition to actual project costs.
- 662 e. The amount paid for the property, the date of purchase or acquisition, and the party from whom
663 the property was purchased, including a description of the relationship, if any, between the owner
664 of record or applicant and the person from whom the property was purchased.
- 665 f. All appraisals obtained within the previous two years by the owner or applicant in connection
666 with the purchase, financing, or ownership of the property.
- 667 g. Any listing of the property for sale or rent, price asked, and any written offers received within
668 the previous two years.
- 669 h. The actual or market value of the land and improvements according to the most recent
670 assessment.
- 671 i. Real estate taxes for the previous two years.
- 672 j. Any proposal for a replacement building, structure, or object for the property and financial proof
673 of the ability to complete the replacement project.
- 674 k. For an income-producing property, the annual gross income from the property and itemized
675 operating and maintenance expenses for the previous two years.
- 676
- 677 2. Criteria. The following factors, evidence, and testimony shall be considered:
- 678 a. General Considerations.
- 679 1. The structural soundness of any buildings or structures on the property and their potential for
680 rehabilitation.
- 681 2. The economic feasibility of rehabilitation or reuse of the existing property in the case of a
682 proposed demolition.
- 683 3. For investment or income-producing properties, the ability to obtain a reasonable rate of return
684 on the property in its present condition, or in a rehabbed condition pursuant to the requirements of
685 this Code.
- 686 4. For non-income-producing properties consisting of owner-occupied single-family dwellings
687 and/or non-income-producing institutional properties not solely operating for profit, the ability to
688 maintain or to convert the property to a residential or institutional use in its present condition or in
689 a rehabbed condition pursuant to the requirements of this Code, or the ability to transfer the
690 property for a fair rate of return.
- 691 b. Economic Hardship. The consideration for economic hardship shall not include any of the
692 following:
- 693 1. Willful or negligent acts by the owner, including a lack of property maintenance;
- 694 2. Purchase of the property for substantially more than its market value;
- 695 3. Failure to perform normal maintenance and that would amount to demolition by neglect;
- 696 4. Failure to diligently solicit and retain tenants;
- 697 5. Failure to prescribe a fair rental amount; or
- 698 6. Failure to provide normal tenant improvements.

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699

700 B. Undue Hardship. An applicant requesting an exemption based on an undue hardship shall show
701 that the criteria result in a situation that is substantially inadequate to meet the applicant’s specific
702 health or safety needs.

703

704 C. Inability to Use.

705 1. Waiver. Two years after denial of a demolition permit, if no feasible use or ownership is found
706 for the designated structure or property, the owner may request a waiver of all or a portion of the
707 criteria used to deny demolition.

708 2. Testimony. The ~~Board~~ COMMISSION may solicit expert testimony and require that the
709 applicant provide information before it makes a determination, which may include:

710 a. Documented evidence of applications and written correspondence, including written
711 consultations, illustrating efforts made by the owner(s) to make necessary repairs, to find a user or
712 purchaser for the property.

713 b. Documented evidence of applications and written correspondence, including written
714 consultations, illustrating efforts made by the owner(s) to locate and obtain available assistance
715 for making the property functional without demolition.

716 3. Criteria. The following factors, evidence, and testimony shall be considered:

717 a. Efforts to locate and secure a potential user or purchaser for the property.

718 b. Efforts to locate and obtain available assistance for making the property functional without
719 demolition.

720 c. Consideration for the inability to use a structure or property shall not include:

721 1. Willful or negligent acts by the owner;

722 2. Purchase of the property for substantially more than its market value; or

723 3. Failure to perform normal maintenance and repairs.

724

725 Section 34: Title 10, Chapter 8, Section 5.3 Notification is hereby amended to
726 read as follows:

727

728 10-8-5.3 Notification. Before the City Attorney files a complaint in municipal court for failure to
729 maintain a Landmark or contributing property within a Historic District, the city shall notify the
730 owner, lessee, or occupant of the need to repair, maintain or restore the property; shall assist the
731 owner, lessee, or occupant in determining how to preserve the property; and shall give the owner,
732 lessee, or occupant a period of 90 days to perform their work. The ~~Board~~ COMMISSION may
733 grant an extension of the time period for good cause shown.

734

735 Section 35: Title 10, Chapter 8, Section 6.2 Economic Incentives is hereby
736 amended to read as follows:

737

738 Section 10-8-6.2 Economic Incentives

739 A. Incentives. An owner of a property designated as a historic landmark may apply for incentives
740 to restore or rehabilitate property. Additional incentives may include:

741 1. Funds through the certified local government program;

742 2. Matching funds available through local preservation organizations; or

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- 743 3. State and national rebate and tax incentive programs available for historic properties.
- 744 B. Refund of City Taxes. The owner of a designated property may apply for a refund of certain ad
- 745 valorem taxes which have been paid on a Landmark or property in a Historic District during the
- 746 year of designation and for all subsequent years of designation. A refund requires that all
- 747 maintenance and rehabilitation activities are completed and the property is maintained as required
- 748 by this Code. The amount of refund shall be computed by multiplying the mill levy imposed for
- 749 the current year on the assessed valuation of the designated property, as follows:
- 750 1. Designated Historic Landmark: 100%
- 751 2. Property within a Historic District: 50%
- 752 3. Downtown Historic District: Not applicable.
- 753 C. Downtown Historic District Grant Fund. Monies in this fund shall be established by the City
- 754 Council, which may be granted to owners or tenants of properties within the Downtown Historic
- 755 District or a designated Landmark used for commercial purposes. Grant funds shall be used for
- 756 architectural design assistance, façade work, removal of graffiti, maintenance for signage, or other
- 757 improvements. Applications shall be made to and granted by the Historical Preservation ~~Board~~
- 758 COMMISSION.
- 759 D. Other Incentives; Notice of Refunds. The ~~Board~~ COMMISSION shall attempt to identify and
- 760 implement other economic incentives and notify owners of the opportunities available. The ~~Board~~
- 761 COMMISSION shall distribute public information informing citizens of the tax refund for historic
- 762 buildings.
- 763 E. Other. Owners of properties within the Downtown Historic District are entitled to other
- 764 exemptions for sales and use taxes as set out in the City Code.
- 765

766 Section 36: Title 10, Chapter 9, Section 1.3 of the Littleton City Code is hereby
767 amended to read as follows:

768
769 Section 10-9-1.3 ~~Board of Adjustment (“Board”)~~ APPEALS AND ADJUSTMENT
770 COMMISSION (“COMMISSION”)

771 A. Generally. The ~~Board of Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION,
772 established by the City Code, shall be referred to as “the ~~Board~~ COMMISSION.”

