

ORDINANCE NO. 37, SERIES 1999

INTRODUCED BY: Councilor Hoskins

AN ORDINANCE PROVIDING FOR THE PROTECTION AND PRESERVATION OF THE CITY'S HISTORIC AND CULTURAL HERITAGE THROUGH THE DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS, AND PROVIDING FOR THE REGULATION THEREOF

SECTION 1. A new Chapter 47, HISTORIC PRESERVATION, is hereby added to the Code of Ordinances, which new chapter shall read as follows:

Chapter 47

HISTORIC PRESERVATION

Sec. 47-1. Purpose and intent.

The purpose of this chapter is to promote the public health, safety and welfare of the City of Lafayette through the protection and preservation of the city's historic and cultural heritage, as embodied in designated historic landmarks and districts, by appropriate regulation; and the enhancement of property values, and the stabilization of historic neighborhoods within the city.

The intention of this chapter is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the city's historic character by ensuring that demolition of, moving, or alterations to properties of historic value shall be carefully considered for the impact on the property's contribution to the city's heritage.

Sec. 47-2. Definitions.

For purposes of this chapter, the following words are defined as follows:

Alteration means any act or process that changes either:

- (1) One or more of the exterior architectural features of a structure; or
- (2) One or more of the physical features of a site or district.

City administrator means the city administrator of the city and anyone designated on his staff to administer the duties set forth in this chapter.

Certificate of appropriateness means a certificate issued by the city showing approval of plans for construction, alteration, demolition, or relocation of structures that would affect a designated historic landmark or district.

Compatibility means consistent with, harmonious with, and/or enhancing the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

Contributing structures means those structures or physical features within a site or district that help to define the historic significance of that site or district.

Designated historic landmark or historic district means a structure, site or district officially included in the city, Boulder county, State of Colorado or National Register of Historic Places.

Exterior architectural features means the exterior architectural features of a structure, including but not limited to the color, kind and texture of building materials, and the type, design and character of windows, doors and appurtenances.

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. An historic district will include a concentration, linkage or continuity or surface of subsurface 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 neighborhoods, mining, agricultural or commercial districts.

Historic landmark means a structure, site or district that has been designated as such by the city because of its historic significance and importance to the community.

Historic preservation board means a citizen committee appointed by the city council to make recommendations to the council on the designation of historic landmarks and historic districts and to administer the city's historic preservation program, and hereinafter referred to as the "board." The board shall perform the various functions and duties provided for it in this chapter.

Historic property means the cultural resources, including buildings, structures, objects, sites and districts, that are of historic significance

Historic significance means having importance in the history, architecture or culture of the city or Boulder County.

Noncontributing structures means structures or physical features that may be within a site or district, but are not of historic significance per se; however, the

relationship of these structures with the contributing structures may be important in the preservation of the site or district.

Nondesignated structures means structures that have not been designated as historic landmarks.

Overwhelming historic importance means:

- (1) Possessing such unusual or uncommon significance that any structure's potential demolition or major alteration would diminish the character and sense of place in the city; or
- (2) Possessing superior or outstanding examples of the architecture, social or geographic historic significance criteria outlined in the standards and criteria set forth in this chapter. The term "superior" shall mean excellence of its kind and the term "outstanding" shall mean marked by eminence and distinction.

Owner means the person or persons listed in the records of the Boulder county clerk and recorder or Boulder county assessor as owner of a subject property.

Physical features means the features of an historic landmark that help to define its historic significance.

Preservation means the protection, enhancement, and maintenance of historic properties.

Site means the scene of an activity that has an historic significance to the city. The site may or may not include structures, for example, parks, abandoned mining or agricultural areas, and archeological sites.

Sec. 47-3. Historic preservation board.

(a) *Created.* There is hereby created an historic preservation board, which shall have the principal responsibility for matters of historic preservation as set forth in this section.

(b) *Membership.* The board shall consist of not more than seven (7) members, appointed by the city council. Members of the previously appointed nine-member board shall continue to serve until the number of members is reduced by attrition. In addition, one member of the city council and one member of the

planning commission shall be designated by the council to serve as ex officio non-voting members of the board.

