

ORDINANCE NO. 6  
Series 2000

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, REPEALING AND RE-ENACTING SUBSECTION 15.5-8E OF THE LAKE CITY MUNICIPAL CODE TO PROVIDE NEW CRITERIA FOR AND LIMITATIONS UPON DEMOLITION, REMOVAL AND/OR RELOCATION OF STRUCTURES IN THE TOWN'S HISTORIC PRESERVATION DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Trustees has determined that these ordinance provisions are necessary to implement the purposes of the Town's general regulations concerning its Historic Preservation District and to otherwise promote the public welfare;

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

SECTION 1:

Section 15.5-8E is hereby repealed and re-enacted to read as follows:

- E. In order for a Removal Permit to be issued, the applicant must show that the building or structure:
- (1) has no preservable historic significance and that its removal from the existing site will have no material adverse effect upon the overall character of the Historic Preservation District, taking into consideration the specific factors set forth in Subsection 15.5-4(B), or
  - (2) is to be relocated elsewhere within the Historic Preservation District, a Building Permit and Certificate of Appropriateness are or will be issued under Subsection 15.5-3 and either (a) it has no particular historic significance in relation to its historic site, or (b) keeping it at its historic site will work severe and unreasonable economic hardship on its owner, or
  - (3) is unsafe for any practical occupancy or use, and the cost of necessary repairs or improvements to allow a practical occupancy or use will exceed the structure's value upon completion or will otherwise result in a severe and unreasonable economic hardship for its owner.

In assessing the existence and degree of economic hardship to an applicant for obtaining a Removal Permit, the Historic Preservation Committee, or its lawful delegate, may solicit and consider expert opinion or may require the applicant to submit any or all of the following information:

- (a) An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- (c) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- (e) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- (f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- (g) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
- (h) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- (i) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;

- (j) Assessed value of the property according to the two most recent assessments;
- (k) Real estate taxes for the previous two years;
- (l) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
- (m) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

No approval for demolition of a building or structure in the Historic Preservation District shall be granted unless the Historic Preservation Commission finds that all of the following standards are met:

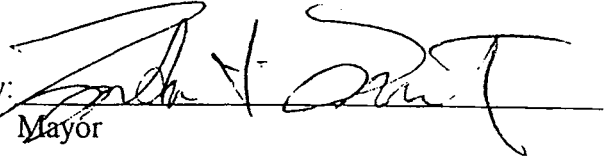
- (1) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure, and
- (2) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property, and
- (3) The structure cannot be practicably moved to another site in Lake City, Colorado, and
- (4) The applicant demonstrates that the proposal mitigates to the greatest extent practical, the following:
  - (a) Any impacts that occur to the character of the neighborhood where demolition is proposed to occur; and
  - (b) Any impact on the historic significance of the structure or structures located on the parcel and adjacent parcels; and
  - (c) Any impact on the architectural character and integrity of any other structure or structures located on the parcel and on adjacent parcels.

**SECTION 2:**

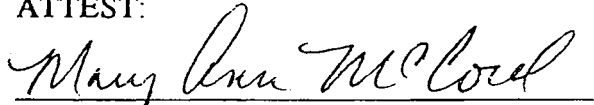
The Board of Trustees hereby declares an emergency and finds this ordinance to be necessary for the immediate preservation of the public peace and welfare, and it shall take effect immediately upon adoption.

INTRODUCED, READ AND ADOPTED by majority vote of the Board of Trustees of the Town of Lake City, Colorado, this 20 day of September, 2000.

TOWN OF LAKE CITY, COLORADO

By:   
Mayor

ATTEST:

  
Town Clerk