773 B. Powers and Duties. The ~~Board~~ COMMISSION shall have the authority to make final decisions
774 on the development review procedures denoted in Section 10-9-3.9, Development Review
775 Summary, in addition to those cited in Title 2, Boards and Commissions, Chapter 3, ~~Board of~~
776 ~~Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION, of the City Code.

777 C. Limited Authority. Nothing in this Section shall be construed to empower the ~~Board~~
778 COMMISSION to change the provisions of this Code, to effect changes in the Official Zoning
779 Map, to add to the land uses permitted in any zone district, or to grant an extension or enlargement
780 to that part of a structure or lot occupied by a nonconforming use.

781
782 Section 37: Title 10, Chapter 9, Section 1.5(B) of the Littleton City Code is
783 hereby amended to read as follows:

784
785 Section 10-9-1.5 Community Development Director (“Director”)
786

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787 B. Powers and Duties.

788

789 1. Development Review. The Director shall have the authority to make recommendations or final
790 decisions on the development review applications denoted in Section 10-9-3.9, Development
791 Review Summary.

792 2. Administration. The Director has authority to establish, amend, or revise application processes,
793 procedures, and document format and submittal requirements as necessary without need for a
794 public hearing. The Director shall be responsible for the general administration of activities
795 necessary to implement this Code including, but not limited to, the following:

796 a. Preparing application forms, ordinances, and administrative guidelines as necessary for the
797 convenience of the public;

798 b. Maintaining written records of all actions taken by the ~~Board of Adjustment~~ APPEALS AND
799 ADJUSTMENT COMMISSION, Planning Commission, and Historical Preservation ~~Board~~
800 COMMISSION authorized by this Code; and

801 c. Recommending to the Council a schedule of fees for offsetting the reasonable costs of
802 administering this title.

803

804

805 Section 38: Title 10, Chapter 9, Section 3.7 of the Littleton City Code is hereby
806 amended to read as follows:

807

808 Section 10-9-3.7 Appeals of Application Decisions

809 A. Generally. Unless otherwise specified in this Code, an applicant may seek review of the
810 decision in accordance with the procedures in this Section.

811 B. Appeals.

812 1. Appeal of a City Council (Council) Decision. Any decision of the Council on an appeal pursuant
813 to this section is final and subject only to judicial review by the district court with jurisdiction as
814 provided and in accordance with applicable law.

815 2. Appeal of a Historical Preservation ~~Board (HPB-HPC)~~ COMMISSION Decision. The applicant
816 may appeal a denial or condition of a certificate of appropriateness or certificate of demolition to
817 the Council within 15 days of such decision. If no appeal is filed within 15 days, the decision is
818 final. If an appeal is filed, the Council shall hold a public hearing to consider the appeal after notice
819 is provided in Section 10-9-3.5, Public Notice, of this Article. The Council shall consider the notice
820 of appeal, ~~HPB'S-HPC'S~~ reasons for denial of or conditions on the application, comments made
821 during the ~~HPB-HPC~~ hearing, and any evidence, including new evidence, it deems relevant to the
822 application. The Council shall apply the same approval criteria the ~~HPB-HPC~~ used to make an
823 independent and final determination. All other decisions of the ~~HPB-HPC~~ are final and may be
824 appealed in accordance with Title 2 of this code.

825 3. Appeal of a Planning Commission (Commission) Decision. The applicant may appeal a denial
826 or condition of a subdivision plat, conditional use, site plan, or master development plan to the
827 Council within 15 days of such decision. If no appeal is filed within 15 days, the decision is final.
828 If an appeal by the applicant is filed, the Council shall hold a public hearing to consider the appeal
829 after notice is provided in Section 10-9-3.5, Public Notice, of this Article. The Council shall
830 consider the notice of appeal, the Commission's reasons for denial of or conditions on the

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831 application, comments made during the Commission hearing, and any evidence, including new
832 evidence, it deems relevant to the application. The Council shall apply the same approval criteria
833 the Commission used to make an independent and final determination. All other decisions of the
834 Commission are final and may be appealed in accordance with Title 2 of this code.

835 4. Appeal of a ~~Board of Adjustment (BoA)~~ APPEALS AND ADJUSTMENT COMMISSION
836 (AAC) Decision. The applicant may appeal a denial or condition of a variance to the Council
837 within 15 days of such decision. If no appeal is filed within 15 days, the decision is final. If an
838 appeal is filed, the Council shall hold a public hearing to consider the appeal after notice is
839 provided in Section 10-9-3.5, Public Notice, of this Article. The Council shall consider the notice
840 of appeal, the ~~BoA's~~ AAC'S reasons for denial of or conditions on the application, comments
841 made during the ~~BoA's~~ AAC'S hearing, and any evidence, including new evidence, it deems
842 relevant to the application. The Council shall apply the same approval criteria the ~~BoA~~ AAC used
843 to make an independent and final determination. All other decisions of the ~~BoA~~ AAC are final and
844 may be appealed in accordance with Title 2 of this code.

