

ORDINANCE NO.1089

AN ORDINANCE CREATING A HISTORIC PRESERVATION BOARD

WHEREAS, the protection and preservation of the City's historic and cultural heritage is essential to the enhancement of the City's sense of community; and,

WHEREAS, such protection and preservation will enhance property values and generally increase the economic well-being of the City, its citizens and its businesses; and,

WHEREAS, the City Council finds and determines that the creation of a historic preservation board would be advantageous to the City; and,

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

Section 1. Section 57, Chapter 17 of the *Code of the City of Fort Morgan* is hereby amended by the addition of a new article to read as follows:

Article IV Historic Preservation

Sec. 17-57 Historic Preservation.

(a) The intent of this section is to preserve and protect the heritage of the City through the identification, evaluation, rehabilitation, adaptive use, restoration, and public awareness of Fort Morgan's historic and architectural resources. This section is further intended to:

1. Effect and accomplish the protection, preservation, enhancement, perpetuation, of the City's historic and cultural heritage, as embodied in historic structures and districts;
2. Enhancement of property values, and the stabilization of historic commercial and residential neighborhoods;
3. Foster civic pride in the accomplishments of the past;
4. Protect and enhance the aesthetic and environmental character, diversity, and interest of neighborhoods;
5. Protect and enhance the City's attraction to residents, tourist, and visitors, and thereby serve as a support and stimulus to the economy;

6. Promote the use of historic sites, and historic districts for the education, pleasure, and welfare of the citizens of the City of Fort Morgan.

(b) The purpose of this section is to:

1. To provide the framework for identification and designation of properties that have major significance in the City's historic, cultural, aesthetic, and architectural heritage.
2. Assure that alterations and new construction within designated historic sites, and historic districts are compatible with the property's historic character.

Sec. 17-58 Definitions.

The following definitions shall apply only to this Chapter:

Alteration. Any change affecting the exterior appearance of a structure or its setting by additions, reconstruction, remodeling, or maintenance involving change in color, form, texture, signs, or materials, or any such changes in appearance of designated interiors.

Applicant. The owner of record of a property and/or structures located therein, or his/her designee.

Application, complete. An application for approval sought pursuant to this section shall be deemed complete if it is on a form approved by the City and all applicable information is provided by the applicant on the form, or attachments (s) as necessary, at the time of its filing and all required fees are paid.

Certificate of Appropriateness. A written document, issued pursuant to this section, permitting specified alterations, demolitions, ground disturbing activity, or other work.

Contributing structure / landscape feature. A structure or landscape feature which by location, design, setting, materials, workmanship, feeling, and association adds to the sense of time and place and historical development of a historic site or historic district.

Demolition. The complete destruction of a structure, or any part thereof.

Designated property; designated historic site, designated historic district. A historic site or historic district designated pursuant to this section.

Ground disturbing activity. Any excavation, filling, digging, removal or trees, or any other activity that may alter or reveal an interred area.

Historic Preservation Map. The Official Historic Preservation Map of the City of Fort Morgan, Colorado, which shall show all designated historic sites and historic districts.

Historic district. A geographically defined area possessing a significant concentration, linkage, or continuity of sites or structures united historically or aesthetically by plan or physical development.

Historic site. A geographically defined area containing a structure or site, or a historically related complex of structures or sites, which has a special character or a special historic or aesthetic interest or value as part of the heritage of the City.

Interim protection measure. The interim period of time needed to protect a property from demolition, relocation, alteration, or new construction until such period of time provided by law passes for the property to be considered for designation as a historic site, or historic district.

Landscape feature. Vegetation, geological features, ground elevation, bodies of water or other natural or environmental features.

Ordinary maintenance or repair. Any work, the purpose and effect of which is to correct any deterioration or decay of a structure or landscape feature, or any part thereof, by restoring it, as nearly as may be practicable, to its condition prior to such deterioration or decay, using the same materials or those materials available which are as close as possible to the original.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Relocation. Any change of the location of a structure in its present setting to another setting.

Restoration. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Site. The location of a significant event, a historic occupation or activity, or a structure, whether standing, ruined, or vanished, where the location itself possesses historic, or cultural value regardless of the value of existing structure.

Structure. Anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having fixed location on the ground.

Unreasonable or undue economic hardship. An onerous or excessive financial burden that destroys reasonable and beneficial use of property and that would amount

to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income-producing properties.

