

ORDINANCE NO.: 3225
INTRODUCED BY: Henry

AN ORDINANCE ENACTING A NEW CHAPTER 19 OF THE THORNTON CITY CODE PERTAINING TO HISTORIC RECOGNITION OF SITES, STRUCTURES AND DISTRICTS.

WHEREAS, the Thornton City Code regulates land development in Thornton and allows for classifications of uses, but does not contemplate the historic recognition of structures, sites and districts; and

WHEREAS, the recognition of structures, sites and districts of cultural, historical and architectural significance is in the interest of the prosperity, civic pride, economic development and general welfare of the people of the City of Thornton; and

WHEREAS, basic criteria for the historic designation of sites, structures or districts, definitions, and procedures for historic designation are necessary to establish a historic recognition process in the City; and

WHEREAS, the enactment of Chapter 19 of the Thornton City Code will not limit a property owner's ability to conduct any alteration, demolition, removal, or construction at a designated historic property; and

WHEREAS, the City encourages property owners to retain historic characteristics when making repairs or modifications to historic designated sites, structures or districts; and

WHEREAS, the City finds that the proposed addition of Chapter 19 to the Code is necessary to further promote the public health, safety, and welfare of our citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. A new chapter, Chapter 19, of Thornton City Code is hereby enacted to read as follows:

Chapter 19. HISTORIC RECOGNITION

ARTICLE I. IN GENERAL

Sec. 19-1. Title.

This chapter shall be known as the Historic Recognition Code.

Sec. 19-2. Purpose.

The city council hereby declares that the recognition of structures, sites and districts of cultural, historical and architectural significance is in the interest of the

prosperity, civic pride, economic development and general welfare of the people of the City of Thornton.

Sec. 19-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Historic district means a geographically definable area that has been designated as such by the city because of its historic significance and importance to the community. A historic district includes a concentration, linkage or continuity of sites, buildings, structures and/or physical features. A district is related by a pattern of either physical elements or social activities. A term "district" may include neighborhood, agricultural or commercial districts.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

Landmark means a property or structure designated by resolution of the city council, that is worthy of rehabilitation, restoration and preservation because of its cultural, architectural and/or historical significance to the City.

Site means a specific location or place which may or may not have structures or improvements located upon it.

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

Secs. 19-4 – 19-11. Reserved.

ARTICLE II. HISTORIC DESIGNATION

Sec. 19-12. Criteria for historic designation.

(a) *General historic designation.* Properties receiving historic designations should be at least fifty years old except as otherwise provided herein and possess architectural, social, archeological, or geographical/environmental importance.

(b) *Additional criteria for historic districts.* Properties that do not contribute to the significance of the historic landmark district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historic development.

(c) *State or National Register listing recognition.* Any site listed on the Colorado State Register of Historic Properties or National Register of Historic Places shall be deemed to qualify for local designation under this chapter, but shall not be locally designated until an application for designation is filed and processed pursuant to this chapter.

Sec. 19-13. Historic designation nomination.

- (a) Nominations for historic designation shall be made on a form designated by the City. Nominations may be submitted by the owners of record of the nominated property or structure, the city council, the city staff, or any other person or organization.
- (b) Upon nomination, the city shall contact the owner of record of all nominated property and secure the consent of the owner to such designation.
 - (1) A nomination for a historic landmark or site shall not be considered until all owners have consented to such designation.
 - (2) The boundaries of a proposed historic district shall be modified to exclude any properties where the owner has not consented to such designation.
- (c) Once the required property owner's consent to the nomination has been received by the City, TASHCO shall consider the application and make a formal recommendation to city council. Written notice of the date, time, and place of the TASHCO public meeting to consider the application shall be sent by first class mail at least ten days prior to the public meeting to the applicant and all property owners, as determined by county records, whose property would be included in the proposed designation.
- (d) In addition to considering the report and recommendation from city staff, TASHCO may request input from members of other city boards and commissions, or other professionals with expertise in subject matter relevant to the application under consideration, including but not limited to architecture, landscape architecture, archaeology, history, planning, or cultural geography or anthropology.
- (e) At the specified public meeting, TASHCO shall review the application to make a determination as to whether the nominated property, site or area meets the criteria of Section 19-12 for historic designation. TASHCO shall recommend approval, approval with conditions, or denial of the application for designation and shall forward its recommendation to the city council.

Sec. 19-14. Historic designation.

- (a) Upon receipt of a recommendation from TASHCO and pursuant to the procedures set forth herein, the city council may, by resolution:
 - (1) Designate as a landmark an individual structure or other feature or an integrated group of structures and features on a single site having cultural, architectural or historical significance.
 - (2) Designate as a historic district an area containing a number of structures having cultural, architectural or historical significance.
- (b) The city council shall make its decision on an application for historic designation based on the recommendation of TASHCO, staff reports, and other evidence presented, and on findings that the application meets the requirements of this chapter and other applicable regulations, standards, requirements, or plans adopted by the city council.

- (c) Any designation resolution shall include a description of the characteristics of the landmark or historic district which justify its designation, and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark site or historic district.
- (d) The designation resolution may also include recommendations to encourage the preservation and enhancement of the designated landmark or historic district.
- (e) The city council shall approve, approve with conditions, or deny an application for historic designation by resolution. The decision of the council shall be considered final.
- (f) If the historic designation is approved or approved with conditions by the city council, a copy of the resolution shall be provided to all owners of record of the structure or site, or in the historic district.
- (g) Any historic marker provided by the city should be installed in a location such that it is clearly visible from a public street.

Sec. 19-15. Historic property preservation.

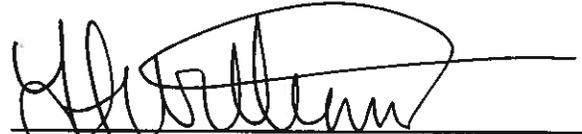
Owners of historic landmarks and owners of properties located within a historic district are encouraged to retain the historic characteristics when carrying out any maintenance, repair, construction, alteration, removal, relocation or demolition.

- 2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
- 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.
- 4. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
- 5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on December 4, 2012.

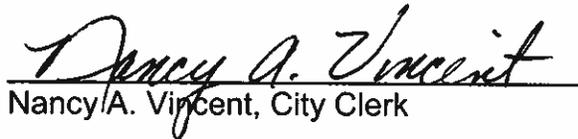
PASSED AND ADOPTED on second and final reading on December 18, 2012.

CITY OF THORNTON, COLORADO



Heidi K. Williams, Mayor

ATTEST:



Nancy A. Vincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:



Margaret Emerich, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on December 13, 2012, and after second and final reading on December 27, 2012.