845
846 Section 39: Title 10, Chapter 9, Section 3.9 is hereby amended to reflect that
847 all references to HPB Historical Preservation Board shall mean Historical Preservation
848 Commission, all references to BOA Board of Adjustment and BBoA Building Board of Appeals
849 shall mean Appeals and Adjustment Commission.

850
851 Section 40: Title 10, Chapter 9, Section 8 Historic Preservation Application
852 shall be amended to read as follows:

853
854 ARTICLE 10-9-8 HISTORIC PRESERVATION APPLICATIONS

855 Contents:

856 Section 10-9-8.1 Certificate of Appropriateness

857 Section 10-9-8.2 Certificate of Demolition

858 Section 10-9-8.3 Certificate of Economic Hardship

859 Section 10-9-8.4 Designation of Historic Landmarks and Districts

860 Section 10-9-8.1 Certificate of Appropriateness

861 A. Generally. This Section provides for the preservation of historic resources and establishes
862 criteria for proposed alterations to designated landmarks and buildings in historic districts.

863 B. Applicability. Before carrying out any new construction, alteration, relocation, or demolition
864 involving the exterior of any designated landmark or property in a historic district (including non-
865 contributing properties), the owner(s) shall submit the proposed work to the Director, as well as
866 apply for any other permits, such as a Building Permit, required by the Code. This Section outlines
867 the types of work that require a Certificate of Appropriateness, which shall be maintained in a
868 chart, as described in Section 10-8-4.2, Major and Minor Alterations Chart, by the Director.

869 1. Major Changes. A Certificate of Appropriateness shall be obtained from the HistoricAL
870 Preservation ~~Board~~ COMMISSION (~~HPB~~ HPC) for work to a historic landmark or a property in
871 a historic district for major changes. Major changes to a designated landmark or a property in a
872 designated historic district shall be obtained from the ~~HPB~~ HPC, which may include, but are not
873 limited to:

874 a. Demolition of, relocation of, or addition to a principal structure;

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- 875 b. New construction in a historic district;
- 876 c. Modification of or to the front or side façade of a principal structure, including chimneys, doors,
- 877 stoops, and windows, or handrails on commercial structures; and
- 878 d. The demolition of existing or construction of new accessory structures.
- 879 2. Minor Alterations. A Certificate of Appropriateness shall be obtained from the Director for work
- 880 to a historical landmark or a property in a historic district that is minimally visible or not visible
- 881 from public rights-of-way. The Director shall also review alterations to the exterior of accessory
- 882 buildings. The Director shall reserve the right to request the ~~HPB~~ HPC review of the application
- 883 if the Director believes the proposed work will have a significant visual impact from the public
- 884 rights-of-way or will have a significant impact on the integrity of the historic structure.
- 885 3. Exempt Changes.
- 886 a. A Certificate of Appropriateness shall not be required for any change to the interior of a
- 887 designated historic property or interior of any building in a historic district. Changes that do not
- 888 require a Certificate of Appropriateness include, but are not limited to, in-kind replacement of
- 889 materials, painting of previously painted surfaces, routine maintenance, placement of window well
- 890 covers on basement windows, replacement of handrails or guardrails on residential structures, or
- 891 the planting or replanting of the landscape.
- 892 b. A Certificate of Appropriateness shall not be required to restore to its existing condition any
- 893 building damaged by fire, vandalism, flood, wind, or any other act of God. The Director shall
- 894 review any building permits to repair such damage to ensure that materials of like kind and quality
- 895 are used for the repair.
- 896 C. General Decision Criteria. A Certificate of Appropriateness may be approved, approved with
- 897 conditions, or denied based on the following criteria.
- 898 1. Federal Standards. The proposed changes are in compliance with the Secretary of the Interior's
- 899 Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating,
- 900 Restoring, & Reconstructing Historic Buildings as adopted by the National Park Service;
- 901 2. Littleton Design Standards and Guidelines. The proposed changes are in compliance with the
- 902 adopted design standards and guidelines documents, such as the Downtown Littleton Historic
- 903 Preservation Design Guidelines, as outlined in the Design Requirements section on the city's
- 904 Envision Littleton webpage;
- 905 3. Original Features. The proposed work preserves, rehabilitates, or reconstructs the original
- 906 architectural features, and proposed new features are visually compatible with designated historic
- 907 structure(s) located on the property in terms of design, finishes, material, scale, mass, and height;
- 908 4. Compatibility. If property is in a designated historic district, the proposed work is visually
- 909 compatible with the development on abutting properties and those on the same block. The ~~HPB~~
- 910 HPC shall consider characteristics such as setbacks and building scale;
- 911 5. Character, Interest, and Value. Aside from changes that do not require a Certificate of
- 912 Appropriateness, as set out in paragraph B.3.a, above, the proposed work does not adversely affect
- 913 the special character or historical, architectural, or aesthetic interest or value of a landmark or
- 914 property in a historic district;
- 915 6. Color and Materials. The architectural style, arrangement, textures, paint colors especially if
- 916 applied to brick or stone, and arrangement of colors and materials used on existing and proposed
- 917 structures are compatible with the character of the existing landmark or property in a historic
- 918 district; and

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919 7. Exterior Features. The proposed work preserves, enhances, or restores, and does not damage or
920 destroy the exterior architectural features of a historical landmark or property in a historic district.
921 D.

922 Specific Criteria for the Relocation of a Historic Property.

923 1. General.

924 a. The ~~HPB~~ HPC may use the criteria of this Section in considering applications for Certificates
925 of Appropriateness for relocating a historic property within or outside of a designated site or
926 historic district or relocating a property into a historic district.