- (c) *Powers and Duties.* The board shall:
- (1) Adopt criteria for review of historic resources and for review of proposals to alter, demolish, or move designated resources, that are in addition to and consistent with the criteria set forth in this chapter.
 - (2) Review resources nominated for designation as either an historic landmark or historic district and recommend that the city council designate by ordinance those resources qualifying for such designation.
 - (3) Review and determine the appropriateness of any application for alterations to a designated historic landmark or any structure in an historic district.
 - (4) Review and determine the appropriateness of any application for moving or demolishing an historic landmark.
 - (5) Provide referrals, resources, and assistance to owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the Colorado and/or National Register of Historic Places.
 - (6) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, and conferences.
 - (7) Conduct surveys of historic areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas.
 - (8) Advise the city council on matters related to preserving the historic character of the city.
 - (9) Actively pursue financial assistance for preservation-related programs.

(d) From among its members, the board shall select a chairman and vice-chairman.

(e) The board shall conduct at least one regular meeting each month. All board meetings shall be open to the public, and shall comply with the requirements of section 24-6-402, C.R.S.

(f) The board is authorized to adopt bylaws and other administrative guidelines to govern the conduct of its meetings.

Sec. 47-4. Designation of historic landmarks and historic districts.

(a) *Designation authorized.* Pursuant to the procedures hereinafter set forth in this section, the city council may, by ordinance:

- (1) Designate as an historic landmark an individual structure or other feature or an integrated group of structures and features on a single site having a special historic or architectural value.
- (2) Designate as an historic district an area containing a number of structures on separate sites having a special historic or architectural value.

Each such designating ordinance shall include a description of the characteristics of the historic landmark or historic district that justified 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 historic landmark site or historic district. The designating ordinance may also identify alterations that would have a significant impact upon, or be potentially detrimental to, the historic landmark or historic district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this section. The historic property included in any such designation shall be subject to the controls and standards set forth in this section, and eligible for such incentive programs as may be developed by the board.

(b) *No historic districts shall be designated within an urban renewal area.* It is the policy of the city council that historic districts not overlap or be included within any urban renewal area established by the city. Accordingly, no area located within an urban renewal area shall be designated under this chapter as an historic district. Individual sites located within an urban renewal area may be designated as historic landmarks.

(c) *Procedures for designating historic landmarks and historic districts for preservation - board.*

- (1) *Nominations.* A nomination for designation may be made by the board, the city council, or by any citizen, by filing an application with the city administrator. The city administrator and at least one member of the board shall then contact the owner or owners of such proposed historic landmark or historic district outlining the reasons and effects of designation as an historic property and, if possible, shall secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review. Nominations for designation of an historic district must be signed by at least twenty-five percent (25%) of the owners within the proposed district. Fifty-one percent (51%) of the owners within the proposed district must approve the proposed designation before the city council will proceed to adopt a designating ordinance.
- (2) *Board review with owner's consent.* If the owner of the proposed historic landmark site nominated for designation consents to the review, no more than sixty (60) days after the filing of the application, the board shall review the application for conformance with the established criteria for designation and with the purposes of this section. Within thirty (30) days after the conclusion of its review, but in no event more than sixty (60) days after the meeting date first set, unless otherwise mutually agreed by the board, the applicant, and the owner or owners other than the applicant, the board shall either approve, modify and approve, or disapprove the proposal, and if approved, shall refer the proposal with a copy of its report and recommendation to the city council. The board shall also notify the city council immediately of any decision disapproving a proposed designation initiated by the council.
- (3) *Board review without owner's consent.* In the case of any proposed historic district, and in the case of a proposed historic landmark site where the owner of the site nominated for designation does not consent to the review, the board shall hold a public hearing on the proposal not more than sixty (60) days after the filing of the application.
 - (i) Notice of the public hearing shall be in accordance with this Code's public notice requirements as set forth in Chapter 26, except that notice by first-class mail to property owners within 300 feet of the property in question shall not be

required. In lieu thereof, the city administrator shall mail written notices of the hearing to the owners of all the sites included in the proposed designation. In addition, in cases of nomination by fewer than all of the owners of the property, notice shall be mailed at least ten (10) days prior to the hearing date to the owners of all property included in the proposed designation. Failure to send notice by mail to any such owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

- (ii) The board shall review the application for conformance of the proposed designation with the established criteria for designation and the standards of this chapter within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the board and the applicant. The board shall either approve, modify and approve, or disapprove the proposal, and if approved, shall refer the proposal with a copy of its report and recommendation to the city council. The board shall also notify the city council immediately of any decision disapproving a designation initiated by the council.
- (iii) In conducting a review without the owner's consent, the board shall determine that the property has overwhelming historic importance to the entire community, in addition to determining compliance with any other criteria set forth in this chapter.

