

ORDINANCE NO. 1

Series 1994

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, AMENDING ITS HISTORIC PRESERVATION REGULATIONS TO PROVIDE REGULATIONS FOR THE DEMOLITION OR RELOCATION OF STRUCTURES IN THE HISTORIC PRESERVATION DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Trustees has determined that these regulations are necessary to help implement the purposes of the Town's Historic Preservation Regulations and protect the public health, safety and welfare

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

SECTION 1:

Section 15.5 of the Lake City Municipal Code is amended by the addition of a new Subsection 15.5-8 to read, as follows:

15.5-8: Structure Removal Permits.

- A. It shall be unlawful to demolish or relocate any structure in the Historic Preservation District unless a Removal Permit is approved pursuant to this Subsection.**
- B. Applications for a Removal Permit shall be submitted on forms provided by the Town which may require all information necessary or convenient for the administration of this Subsection and at a minimum shall be accompanied by a drawing, picture or scale model, which shows the structure proposed to be removed and its relation to and location on its site.**
- C. All applications shall be reviewed by the Historic Preservation Review Committee. If it determines that the following criteria are met, it shall issue a Removal Permit and forward a copy of it to the Board of Trustees:
 - 1. The application is complete in accordance with Subsection (B).**
 - 2. No conditions need to be required.**
 - 3. The application as submitted meets the criteria of paragraph (E) beyond any reasonable doubt.****
- D. All applications for Removal Permits not approved pursuant to Subsection (C) above shall be referred to the Board of Trustees for review for compliance with the criteria of Paragraph (E) of this Section. The Board shall follow the same procedures for review as set out in paragraphs 15.5-3(E),(F) and (G), but shall apply the criteria of Paragraph (E) below.**

E. In order for a Removal Permit to be approved, one of the following alternative criteria must be met:

1. The structure has no historic significance and its removal will meet the criteria set out in paragraphs 15.5-4(A)(1) and (3) considering applicable factors set out in paragraph 15.5-4(B),

OR

2. The structure is to be relocated within the Historic Preservation District, a Building Permit and Certificate of Appropriateness have been issued for the relocation and either (a) there is no particular historical significance in relation to its historical site or (b) keeping the structure at its historical site will work a severe financial hardship on the building's owner,

OR

3. The structure is unsafe for any reasonable occupancy or use and the cost of necessary repairs to allow a reasonable use or occupancy will substantially exceed the value of the structure after such repairs and a severe financial hardship will result to the structure's owner.

F. Nothing herein shall be construed to prevent the Town from causing the demolition or removal of any structure as necessary to abate a nuisance or prevent a serious safety hazard.

SECTION 2:

The introductory paragraphs of Subsections 15.5-3(C) and 15.5-4(A); and Subsections 15.5-5(A) and (C) are amended to read, as follows:

* * *

15.5-3(C): All other applications shall be reviewed by the Historic Preservation Review Committee. If it determines that the following criteria has been met, it shall issue a Certificate of Appropriateness and forward a copy of it to the Board of Trustees:

- (1) * * *
- (2) * * *
- (3) * * *

* * *

15.5-4(A): In order for the Board or Historic Preservation Review Committee to grant a Certificate of Appropriateness for any application for a building permit, the

Board or Committee shall determine that the application meets the following criteria:

- (1) * * *
- (2) * * *
- (3) * * *

* * *

15.5-5(A): The Board of Trustees shall appoint a Historic Preservation Review Committee, which shall consist of a Trustee to serve at the Board's pleasure, the Town's Building Inspector and one representative from the local Historic Society. Such committee shall act by a majority vote. The Board of Trustees may also appoint a Trustee to be an alternate in case the regular Trustee member is unable to attend any meeting and may also appoint an alternate representative from the Historic Society in the event that the regular representative is unable to attend any meeting. In order to have a quorum for business, the Town's Building Inspector and a Trustee must be present.

15.5-5(C): The Board of Trustees shall monitor, review and supervise the building inspector's and Historic Preservation Review Committee's performance of their responsibilities pursuant to this Section.

SECTION 3: Emergency Declared.

The Board of Trustees hereby finds this ordinance is necessary to the immediate preservation of the public peace, health and safety and it shall take effect immediately upon adoption.

INTRODUCED, READ and ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, by a unanimous vote this 5th day of January, 1994.

TOWN OF LAKE CITY, COLORADO

By Philip Mason
Mayor Pro-tem

ATTEST:

Michelle L. Lerner
Town Clerk