927 b. Applicants proposing to relocate a historic property shall provide:

928 1. A professionally prepared estimate of costs of continued maintenance of the property in its
929 current condition, of rehabilitation of site, and of relocation and rehabilitation;

930 2. An engineer's or architect's report as to structural soundness;

931 3. A professionally prepared estimate of the property's market value in its current location and
932 current condition, of the market value of the property rehabilitated on its current site, and of the
933 site after relocation of the property; and

934 4. Professionally prepared Site Plan and construction documents for the current site.

935 2. Criteria.

936 a. Historic Property. The following factors shall be considered for moving a historic property from
937 its site:

938 1. Whether the Property can be preserved, restored, rehabilitated, or reused on its current site to
939 provide for any reasonable, beneficial use of the property regardless of any proposed development
940 plan for the property's site or adjacent properties;

941 2. Whether a structural report submitted by a licensed structural engineer adequately demonstrates
942 the soundness of the property proposed for relocation;

943 3. Whether the property can be relocated without significant damage to its physical Integrity; and

944 4. Whether plans are specifically defined for the site to be vacated and have been determined to
945 meet all other city codes and ordinances.

946 b. New Location. The following factors shall be considered for moving the historic property to its
947 the new location:

948 1. Whether the historic property is compatible with its proposed site and adjacent properties; and
949 if the receiving site is compatible in nature with the historic property proposed to be moved;

950 2. The historic property's architectural Integrity and its consistency with the character of the
951 neighborhood of the receiving site;

952 3. Whether the relocation of the historic property will diminish the integrity or character of the
953 neighborhood of the receiving site; and

954 4. Whether a relocation plan has been submitted and approved by the city, including posting a
955 bond, to ensure the safe relocation, preservation, and repair (if required) of the property and site
956 preparation and infrastructure connections.

957 E. Procedures.

958 1. Application Submittal. The Director shall review any building permit application received to
959 determine whether the property is a landmark or located in a historic district and if so, whether the
960 applicant has completed review by the ~~HPB~~ HPC as required by this Section. A building permit
961 shall not be issued after an application has been filed and proceedings are pending to designate a
962 landmark or a property in a historic district.

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963 2. Public Hearing. Within 45 days after an application is determined complete by the Director, or
964 within a time frame agreed upon by the applicant and Director, a public hearing shall be held by
965 the ~~HPB~~ HPC. Such public notice and hearing shall be conducted in conformance with the
966 procedures set out in Section 10-9-3.6, Public Meetings and Hearings.

967
968 3. Decision.

969 a. Notification. After the ~~HPB~~ HPC approves, approves with conditions, or denies an application,
970 the applicant shall be notified of the result and the status of their Certificate of Appropriateness. If
971 the ~~HPB~~ HPC denies the application, it shall include reasons for denial when notifying the
972 applicant.

973 b. Continuance. The ~~HPB~~ HPC may issue an order to continue the application process if the ~~HPB~~
974 HPC determines that additional information is necessary to make a decision. If a hearing session
975 is held and a determination to continue is made, the time, date, and place of the continuation shall
976 be established and announced to those present prior to adjournment of such session.

977 c. Resubmittal. The applicant may resubmit an amended application or reapply for a building
978 permit that accounts for the recommendations of the ~~HPB~~ HPC or appeal the denial or an
979 application to the Council.

980 G. Effect. Approval of a Certificate of Appropriateness shall authorize the applicant to construct,
981 reconstruct, alter, relocate, or demolish the building subject to the Certificate of Appropriateness.
982 A Certificate of Appropriateness shall expire and be null and void if the activity for which the
983 Certificate was issued is not commenced within one year of the date the Certificate was approved.

984
985

986 Section 10-9-8.2 Certificate of Demolition

987 A. Generally. In addition to the criteria and procedures for reviewing alterations to a designated
988 landmark or property within a designated historic district, the Historical Preservation ~~Board~~
989 COMMISSION (~~HPB~~ HPC) shall use the criteria in this Section to consider applications for the
990 demolition of a landmark and contributing properties in a historic district.

991 B. Applicability. It shall be unlawful for any historical landmark or contributing property in a
992 designated historic district to be wholly or partially demolished without having obtained a
993 Certificate of Demolition. If a Certificate of Demolition is requested on any basis other than that
994 of an imminent hazard or economic hardship, a Certificate shall not be issued until all criteria in
995 this Section are met.

996 C. Decision Criteria. The ~~HPB~~ HPC shall approve, approve with conditions, or deny a Certificate
997 of Demolition based on findings as to whether the application satisfies the following criteria:

998 1. Total Demolition.

999 a. The structure proposed for demolition is not structurally sound;

1000 b. The structure cannot be rehabilitated or reused on-site to provide for any beneficial use of the
1001 property;

1002 c. The structure cannot be practically moved to another lot in Littleton;

1003 d. In the case of an archeological site, any archeological information can be recovered as part of
1004 the demolition process; and

1005 e. The applicant demonstrates that the proposal mitigates, to the greatest extent practical, the
1006 following:

