

ORDINANCE 94-01

AN ORDINANCE ADOPTING A NEW CHAPTER 17.67 OF THE CASTLE ROCK MUNICIPAL CODE CREATING A HISTORIC PRESERVATION BOARD; ESTABLISHING A PROCESS FOR THE DESIGNATION OF LOCAL HISTORIC LANDMARKS; PROVIDING FOR THE REGULATION OF ALTERATIONS TO DESIGNATED HISTORIC LANDMARKS; PROVIDING REVIEW CRITERIA FOR LANDMARK DESIGNATION AND ALTERATION; ESTABLISHING A PUBLIC MEETING REQUIREMENT FOR PROPERTIES LISTED IN THE CASTLE ROCK HISTORIC BUILDINGS INVENTORY (1985) FOR WHICH ALTERATIONS ARE PROPOSED; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF; AND PROVIDING FOR ITS EMERGENCY ADOPTION.

WHEREAS, the Town of Castle Rock has a rich history that reflects the pioneering spirit of its people and the continued development of a community that takes great pride in its historical contributions to the Plum Creek Valley region and the State of Colorado;

WHEREAS, an important part of the history of the Town is reflected in the structures and landmarks that have been constructed or recognized throughout the community's history;

WHEREAS, many structures within the Town reflect significant stages in the architectural development of the region or reflect the unique character of the building materials locally available or important period craftsmanship;

WHEREAS, a number of historic structures is considered to be important to the preservation of the heritage of Castle Rock and its small town atmosphere;

WHEREAS, recognizing the importance of its historical heritage the Town of Castle Rock contracted with the Center for Community Development and Design at the University of Colorado at Denver in 1985 to prepare an inventory of historic structures erected prior to 1930 and significant historic landscape features in portions for the Town (entitled "Castle Rock Historic Buildings Inventory");

WHEREAS, several of the structures identified in the Inventory have been lost to the community with additional structures in peril as the Town continues to develop;

WHEREAS, the protection of these local assets is identified in the Town's Comprehensive Master Plan as an important community goal and objective;

WHEREAS, the Town Council recognizes the need to balance the public benefits of historic preservation with the rights of private property owners;

WHEREAS, the Town Council has approved two resolutions in 1993, 93-05 and 93-67, which provide temporary protection to structures listed in the Historic Inventory until such time as a comprehensive historic preservation ordinance for the Town can be developed and

adopted, such temporary restrictions expiring March 1, 1994;

WHEREAS, the Town Council recognizes the financial benefits to the community and to individual historic properties as a result of inclusion in the State of Colorado's Certified Local Government Program through the adoption of a local historic preservation ordinance; and

WHEREAS, the Town is proposing to submit one or more State Historic Fund Grant applications on March 1, 1994 which will require that a historic preservation ordinance be in place and that certain property be designated as a historical landmark.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

SECTION 1. Adoption. A new Chapter 17.67 of the Castle Rock Municipal Code is hereby adopted to read as follows:

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17.67.020 Definitions

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ARTICLE I. IN GENERAL

17.67.010. Purpose and Intent. The purpose and intent of this chapter is to promote the public health, safety, and welfare through:

- (a) the protection and preservation of the Town's historic and cultural heritage, as embodied in designated historic landmarks and districts, by appropriate regulations;
- (b) the enhancement of property values, and the stabilization of historic neighborhoods and commercial areas;
- (c) the increase of economic and financial benefits through the Town's attractions to tourists, visitors, homebuyers, businesses, and developers; and
- (d) the provision of educational opportunities to increase public appreciation of the Town of Castle Rock's unique heritage.

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

17.67.020. Definitions.

(a) Alteration: Any change, addition, or modification of any portion of the exterior of a building or designated feature which is visible from a public street or any other public place. Such features include, but are not limited to, the color, kind, and texture of building materials, and type, design, and character of windows, doors, and appurtenances.

(b) Buildings/Structures of Historic Significance: Non-landmarked structures which are listed in the Castle Rock Inventory of Historic Buildings (1985), as may be updated from time to time by the Board.

(c) Certified Local Government Program: A program, enabled under federal and state legislation, which allows for partnerships between local and state governments to accomplish the purposes of historic preservation. To be eligible for CLG designation, a local government is required to adopt certain standards and regulations specified by the State. In return, the local government is eligible for additional grant money and local historic properties may be eligible for state tax credit and other financial incentives.

(d) Demolition: Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of an historic landmark.

(e) Historic Landmark: An individual structure, object, feature, and/or area which has been included on the Town of Castle Rock's Register of Historic Places because of its historic significance and importance to the Town. Landmarks may also include sites which were the scene of an activity which has historic significance to the Town such as parks, abandoned quarries, agricultural sites; or significant geologic features which played an important role in the Town's history.

ARTICLE II. HISTORIC PRESERVATION BOARD

17.67.030. Board Established. There is hereby created a Historic Preservation Board, hereinafter in the Section referred to as the "Board", which shall have principal responsibility for matters of historic preservation as set forth in subsection (f).

(a) Membership. The Board shall consist of five (5) members providing a balanced, community-wide representation. At least three (3) members shall be residents of the Town. Up to two (2) members may reside outside the Town limits. The Board shall be composed of both professional and lay members, all of whom have demonstrated interest, knowledge, or training in fields closely related to historic preservation. Two (2) members shall be professionals or shall have extensive expertise in a preservation-related discipline including but not limited to history, architecture, planning, or archaeology. If the required number of professional members cannot be found to serve on the Board, this requirement may be waived until the next vacancy occurs at which time the Town shall again diligently seek professional

representation. In the case of a lack of professional appointees, the Board may, with Council approval, be allowed to retain professional consultants to advise the Board as necessary to fulfill its duties. One member of the Castle Rock Planning Commission shall be appointed to the Board. The Castle Rock Historical Society and the Castle Rock Chamber of Commerce are encouraged to submit nominees for Council consideration. The Castle Rock Planning Director and/or appointed department representatives shall serve as staff to the Board.

