

ORDINANCE NO. 1
(Series 1984)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO CREATING A HISTORICAL PRESERVATION DISTRICT WITHIN THE TOWN AND PROVIDING REGULATIONS TO PRESERVE SUCH DISTRICT AS AN AREA OF HISTORICAL IMPORTANCE.

WHEREAS, the Board of Trustees has determined that the Historical Preservation District designated in this Ordinance is an area of historical importance which, in the interest of the public health, safety and welfare, the Board of Trustees desires to preserve by adopting appropriate regulations,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

Section 1.

Chapter 15 of the Lake City Municipal Code is amended by the addition of a new Section 5 to read as follows:

CHAPTER 15

Section 5

Historical Preservation Regulations

- 15.5-1: General Provisions
- 15.5-1: Designation of Historical Preservation District
- 15.5-3: Review Procedure for Building Permits
- 15.5-4: Criteria for Approval
- 15.5-5: Historic Preservation Commission
- 15.5-6: Enforcement

15.5-1: General Provisions

(A) Purposes: The purposes of these regulations are to:

- (1) Foster civic pride in the beauty and accomplishments of the past and promote the use of the Historic District for the education and pleasure of the Town's citizens.
- (2) Protect the unique scenic and historic atmosphere and character of the Town and to protect the architectural, cultural and aesthetic heritage of the Town.
- (3) Strengthen the Town's economy by protecting and enhancing the Town's attractions for visitors.

- (4) Preserve and protect the continued existence of historical structures and sites within the Town.
 - (5) Draw a reasonable balance between the desires of property owners and the preservation of the Town's heritage, while avoiding the imposition of an unreasonable economic hardship.
 - (6) Prevent the use of materials or design in the repair, construction, reconstruction or remodeling of structures which:
 - (a) Adversely affect other property values, the benefits of occupancy of other property, or the desirability of the District for business and residential purposes; or
 - (b) Are hazardous or are incompatible with the historic character of the District.
- (B) These Historical Preservation Regulations shall be considered as a part of the Town's Zoning Ordinances and Regulations and shall be amended in accordance with the procedure for amending zoning Ordinances. Provided, however, neither the Board of Zoning Adjustment nor Board of Appeals shall have any authority to grant any variance from these Regulations.
- (C) These Historical Preservation Regulations shall apply within the Historical Preservation District, in addition to the Town's zoning, building, subdivision and other ordinances and regulations. In all cases of conflict, the regulations which are more restrictive or limiting shall apply.
- (D) These Regulations shall be interpreted and administered to promote the spirit of these regulations, to promote public health, safety and welfare, and to achieve substantial justice.

15.5-2: Designation of Historical Preservation District:

- (A) The following area which has been designated as an Historic District on the National Register of Historic Places is hereby designated as the "Historical Preservation District" of the Town:

Foote and Richardson's Addition to the Town of Lake City; that part of the Town of Lake City lying Southerly of 8th Street, and Westerly of Lake Street, according to the Official Plat of

the Town of Lake City, Colorado; and the West Lake, Casco and Bluff Additions to the Town of Lake City.

- (B) The Board finds that the foregoing described area of the Town has a unique character of historical importance which should be preserved and protected. This area includes all of the buildings and structures in the Town built before 1900. Consideration of the design of these pre-1900 structures shall take precedence in applying these regulations.

15.5-3: Review Procedure for Building Permits:

- (A) In addition to the other requirements of Town ordinances and regulations, all applications for building permits within the Historical Preservation District shall be accompanied by a drawing, picture or scale model, which shows the exterior surfaces of the structure as proposed to be constructed, repaired, reconstructed or remodeled, in sufficient detail and reasonably adequate to depict the finished appearance of the structure and its relation to and location on its building site. It shall also be accompanied by an indication of the type of exterior materials, colors, and finishes proposed to be used.
- (B) In the event the building inspector determines that no material change will result in the exterior appearance of the structure, no further review, under these Regulations, is required, and the building permit may be processed as usual by the building inspector.
- (C) All other applications shall be reviewed by the Building Inspector and the Historic Preservation Review Officer. If they jointly determine that the following criteria are met, they shall issue the Certificate of Appropriateness and forward a copy of it to the Board of Trustees:
 - (1) The application is complete in accordance with Subsection (A),
 - (2) No conditions need to be required, and
 - (3) The application as submitted is in complete compliance with the criteria of Subsection 15.5-4 beyond any reasonable doubt.
- (D) All applications for building permits not disposed of, or qualifying for a Certificate of Appropriateness pursuant to Subsections (B) and (C) above shall be referred to the Board of

Trustees for review for compliance with the criteria of Subsection 15.5-4 of these Regulations. The burden shall be upon the applicant, in all cases to prove that the applicable criteria have been met for approval.