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- 1007 1. Any impacts that occur to the visual character of the neighborhood where demolition is
1008 proposed to occur;
- 1009 2. Any impact on the historical importance of the remaining structure(s) on the property and
1010 adjacent properties; and
- 1011 3. Any impact to the architectural integrity of the remaining structure(s) on the property and
1012 adjacent properties.
- 1013 2. Partial Demolition.
- 1014 a. Partial demolition is required for the preservation, restoration, or rehabilitation of the remainder
1015 of the historic property; and
- 1016 b. The applicant demonstrates that the proposal mitigates, to the greatest extent practical, the
1017 following:
- 1018 1. Any impact on the historic significance of the building(s), structure(s), or objects located on the
1019 property and adjacent properties; and
- 1020 2. Any impact on the integrity of the building(s), structure(s), or object(s) located on the property
1021 and adjacent properties.
- 1022 D. Procedure.
- 1023 1. Public Hearing. Within 45 days after an application is determined complete by the Director, or
1024 within a time frame agreed upon by the applicant and Director, a public hearing shall be held by
1025 the ~~HPB~~ HPC. Such public notice and hearing shall be conducted in conformance with the
1026 procedures set out in Section 10-9-3.6, Public Meetings and Hearings.
- 1027 2. Decision.
- 1028 a. Time Period.
- 1029 1.If an application is approved or approved with conditions by the ~~HPB~~ HPC, a Certificate of
1030 Demolition shall be sent to the applicant, Director, Chief Building Official, and any person who
1031 has requested in writing to receive the same within 30 days. If approved with conditions, such
1032 conditions shall be stated in writing on the Certificate of Demolition.
- 1033 2. If the ~~HPB~~ HPC denies an application, the denial of a Certificate of Demolition shall be sent, in
1034 writing, to the applicant, Director, Chief Building Official, and any person who has requested in
1035 writing to receive the same within 30 days. Such denial shall state the reasons for the denial and
1036 the procedures for appeal to the Council.
- 1037 b. Continuance. The ~~HPB~~ HPC may issue an order to continue the application process if the ~~HPB~~
1038 HPC determined that additional information is necessary to make a decision. If a hearing session
1039 is held, the time, date, and place of the continuation shall be established and announced to those
1040 present prior to the adjournment of such session.
- 1041 c. Resubmittal. The applicant may resubmit an amended application or reapply for a building
1042 permit that accounts for the recommendations of the ~~HPB~~ HPC or appeal the application denial to
1043 the Council.
- 1044 3. Certificate of Appropriateness for Proposed Development. Applicants requesting a Certificate
1045 of Demolition for wholly or partially demolishing a designated historic building or structure shall
1046 also obtain a Certificate of Appropriateness for the proposed new development on the lot prior to
1047 the issuance of a Certificate of Demolition.
- 1048 E. Effect. Approval of a Certificate of Demolition shall authorize the applicant to demolish the
1049 building or structure that is subject to the certificate. A Certificate of Demolition shall expire and

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1050 be null and void if the activity for which the certificate was issued is not commenced within one
1051 year of the date the certificate was approved.

1052

1053 Section 10-9-8.3 Certificate of Economic Hardship

1054 A. Generally. This Section provides means for an applicant to show that a denied Certificate of
1055 Appropriateness or Certificate of Demolition for a designated landmark or property in a historic
1056 district would result in an economic hardship.

1057 B. Applicability. Following denial of a Certificate of Appropriateness or a Certificate of
1058 Demolition, the owner(s) may apply for a Certificate of Economic Hardship by submitting an
1059 application to the Historical Preservation Board COMMISSION. Economic hardship does not
1060 include self-created hardships, willful or negligent acts by the owner(s), purchase of the property
1061 for substantially more than the market value, failure to perform normal maintenance and repair,
1062 failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

1063 C. Decision Criteria. The ~~HPB~~ HPC may approve, approve with conditions, or deny a Certificate
1064 of Economic Hardship based on the following criteria:

1065 1. No Beneficial Use. The property subject to an application for a Certificate of Economic
1066 Hardship cannot be put to any reasonably beneficial use; the owner(s) would suffer a substantial
1067 economic loss without the construction, reconstruction, alteration, relocation, or demolition; and
1068 the owner is not responsible for the hardship from which the owner is seeking relief;

1069 2. Decrease in Value. There would be a substantial decrease in the fair market value of the property
1070 as a result of the denial of a Certificate of Appropriateness or Certificate of Demolition;

1071 3. Decrease in Investment. There would be a substantial decrease in the financial return to the
1072 owner(s) of the property resulting from the denial of the Certificate of Appropriateness or
1073 Certificate of Demolition;

1074 4. Structural Soundness. The structural soundness of any structure(s) on the property makes them
1075 not suitable for restoration or rehabilitation;

1076 5. Economic Feasibility. Restoration, rehabilitation, or reuse of the existing structure or
1077 improvement is not economically feasible on the property in the case of a proposed demolition;
1078 and

1079 6. Health and/or Safety Issues. A noneconomic hardship is considered when designation creates a
1080 situation substantially inadequate to meet the applicant's needs because of specific health or safety
1081 issues.

1082

1083 D. Procedures.

1084 1. Public Hearing. Within 60 days after an application is determined complete by the Director, or
1085 within a time frame agreed upon by the applicant and Director, a public hearing shall be held by
1086 the ~~HPB~~ HPC. Such public notice and hearing shall be conducted in conformance with the
1087 procedures set out in Section 10-9-3.6, Public Meetings and Hearings. At the public hearing, the
1088 ~~HPB~~ HPC shall take testimony and other evidence presented by the owner and any other interested
1089 parties concerning the economic hardship that the owner would suffer without the proposed
1090 construction, reconstruction, alteration, relocation, or demolition being sought by the owner.

1091 2. Evidence.

1092 a. The owner shall submit evidence at the hearing to support the economic hardship which the
1093 owner alleges they would suffer if the Certificate of Appropriateness or Certificate of Demolition