(d) *Procedures for designating historic landmarks and historic districts for preservation - city council.*

- (1) Within thirty (30) days after the date of any referral from the board, or nomination by an interested party, the city council shall hold a public hearing on the proposed designation.
- (2) Notice of the public hearing shall be in accordance with this Code's public notice requirements as set forth in chapter 26, except that notice by first-class mail to property owners within 300 feet of the property in question shall not be required. In lieu thereof, the city

administrator shall mail written notices of the hearing to the owners of all the sites included in the proposed designation. In addition, in cases of nomination by fewer than all of the owners of the property, notice shall be mailed at least ten (10) days prior to the hearing date to the owners of all property included in the proposed designation. Failure to send notice by mail to any such owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

- (3) Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first noticed, unless otherwise mutually agreed by the council, the applicant, and the owner or owners other than the applicant, the city council shall approve, modify and approve, or disapprove the proposed designation.

(e) *Notice of designation.* When an historic landmark or historic district has been designated by the city council as provided above, the city administrator shall promptly notify the owners of the sites included therein and shall cause a copy of the designating ordinance as describe above to be recorded with the Boulder county clerk and recorder.

Sec. 47-5. Revocation of designation.

(a) *Board action.* If a structure or physical feature on a designated historic landmark site was lawfully removed or demolished, the owner may apply to the board for revocation of designation. The board shall revoke an historic landmark designation if, after following the procedures prescribed by Section 47-4(c), it determines that without the demolished structure or physical feature the site as a whole no longer meets the purposes and standards of this chapter and the board's review standards for designation.

(b) *Council action final.* Upon the board's decision to revoke a designation, the city administrator shall cause to be prepared an ordinance including the legal description of the affected property stating notice of the revocation, and schedule the item for city council review. Upon adoption by the city council, the ordinance shall be recorded with the Boulder county clerk and recorder.

Sec. 47-6. Appeal of disapproved proposals.

(a) The owners of property proposed to be designated as an historic landmark, or fifty-one percent (51%) of the owners within the proposed historic district, may appeal to the city council a decision of the board disapproving a proposal by filing a notice of appeal with the council within fourteen (14) days of the board's decision. Any three (3) council members may call up for review any proposal disapproved by the board by serving written notice on the board within fourteen (14) days of the board's decision.

(b) Within sixty (60) days of the date of any decision of the board disapproving a proposed designation of an historic landmark or historic district that has been appealed to or called up by the city council, the council shall hold a public hearing. Notice of the public hearing shall be in accordance with this Code's public notice requirements as set forth in Chapter 26, except that notice by first-class mail to property owners within 300 feet of the property in question shall not be required. In lieu thereof, the city administrator shall mail written notices of the hearing to the owners of all the sites included in the proposed designation. In addition, in cases of nomination by fewer than all of the owners of the property, notice shall be mailed at least ten (10) days prior to the hearing date to the owners, of all property included in the proposed designation. Failure to send notice by mail to any such owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

(c) Within thirty (30) days after the hearing date prescribed above, unless otherwise mutually agreed upon by the city council and the applicant, the council shall adopt specific written findings and conclusions to determine whether the proposed designation meets the standards prescribed by this chapter and the board, and shall approve by ordinance, or disapprove the proposed designation.

Sec. 47-7. Limitation on resubmission and reconsideration of proposed designation.

Whenever the board or city council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least six (6) months from the effective date of the final action on the original proposal.

Sec. 47-8. Amendment of designation.

Designation of an historic landmark or historic district may be amended to add physical features, structures or sites to the landmark or district under the procedures set forth above for initial designation. Whenever a designation has

been amended, the city administrator shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the Boulder county clerk and recorder.

Sec. 47-9. Register of locally-designated historic landmarks and historic districts.

The city administrator shall maintain a current record of all designated historic landmark sites and historic districts and pending designations. If the building division receives an application for a permit to carry out any new construction, alteration, removal, or demolition of a building or other physical feature on a designated landmark site or within the boundaries of a designated historic district or in an area for which designation proceedings are pending, the building division shall promptly forward such permit application to the board.

Sec. 47-10. Construction on proposed landmark sites or in proposed district.