Sec. 17-59 Historic Preservation Board Established.

There is hereby created a Historic Preservation Board, referred to as the “Board”, which shall have principal responsibility for matters of historical preservation of historic sites and districts within the municipal boundaries of the City of Fort Morgan.

(a) Membership. The Board shall consist of five (5) members providing a balanced community-wide representation. Members shall reside [or own real property] within the corporate limits of the City. Efforts will be made to appoint at least two (2) members who are experience in the fields of history, architecture or planning. No more than one member may reside outside of the City. The City’s Director of Community Development shall serve as the technical consultant to the Board.

(b) Appointments and Terms of Office; Vacancies; Removals. Members of the Board shall be appointed by City Council and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original members shall serve as follows:

- One (1) appointee shall serve a one-year term;
- Two (2) appointees shall serve two-year terms; and,
- Two (2) appointees shall serve three-year terms.

A member shall serve until a successor is appointed. Members may be appointed to serve successive terms without limitations. Appointments to fill vacancies on the Board shall also be made by the City Council. All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties. The City Council may remove a member of the Board for neglect of duty or malfeasance in office or for other good cause or without cause in its discretion.

(c) Quorum and Voting. A quorum for the Board shall consist of three members. A quorum is necessary for the Board to hold a public hearing or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

(d) Officers. The Board shall by majority vote elect one (1) of its members to serve as chairperson to preside over the Board’s meetings, one (1) member to serve as vice-chair and one member to serve as secretary. The members so designate shall serve in those capacities for terms of one (1) year and may serve successive terms.

(e) Meetings. The Board shall meet at least annually to elect offices and at other times determined necessary. Minutes shall be kept of all proceedings and in the general conformance with *Robert’s Rules of Order*.

(f) Powers and Duties. The Board shall:

1. Recommend criteria for review of historic resources for approval by City Council.
2. Review resources nominated for designation as either an historic structure or a historic district and recommend designation of those resources qualifying for such designation to the City Council.
3. Review any application for alterations to the exterior of designated historic structures or historic districts.
4. Review any application for moving or demolishing a historic structure.
5. Advise and assist owners of historic properties for the purpose on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
6. Develop and assist in public education programs including but not limited to walking tours, brochures, marker programs for historic properties, lectures, and conferences.
7. Conduct surveys of historic properties for the purpose of defining those of historic significance, and to establish priorities of the importance of identified historic properties and areas.
8. Advise City Council on matters related to preserving the historic character of the City.
9. Actively pursue and maintain information on financial assistance for preservation-related programs.
10. Establish a City Register of Designated Properties.
11. Recommend removal of properties from the register for reasons the Board deems appropriate including but not limited to acts of God, under hardship and public health/safety concerns.
12. Establish and collect an application fee for applications applying for historical designation or to alter or demolish a historically designated property or district.
13. Adopt bylaws and guidelines for the functioning of the Board.

Sec. 17-60 Relationships to the City Council and Staff:

1. The Board shall advise and recommend to the City Council exclusively on those matters pertinent to the historic preservation advisory board's duties and subject area, as set forth herein.
2. The Board shall biannually prepare a written report which shall then be presented to Council at a Regular Meeting, with the first report and presentation occurring after the first of the year and the second prior to the start of the City's Budget appropriation for the following year.
3. Staff will be available to attend Board Meetings quarterly at the request of the Board Chairperson.
4. A member of the City Council shall be appointed as the Council's liaison to the Board. The liaison will attend regular Board Meetings and be the conduit of bidirectional information to and from the City Council. The liaison is not a member of the Historic Preservation Advisory Board, nor is the liaison entitled to vote.

Sec. 17-61 Conduct of Business. The Board shall conduct its business in accordance with the public meetings acts, public records act and other laws applicable to local public bodies.

Section 2. That this Ordinance shall take effect from and after its passage.

INTRODUCED, READ AND PASSED UPON FIRST READING this 3rd day of November, 2009, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: */s/ Jack L. Darnell*
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 17th day of November, 2009, for publication once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

ATTEST:

BY: */s/ Jack L. Darnell*
Mayor

/s/ Andrea Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1089** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a Regular Meeting on the 3rd day of November, 2009. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 6th day of November, 2009 published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 17th day of November, 2009. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ Andrea Strand
City Clerk