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- 1094 is not issued. Specific information and documentation to be presented by the owner at the hearing
1095 shall include, but not necessarily be limited to, the following:
- 1096 1. The amount paid for the property, the date of purchase, and party from whom the property was
1097 purchased, including a description of the relationship, if any, between the owner of record or
1098 applicant and the seller;
 - 1099 2. The annual gross and net income, if any, from the property for the previous three years; itemized
1100 operating and maintenance expenses for the previous three years; and depreciation deduction and
1101 annual cash flow before and after debt service, if any, for the previous three years;
 - 1102 3. Remaining balance on any mortgage or other financing secured by the owner and the annual
1103 debt service, if any, during the previous three years;
 - 1104 4. Real estate taxes for the previous three years and the assessed value of the property according
1105 to the two most recent assessed valuations by the county assessor for the county in which the
1106 property is located;
 - 1107 5. All appraisals obtained within the previous three years by the owner in connection with the
1108 purchase, financing, or ownership of the property;
 - 1109 6. Any listings of the property for sale or lease, price asked, and offers received, if any, within the
1110 previous two years;
 - 1111 7. A report from a licensed engineer or architect with experience in rehabilitation as to the
1112 structural soundness of any structures on the property and their suitability for rehabilitation;
 - 1113 8. An estimate of the cost of the proposed construction, reconstruction, alteration, relocation, or
1114 demolition, and an estimate of any additional cost that would be incurred to rehabilitate or renovate
1115 the existing property for continued use;
 - 1116 9. An estimated market value of the property in its current condition, after completion of the
1117 demolition and proposed new construction, and after renovation of the existing property for
1118 continued use;
 - 1119 10. Testimony of an architect, developer, real estate consultant, appraiser, or other professional
1120 experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing
1121 structure on the property; and
 - 1122 11. Economic incentives and funding available through federal, state, city, or private programs.
1123
- 1124 b. The owner/applicant's purchase of the property without making the purchase contingent upon
1125 the owner obtaining necessary ~~HPB~~ HPC approvals under this Code shall create a rebuttable
1126 presumption that the owner is responsible for the economic hardship if any.
1127
- 1128 3. ~~HPB~~ HPC Decision.
- 1129 a. Approval. If the ~~HPB~~ HPC finds that the owner has established a demonstrable economic
1130 hardship as a result of the denial of a Certificate of Appropriateness or Certificate of Demolition,
1131 the ~~HPB~~ HPC shall issue a Certificate of Economic Hardship. In this case, the ~~HPB~~ HPC shall also
1132 issue the Certificate of Appropriateness or Certificate of Demolition according to the procedures
1133 set out in Section 10-9-8.1, Certificate of Appropriateness, or Section 10-9-8.2, Certificate of
1134 Demolition. A Certificate of Economic Hardship shall be granted only to the owner(s) at the time
1135 the Certificate was issued. A Certificate of Economic Hardship shall not be transferable.

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1136 b. Denial. If the ~~HPB~~ HPC finds that the owner has not established a demonstrable economic
1137 hardship as a result of the denial of a Certificate of Appropriateness or Certificate of Demolition,
1138 the ~~HPB~~ HPC shall deny the Certificate of Economic Hardship.

1139 c. Notification of Decision.

1140 1. If an application is approved or approved with conditions by the ~~HPB~~ HPC, a Certificate of
1141 Economic Hardship shall be sent to the applicant. If approved with conditions, such conditions
1142 shall be stated in writing in the Certificate of Economic Hardship.

1143 2. If the ~~HPB~~ HPC denies the application, the denial of the Certificate of Economic Hardship shall
1144 be sent to the applicant and shall state the reasons for the denial and the procedures for appeal to
1145 the Council.

1146 d. Resubmittal. The applicant may resubmit an amended application or reapply for a building
1147 permit that accounts for the recommendations of the ~~HPB~~ HPC or appeal the application denial to
1148 the Council.

1149 e. Continuance. The ~~HPB~~ HPC may also issue an order to continue the application process if the
1150 ~~HPB~~ HPC determined that additional information is necessary to make a decision. If a hearing
1151 session is held, the time, date, and place of the continuation shall be established and announced to
1152 those present prior to adjournment of such session.

1153 E. Effect. Approval of a Certificate of Economic Hardship shall authorize the applicant to
1154 undertake the activity proposed in the request for a Certificate of Appropriateness or Certificate of
1155 Demolition.

1156

1157

1158 Section 10-9-8.4 Designation of Historic Landmarks and Districts

1159 A. Generally. This Section allows for the application of any persons to designate a historic
1160 landmark or district.

1161 B. Applicability. Any property may be considered for designation as a landmark, and any
1162 geographically defined area may be considered for designation as a local historic district.

1163 C. Decision Criteria. The ~~HPB~~ HPC may recommend approval, approval with conditions, or denial
1164 of Designation of Historic Landmarks and districts based on the following criteria:

1165 1. Consensual Designation. If the owner(s) of property, or a majority of properties in a proposed
1166 historic district consent to the designation, a recommendation shall be based on the following
1167 considerations:

1168 a. It has value as a reminder of the cultural or archeological heritage of the nation, state, or city;

1169 b. The location is a site of a significant national, state, or local event;

1170 c. It identifies with a person or persons who significantly contributed to the development of the
1171 nation, state, or city;

1172 d. It identifies as the work of a master builder, designer, or architect whose individual work has
1173 influenced the development of the nation, state, or city;

1174 e. It has value as a building that is recognized for the quality of its architecture, and that retains
1175 sufficient elements showing architectural significance;

1176 f. It displays characteristics of an architectural style of a period;

1177 g. It has character as a geographically definable area possessing a significant concentration of sites,
1178 buildings, objects, or structures united by architectural style, by a plan, or by physical
1179 development; and