No person shall receive a permit to construct, alter, remove, or demolish any structure or other physical feature on a proposed historic landmark site or any proposed historic district after the date an application has been filed to initiate the designation of such historic landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

Sec. 47-11. Certificate of appropriateness required.

No person shall carry out or permit to be carried out on a designated historic landmark site or within the boundaries of a designated historic district, or in an area for which designation proceedings are pending, any new construction, alteration, removal, or demolition of a building or other physical feature without first obtaining a certificate of appropriateness for the proposed work under this section, as well as any other permits required by other ordinances of the city.

Sec. 47-12. Certificate of appropriateness - application.

An owner of property designated as an historic landmark or located in an historic district may apply for a certificate of appropriateness, including all information that the board determines is necessary to consider the application, including without limitation, plans and specifications showing the proposed

exterior appearance, with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners. After a complete application is filed, the application shall be referred to the board for review.

Sec 47-13. Certificate of appropriateness - board review; appeal; issuance.

(a) The board shall review an application for a certificate of appropriateness for new construction, alteration, removal, or demolition of a designated historic landmark or a structure or other physical feature within a designated historic district within sixty (60) days after the completed application was filed. The board shall determine whether the application meets the standards set forth in Sections 47-18, 47-19 or 47-20, as the case may be, and the board's established review standards for certificates of appropriateness. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the board and the applicant, the board shall adopt written findings and conclusions.

(b) When reviewing a certificate of appropriateness involving moving or demolition of a structure or other physical feature, the board may extend the review period up to ninety (90) additional days if the board finds the original application does not meet the applicable standards set forth in Section 47-19 or 47-20 and the board's review standards for certificates of appropriateness. The ninety (90) day extension period shall be used to encourage both the applicant and the board to explore acceptable alternative solutions to the original submittal.

(c) A decision of the board approving, disapproving, or suspending action on an application for a certificate of appropriateness shall be final unless appealed to or called up by the city council in the manner provided by Section 47-6, except the council will consider the certificate of appropriateness rather than landmark or district designation. In cases of a call-up of a board decision suspending action on an application, the council may reduce the suspension or extend it up to one hundred eighty (180) days from the date of the council decision. In cases of a call-up of a board approval of an application, the council may approve or disapprove the application.

(d) The city administrator shall issue a certificate of appropriateness if an application has been approved by the board or the city council. When approving an application for a certificate of appropriateness, the board or city council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.

(e) If the board or city council disapproves an application for a certificate of appropriateness, no person may submit a subsequent application for

the same or substantially same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

Sec. 47-14. Unsafe or dangerous conditions exempted.

Nothing in this article shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other physical feature, or parts thereof where such condition is declared unsafe or dangerous by the building official, or fire marshal, and where the proposed measures have been declared necessary by the city administrator to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a certificate of appropriateness, but such a certificate shall be required for permanent construction, alteration, removal, or demolition.

Sec. 47-15. Property maintenance required.

The city council intends to preserve from deliberate or inadvertent neglect the exterior portions of designated historic landmarks and structures within historic districts and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any historic landmark shall fail to prevent significant deterioration of the exterior of the structure or physical feature beyond the condition of the structure or physical feature on the effective date of the designating ordinance. No owner, lessee, or occupant of any historic landmark or structure in an historic district shall fail to comply with all applicable provisions of this ordinance and other ordinances of the city regulating property maintenance.

Sec. 47-16. Recognition of structures of merit.

(a) The board may approve a list of structures of historical or architectural merit that have not been designated as historic landmarks and are not situated in designated historic districts, to which the board may add from time to time, in order to recognize and encourage the protection, enhancement, and use of such structures. But nothing in this section shall be construed to impose any regulations or controls upon, or to provide incentives or awards to, structures of merit solely because they are included on the list.

(b) The board may authorize such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation, and use of any structure of merit or of any designated historic

landmark or any structure in a designated historic district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such structures.

Sec. 47-17. Criteria for designation.