- (E) The application shall be referred to the Board at its next regular meeting for review. The Board may continue its consideration from time to time, as it deems appropriate, however, if the Board fails to render a decision on the application within forty-five (45) days of the first regular meeting at which the matter is presented, the Certificate of Appropriateness shall be deemed approved, unless the applicant consents to a further extension of time.
- (F) The Board shall either approve or deny the application, based upon the criteria of Subsection 15.5-4. It may also conditionally approve the application, with the agreement of the applicant to comply with such conditions. Such conditions shall become conditions of the Certificate of Appropriateness and the building permit. No certificate of occupancy may be issued until such conditions have been fully complied with.
- (G) The Board may, but need not, issue written findings in support of its decision.
- (H) Following approval of the application and issuance of a Certificate of Appropriateness, the Building Inspector may issue the building permit providing all other applicable requirements of the Town building and other regulations and ordinances are met. No building permit shall be issued unless and until the Board has approved the application and issued a Certificate of Appropriateness.

15.5-4: Criteria for Approval:

- (A) In order for the Board or Historic Preservation Review Officer to grant a Certificate of Appropriateness for any application for a building permit, the Board shall determine that the application meets the following criteria:
 - (1) The proposed work is consistent with and promotes the purposes of these Regulations, as set out in 15.5-1(A).
 - (2) With respect to an existing structure, the proposed work will not adversely materially affect its historical quality and value.

- (3) The proposed work will have no adverse material affect on the character of the Historic Preservation District as a whole, of the immediate area, or of other structures within the Historic Preservation District.
- (B) In determining compliance with the criteria of this Subsection, the Board shall consider the following:
- (1) The effect upon the general historical and architectural character of the structure and area.
 - (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures in the area.
 - (3) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the structure upon which such work is done.
 - (4) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure or area.
 - (5) The use to which the structure or area will be put.
 - (6) The condition of existing improvements and whether or not they are a hazard to public health and safety.
 - (7) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to other structures and sites within the area and District.
 - (8) The compatability of accessory structures and fences with the main structure on the site, with other structures and with the character of the District.
 - (9) Substantial compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects".

15.5-5: Power and Duties of the Board of Trustees:

The Board of Trustees shall have the following powers and perform the following duties in the administration

of this ordinance in addition to any other powers and duties granted or required by law:

- (A) The Board of Trustees shall appoint one of its members to serve at the Board's pleasure as the Historic Preservation Review Officer, who shall perform the duties specified for such an officer in this Section.
- (B) The Board of Trustees shall review applications for building permits and issue its decisions on Certificates of Appropriateness as provided in this Section.
- (C) The Board of Trustees shall monitor, review and supervise the Building Inspector and Historic Preservation Review Officer's performance of their responsibilities pursuant to this Section.
- (D) The Board of Trustees may promulgate guidelines and adopt additional regulations, as necessary and appropriate, for the interpretation, administration and enforcement of these regulations and as may be helpful to builders.

15.5-6: Historic Preservation Commission:

The Board of Trustees may, in the event it determines it appropriate to do so, appoint a commission consisting of five (5) members to perform the duties of the Board of Trustees in reviewing applications for building permits and issuing certificates of appropriateness. The members of such commission shall serve for such terms as the Board may provide in the Resolution appointing and creating the commission. The Commission shall have all powers necessary to perform its duties under these regulations.

15.5-7: Enforcement:

- (A) It shall be unlawful for any person to violate any of the provisions of these regulations or any of the conditions included upon a building permit or Certificate of Appropriateness issued pursuant to these regulations.
- (B) The Town may maintain an action in a Court of competent jurisdiction for an injunction, or otherwise to enforce compliance with these regulations or any conditions issued hereunder.
- (C) No building permit, occupancy permit, subdivision plat approval or other permit or action of approval will be given, granted or issued by the Town with

respect to any structure or property in violation of any of the provisions of these regulations.

- (D) The Town shall have recourse to any other remedies provided by law.

Section 2.

It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person convicted of such a violation may be punished by a fine of up to \$300, or a jail sentence of up to 90 days, or by both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment, except for contempt of Court.

Section 3.

The enactment of this Ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this Ordinance.

Section 4.

If any provision of this Ordinance or the application of it to any person or circumstance is held invalid by a Court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications. The provisions of this Ordinance are expressly declared to be severable.

INTRODUCED, READ and ADOPTED the Board of Trustees of The Town of Lake City, Colorado, the 2nd day of May, 1984.

TOWN OF LAKE CITY, COLORADO

by Robert E. Hall

ATTEST

Lislin Slata
Town Clerk

APPROVED by the Mayor this 2nd day of May, 1984.

Robert E. Hall
Mayor