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- 1180 h. It has character as an established and geographically definable neighborhood united by culture
1181 or past events.
- 1182 2. Non-Consensual Designation. If the owner or owners of the property, or owners of a majority
1183 of the properties in a proposed historic district nominated for designation do not consent to the
1184 designation, the ~~HPB~~ HPC may recommend and Council may designate a historic landmark or
1185 district without owner consent if it is shown that the property or district meets the criteria in C.1,
1186 above, and has overwhelming historic importance to the entire community. The term
1187 "overwhelming significance" shall, for purposes of this Section, mean that the property or district:
1188 a. Possesses such unusual or uncommon significance that the structure's or district's potential
1189 demolition or major alteration would diminish the character and sense of place; or
1190 b. Possesses superior or outstanding examples of the architectural, social, or geographic historic
1191 significance criteria outlined in the standards and criteria. The term "superior" shall mean
1192 excellence of its kind and the term "outstanding" shall mean marked by eminence and distinction.
- 1193 D. Procedures.
- 1194 1. Nomination and Application. When a property is found to have the potential for designation to
1195 the Littleton Historic Register, an application shall be filed.
- 1196 a. A nomination for listing in the Littleton Historic Register may be made by:
- 1197 1. Owner(s) of a property or properties to be designated;
- 1198 2. A member or members of the ~~HPB~~ HPC;
- 1199 3. A member or members of the Council; and/or
- 1200 4. Non-owners of a property or properties to be designated, in which case the applicant shall be a
1201 resident, owner of property, or have a place of business in the city.
- 1202 b. For landmark designation, where nominated by someone other than the owner(s), the Director
1203 or a member of the ~~HPB~~ HPC shall contact the owner(s) of such property or properties nominated
1204 for designation, outlining the reasons and effects of a listing in the Littleton Historic Register.
- 1205 c. For historic district designation, the application for designation must include consent from a
1206 minimum of 25 percent of the property owners within the proposed district. Prior to scheduling
1207 the designation hearing for the proposed historic district, the applicant must submit written consent
1208 to the establishment of the district from a minimum of 51 percent of the property owners within
1209 the district. Note that each property shall only be given one vote, and if one person owns more
1210 than one property within the proposed district, they are limited to one vote.
- 1211 d. Applications shall not be processed until complete. Incomplete applications shall be returned to
1212 the applicant with a request for additional information.
- 1213 2. Designation Hearing.
- 1214 a. Between 30 and 60 days after an application is deemed complete, or within a time frame agreed
1215 upon by the applicant and Director, a public hearing shall be held by the ~~HPB~~ HPC.
- 1216 1. At least 10 days prior to the hearing, the Director shall provide notice of the date, time, and
1217 location of the public hearing to the applicant; the owner(s) of record; the owners of adjacent
1218 properties; and, if known, to other persons having a legal or equitable interest in the properties or
1219 district nominated for designation.
- 1220 2. At least 10 days prior to the hearing, a legal notice indicating the nature of the hearing; the
1221 property involved; and the time, date, and place of the scheduled public hearing shall be published
1222 in the city's publication of record.

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1223 3. The notice shall be posted at the property's physical location at least 10 days prior to the hearing.
1224 In the case of a historic district, multiple signs shall be posted at appropriate locations serving as
1225 boundaries of the proposed district.

1226 b. At least five of seven members of the ~~HPB~~ HPC shall be present at the hearing in order to
1227 establish a quorum. In the event of vacancies on the ~~HPB~~ HPC, then two-thirds of ~~HPB~~ HPC
1228 members shall constitute a quorum. If a quorum is missing, the Chairperson of the ~~HPB~~ HPC may
1229 set a new date for a special hearing or the matters scheduled for that hearing shall be heard on the
1230 next regularly scheduled hearing date.

1231 c. A hearing may be continued if the time, date, and place of the continuation are established and
1232 announced to those present when the current session is adjourned.

1233 d. Reasonable opportunity shall be provided for all interested parties to express their opinions
1234 regarding the proposed designation. However, nothing contained in this Code shall be construed
1235 to prevent the ~~HPB~~ HPC from establishing reasonable rules to govern the proceedings of the
1236 hearings, or from establishing reasonable limits on the length of individual presentations.

1237 e. Transcripts of hearings are not required; however, the ~~HPB~~ HPC'S records shall include the
1238 name and address of each speaker; the organization or person the speaker represents, if any;
1239 whether or not the speaker is an owner or holder of some interest in the property or district
1240 nominated for designation, or represents such owner or holder; and a summary of each statement,
1241 including the speaker's interest in the property or district. Written reports and presentations shall
1242 be incorporated into the record of the hearing.

1243 3. ~~HPB~~ HPC Review.

1244 a. The ~~HPB~~ HPC shall review the application for conformance with the criteria for designation
1245 and with the purposes of this Code.

1246 1. Prior to the hearing, the Director shall review the proposed designation and provide the
1247 following information to the ~~HPB~~ HPC with respect to:

1248 i. Its consistency with the goals and policies of the Comprehensive Plan;

1249 ii. The proposed landmark or historic district's significance and criteria, as defined in Section 10-
1250 8-3.2, Criteria;

1251 iii. For a proposed historic district, the suggested period of significance and list of contributing and
1252 non-contributing properties within the district;

1253 iv. Other planning considerations as may be relevant to the proposed designation; and

1254 v. Public comments received regarding the proposed designation.

1255 2. The Director shall provide written comments and recommendations regarding the proposed
1256 designation to the ~~HPB~~ HPC before the hearing according to the timing of the general packet
1257 submittal.

1258 b. The ~~HPB~~ HPC may recommend approval, approval with conditions, or denial or issue an order
1259 to continue the nomination process.

1260 1. The ~~HPB~~ HPC shall notify, in writing, the Council and applicant of their recommendation,
1261 including how the application meets the criteria for historic significance and integrity as described
1262 in Section 10-8-3.2, Criteria. If the recommendation was to approve with conditions, the
1263 notification shall include suggested changes such as, but not limited to, suggesting changes to the
1264 period of significance of a proposed historic district or the contributing and non-contributing
1265 features on a proposed historic property. If the ~~HPB~~ HPC recommends denial of the application,
1266 the written notification shall state the reasons for the denial.