The board and city council shall consider the following criteria in reviewing nominations of properties for designation:

- (a) *Historic landmarks.* Historic landmarks must be at least fifty (50) years old and meet one or more of the criteria for architectural, social/historic or geographic/environmental significance as described below. An historic landmark may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
- (1) Historic sites shall meet one or more of the following criteria:
 - (i) *Architectural criteria.*
 - (aa) Exemplifies specific elements of an architectural style or period;
 - (bb) Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - (cc) Demonstrates superior craftsmanship or high artistic value;
 - (dd) Represents an innovation in construction, materials or design;
 - (ee) Style particularly associated with Lafayette or one of its neighborhoods;
 - (ff) Represents a built environment of a group of people in an era of history;
 - (gg) Pattern or grouping of elements representing at least one of the above criteria; or

- (hh) Significant historic remodel.
- (ii) *Social/historic criteria.*
 - (aa) Site of historic event that had an effect upon society;
 - (bb) Exemplifies cultural, political, economic or social heritage of the community; or
 - (cc) Association with a notable person or the work of a notable person.
- (iii) *Geographic/environmental criteria.*
 - (aa) Enhances sense of identity of the community; or
 - (bb) An established and familiar natural setting or visual feature of the community.
- (2) Archaeological sites (historic and prehistoric) shall meet one or more of the following criteria:
 - (i) *Architectural criteria.*
 - (aa) Exhibits distinctive characteristics of a type, period or manner of construction; or
 - (bb) A unique example of structure.
 - (ii) *Social/historic criteria.*
 - (aa) Demonstrable potential to make an important contribution to the knowledge of the area's history or prehistory;
 - (bb) An association with an important event in the area's development;
 - (cc) An association with a notable person(s) or the work of notable person(s);
 - (dd) A typical example/association with a particular ethnic group; or

- (ee) A unique example of an event in Lafayette's history.
 - (iii) *Geographic/environmental criterion:* geographically or regionally important.
- (3) All sites will be evaluated for their physical integrity using the following criteria, but a site need not meet all of the following criteria:
- (i) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation;
 - (ii) Retains original design features, materials and/or character;
 - (iii) Original location or same historic context after having been moved; and
 - (iv) Has been accurately reconstructed or restored based on documentation.
- (b) *Historic districts.*
- (1) Historic significance is determined by applying criteria to the pattern(s) and unifying element(s) found within a district. Nominations will not be considered unless the application contains written approval of fifty-one percent (51%) of the owners within the district boundaries. Noncontributing structures may be included within the boundaries, as long as the noncontributing structures do not noticeably detract from the district's sense of time, place and historical development. Noncontributing structures will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential.
 - (2) District boundaries will be defined by visual changes, historic documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
 - (3) In addition to meeting at least one of the criteria outlined below, the historic district must contain structures that are at least fifty

(50) years old. The district could be exempt from this age standard if the resources are found to be exceptionally important in other significant criteria.

(4) Historic districts shall meet one or more of the following criteria:

(i) *Architectural criteria.*

(aa) Exemplifies specific elements of an architectural period or style;

(bb) Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;

(cc) Demonstrates superior craftsmanship or high artistic value;

(dd) Represents an innovation in construction, materials, or design;

(ee) Style particularly associated with the Lafayette area;

(ff) Represents a built environment of a group of people in an era of history;

(gg) Pattern or grouping of elements representing at least one of the above criteria; or

(hh) Significant historic remodel.

(ii) *Social/historic criteria.*

(aa) The site of an historic event that had an effect upon society;

(bb) Exemplifies cultural, political, economic or social heritage of the community; or

(cc) An association with a notable person(s) or the work of notable person(s).

- (iii) *Geographic/environmental criteria.*
 - (aa) Enhances sense of identity of the community; or
 - (bb) An established and familiar mutual setting or visual feature of the community.

- (iv) *Archaeologic/subsurface criteria.*
 - (aa) Demonstrable potential to make an important contribution to the area's history or prehistory;
 - (bb) An association with an important event in the area's development;
 - (cc) An association with a notable person(s) or the work of notable person(s);
 - (dd) Distinctive characteristics of a type, period or manner of construction;
 - (ee) Geographic importance;
 - (ff) A typical example or association with particular ethnic group;
 - (gg) A typical example or association with a local cultural or economic activity; or
 - (hh) A unique example of an event or structure.

Sec. 47-18. Criteria for certificate of appropriateness - new construction or alterations.

(a) The board shall issue a certificate of appropriateness for any proposed new construction or alteration on a designated historic landmark site or within a historic district only if the board can determine that the proposed work would not detrimentally alter, destroy or adversely affect any architectural or landscape feature that contributes to its original historic designation. The board must find that the proposed work is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass and height. When the subject site is an historic district, the board must also find

that the proposed development is visually compatible with the development on adjacent properties within the district.

(b) In determining compatibility, the board shall use the definition set forth in section 47-2, and the following criteria:

- (1) The effect upon the general historic and architectural character of the structure and property;
- (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation to and compatibility with other structures;
- (3) The size of the structure, its setbacks, location, and the appropriateness thereof, when compared to existing structures and the site;
- (4) The compatibility of accessory structures and fences with the main structure on the site, and other structures;
- (5) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- (6) The condition of existing improvements and whether they are a hazard to public health and safety;
- (7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
- (8) Compliance with the United States Secretary of the Interior's "Standards for Rehabilitation."

Sec. 47-19. Criteria for certificate of appropriateness - relocating a structure.

In addition to the criteria in Section 47-18, the board shall use the following criteria in considering an application for a certificate of appropriateness for relocating an historic landmark, a structure on an historic landmark site, a building or structure within an historic district, a structure onto an historic landmark site, or a structure onto property in an historic district:

- (a) For consideration of the original site, the board will review for compliance with all of the following criteria:
 - (1) Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
 - (2) The contribution the structure makes to its present setting;
 - (3) Whether plans are specifically defined for the site to be vacated, and have been approved by the city administrator;
 - (4) If the structure can be moved and re-sited without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure; and
 - (5) Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
- (b) For consideration of the new location, the board will review for compliance with all of the following criteria:
 - (1) Whether the building or structure is compatible with its proposed site and adjacent properties; and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
 - (2) The structure's architectural integrity and its consistency with the character of the neighborhood;
 - (3) Whether the relocation of the structure would diminish the integrity or character of the neighborhood of the receiving site; and
 - (4) If a relocation plan has been submitted and approved by the city administrator, to ensure the safe relocation, preservation and repair of the structure, site preparation and infrastructure connections as provided in applicable ordinances of the city.
- (c) When a structure is relocated, the city may require the owner of the property to post a performance bond in an appropriate amount for the purpose of ensuring that the structure is reestablished in the new location according to the city's ordinances.

Sec. 47-20. Criteria for certificate of appropriateness - demolition of structure.

(a) If demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate of appropriateness will not be issued until a replacement/reuse plan for the property has been approved by the city administrator.

(b) *Review criteria for total demolition.* An applicant requesting a certificate of appropriateness for total demolition shall provide data clearly to demonstrate that the situation meets all of the following criteria:

- (1) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts properly to maintain the structure;
- (2) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
- (3) The structure cannot be practically moved to another site in the city; and
- (4) The applicant demonstrates that the proposal mitigates to the greatest extent possible the following:
 - (i) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
 - (ii) Any impact on the historic importance of the structure or structures located on the property and adjacent properties; and
 - (iii) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties.

(c) *Review criteria for partial demolition.* An applicant requesting a certificate of appropriateness for partial demolition shall provide data clearly to demonstrate that the situation meets all of the following criteria:

- (1) The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and

- (2) The applicant has mitigated, to the greatest extent possible, and at his own cost:
 - (i) Impacts on the historic importance of the structure or structures located on the property;
 - (ii) Impacts on the architectural integrity of the structure or structures located on the property.
- (d) In the case of archaeological sites, consideration will be given to whether information can be recovered before or as part of the demolition process; and
- (e) The applicant shall assume all of the costs associated with the mitigation efforts.

Sec. 47-21. Exemptions.

If the request to the board for a certificate of appropriateness does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this chapter is not significantly compromised, and provided that adequate documentation is submitted to the board, either in writing or by testimony, to establish qualification for one of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained, and at the owner's expense.

- (a) *Economic hardship.* An economic hardship exemption may be granted if the applicant demonstrates, after consideration of all facts and circumstances, that he is unable to obtain a reasonable return on his investment.
- (b) *Health/safety hardship.* A health and/or safety hardship exemption may be granted if the applicant shows that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues, but not if the health and/or safety issues were created by the action or inaction of the applicant.

Sec. 47-22. Enforcement and penalties.

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Violations of this article shall be punishable as provided in section 1-10 of the Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect pursuant to the Home Rule Charter of the City of Lafayette, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF SEPTEMBER, 1999.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF SEPTEMBER 1999.

CITY OF LAFAYETTE, COLORADO

BY: _____
Carolyn L. McIntosh, Mayor

ATTEST:

Patricia Athenour, City Clerk

Approved as to form:

Patricia C. Tisdale, City Attorney

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