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- 1267 2. The ~~HPB~~ HPC may issue an order continuing the nomination process if the ~~HPB~~ HPC finds that
1268 additional information is necessary to make a decision. If the hearing is continued, the time, date,
1269 and place of the continuation shall be established and announced to those present when the current
1270 session is adjourned. In no case shall a hearing be continued more than 30 days without the
1271 expressed consent of the applicant.
- 1272 4. City Council Proceedings.
- 1273 a. After receipt of recommendation from the ~~HPB~~ HPC, the Council shall hold a public hearing
1274 to consider adopting, by ordinance, the property, properties, or historic district properties
1275 qualifying for designation.
- 1276 b. The Council shall review the application for conformance with this Code and CHAPTER 8,
1277 Historic Preservation.
- 1278 c. The Council shall, by ordinance, approve, approve with conditions, or deny the proposed
1279 application for designation and shall issue written findings based on the ~~HPB~~ HPC'S
1280 recommendations.
- 1281 d. The Director shall provide a copy of the results of the Council's final action to the applicant(s).
- 1282 5. Recording of Designation. Within 30 days of the effective date of an ordinance designating a
1283 historic landmark or a historic district for preservation, the Director shall record the ordinance with
1284 the office of the County Clerk and Recorder.
- 1285 6. Records. The Director shall maintain a current record of:
- 1286 a. Pending proposed designations;
- 1287 b. Designated historic districts and a list of contributing and non-contributing properties within
1288 the historic district; and
- 1289 c. Designated landmarks.
- 1290 7. Limitation on Resubmission and Reconsideration of a Proposed Designation. Whenever
1291 Council denies a proposed designation, an application that is the same or substantially the same
1292 shall not be submitted for at least one year from the effective date of the final action on the denied
1293 application, unless the denial was based on a request for additional information.
- 1294 8. Amendment of Designation.
- 1295 a. Designation of a historic property as a landmark or a series of properties as a historic district
1296 may be amended to add contributing and non-contributing features to or remove them from a
1297 historic property designation, or to add properties to or remove them from a historic district under
1298 the procedures of this Section.
- 1299 b. Upon the ~~HPB~~ HPC'S recommendation to amend a designation, the ~~HPB~~ HPC shall promptly
1300 notify the owner(s) of the historic property or in a historic district. The Director shall prepare a
1301 resolution, including the legal description of the affected historic property or historic district
1302 stating notice of the amendment, and schedule the resolution for Council review. Upon Council
1303 adoption, the resolution shall be recorded.
- 1304 9. Revocation of Designation.
- 1305 a. If a historic landmark or historic district has been altered to a degree that it no longer retains its
1306 historic integrity, the owner of the landmark or owners of the historic district may apply to the
1307 ~~HPB~~ HPC for a revocation of the designation, or the ~~HPB~~ HPC may recommend revocation of the
1308 designation to the Council in the absence of the owner's application to do so. The revocation
1309 application shall be reviewed under the same procedures described in this Section.

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1310 b. Upon the ~~HPB~~ HPC’S decision to recommend revocation of a designation, the owner(s) of the
1311 historic landmark or of all properties in the historic district shall be notified in writing. The Director
1312 shall cause an ordinance revoking the designation to be prepared, which shall include the legal
1313 description of the affected historic landmark or historic district and shall schedule the ordinance
1314 for Council review. Upon adoption by the Council, the ordinance shall be recorded.

1315 E. Effect. Approval of a designated historic landmark or district shall authorize the filing and
1316 processing of an application for any required permits or approvals including, but not limited to, a
1317 Certificate of Appropriateness or Certificate of Demolition. Approval shall not authorize the
1318 establishment or extension of any use nor the construction, reconstruction, alteration, relocation,
1319 or demolition of any building or structure.

1320
1321 Section 41: Title 10, Chapter 9, Section 9.2(A)(6) is hereby amended to read as
1322 follows:

1323
1324 6. Appeals of administrative decisions related to waivers or variances shall be heard by the ~~Board~~
1325 ~~of Adjustment~~ APPEALS AND ADJUSTMENT COMMISSION.

1326
1327 Section 42: Title 10, Chapter 12 Word Usage is hereby amended as follows:

1328
1329 Historical Preservation ~~Board~~ COMMISSION means the group of people tasked with advising
1330 staff and City Council on any requests for alterations to, additions to, relocation of, or demolition
1331 of a historic resource, often a landmark or contributing property within a historic district. The
1332 ~~Board~~ COMMISSION is also responsible for evaluating the eligibility of potential historic
1333 resources, conducting surveys, assisting in public education efforts regarding historic resources,
1334 and making recommendations regarding design standards and guidelines for historic resources.
1335 Effective on: 10/28/2021

1336
1337 Section 43: Severability. If any part, section, subsection, sentence, clause or phrase of this
1338 ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the
1339 remaining sections of this ordinance. The city council hereby declares that it would have passed
1340 this ordinance, including each part, section, subsection, sentence, clause or phrase hereof,
1341 irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases
1342 may be declared invalid.

1343
1344 Section 44: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this
1345 ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of
1346 such ordinance nor revive any ordinance thereby.

1347
1348
1349 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council

1350 of the City of Littleton on the 16th day of January, 2024, passed on first reading by a vote of 6

1351 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library,

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1352 the Municipal Courthouse and on the City of Littleton Website.

1353 PUBLIC HEARING on the Ordinance to take place on the 6th day of February,
1354 2024, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at
1355 the hour of 6:30 p.m., or as soon thereafter as it may be heard.

1356 PASSED on second and final reading, following public hearing, by a vote of 7
1357 FOR and 0 AGAINST on the 6th day of February, 2024 and ordered published by posting at
1358 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

1359 ATTEST:

1360 DocuSigned by:
Colleen A. Norton
1361 Colleen A. Norton
1362 CITY CLERK

DocuSigned by:
Kyle Schachter
1363 Kyle Schachter
1364 MAYOR

1363 DocuSigned by:
1364 *Reid Betzing*
1365 Reid Betzing
1366 CITY ATTORNEY