(b) Appointments and terms of office. Members of the Board shall be appointed by the Town Council and shall serve three (3) year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original membership shall serve as follows:

- one (1) appointment shall serve a one (1) - year term
- two (2) appointments shall serve two (2) - year terms
- two (2) appointments shall serve three (3) - year terms

Members may continue to serve until their successors have been appointed. Members may be re-appointed by the Council to serve successive terms without limitation. Appointment to fill vacancies on the Board shall be made by the Town Council. Such appointments shall be made to fill out the remainder of the vacated term only. Members of the Board may be removed by the Town council for neglect of duty or malfeasance in office.

(c) Quorum and voting. A quorum for the Board shall consist of a majority of the regular membership. A quorum is necessary for the Board to hold a public hearing or to take official actions, except that a public hearing may be continued by a majority vote of the members present when a quorum is not present. A tie vote shall be deemed a denial of the motion or recommended motion.

(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 and one (1) one member to service as vice-chairperson at the Board's first meeting of the calendar year. The members so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms.

(e) Meetings. The Board shall hold meetings at regularly scheduled intervals, but shall meet at minimum four (4) times a year. Minutes shall be kept of all Board proceedings.

(f) Powers and duties. The Historic Preservation Board shall:

- (1) Adopt criteria for review of historic properties and for review of proposals to alter, demolish, or move designated resources.
- (2) Review properties nominated for designation as either a Historic Landmark and recommend that the Town Council designated by ordinance those properties qualifying for such designation.
- (3) Review and make decisions on any application for alterations to a

- designated historic landmark.
- (4) Review and make decisions on any application for moving or demolishing a historic landmark.
 - (5) Maintain a list of significant historic properties through the period updating of the Castle Rock Inventory of Historic Buildings (1985).
 - (6) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
 - (7) In conjunction with the Castle Rock Historical Society, develop and assist in public education programs including but not limited to walking tours, brochures, a marker program for historic properties, lectures, and conferences.
 - (8) Conduct surveys of historic areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas and structures.
 - (9) Advise the Planning Commission and Town Council on matters related to preserving the historic character of the Town.
 - (10) In conjunction with other entities and private individuals, actively pursue financial assistance for preservation related programs through grants and other means.

(e) Rules and procedures. The Board shall adopt rules of procedure or by-laws which shall be made available to the public. All meetings of the Board shall be open to the public.

17.67.040 Certified Local Government Program Requirements. (reserved)

ARTICLE III. HISTORIC LANDMARK DESIGNATION

17.67.050. Designation of Historic Landmarks.

(a) Designation authorized. Pursuant to the procedures hereinafter set forth in the Chapter, the Town Council may, by ordinance:

- (1) designate as a landmark an individual structure or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value, and designate a landmark site for each landmark;

Each such designating ordinance shall include a description of the characteristic of the landmark which justifies its 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 landmark site. The designating ordinance may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the landmark site. Any such designation shall be in

furtherance of and in conformance with the purposes and standards of this Chapter.

The property including in any such designation shall be subject to the controls and standards set forth in this Chapter, and eligible for such incentive programs as may be developed by the Historic Preservation Board and Town Council.

(b) Procedures for designating structures for preservation. A nomination for designation may be made by any property owner desiring to obtain a landmark designation by filing an application with the Department of Planning. The Board may nominate properties for designation as well. Where nominated by the Board, the Planning Department and at least one member of the Historic Preservation Board shall contact the owner(s) of record of such landmark outlining the reasons and effects of the designation as a landmark and, if possible, shall secure the consent of the owner(s) to such designation before the nomination is accepted as complete for review.

(1) Board review with owner's consent. The Board shall hold a public meeting on the proposal no more than (60) days after the filing of the application.

The Board shall review the application for conformance of the proposed designation with the established criteria for designation and the standards forth in this Chapter. Within thirty (30) days after the conclusion of the public hearing, but in no event more than (60) sixty 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. The Board shall forward its recommendation and written report to the Town Council for consideration and final action.

(2) Board review without owner's consent. If the owner of the property 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.

Notice of time, date and place of such hearing, and a brief summary of explanation of the subject matter of the hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 15 days prior to the hearing. Written notice of the hearing shall also be provided to the property owner(s) of record proposed to designated as a landmark at least 15 days prior to the hearing. The Town shall be responsible for accomplishing the public notice.

The Board shall review the application for conformance of the proposed designation with the established criteria for designation and the standards set forth in this Chapter. Within thirty (30) days after the conclusion of the public

hearing, but in no event more than (60) sixty 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. The Board shall forward its recommendation and written report to the Town Council for consideration and final action. The Board and Town Council shall use the following criteria in addition to the designation criteria provided in Section 17.67.160:

The property has overwhelming historic importance to the entire community. The term "overwhelming" significance shall, for purposes of this ordinance, encompass:

- a. Possessing such unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Castle Rock.
- b. Demonstrating superior or outstanding historical characteristics or meeting several of the criteria outlined in Section 17.67.160. The term "superior" shall mean excellence of its kind and their term "outstanding" shall mean marked by eminence and distinction.

17.67.060 Proceedings by the Town Council. Within thirty (30) days after the Board has taken action, the Town Council shall hold a public hearing on the proposed designation. Notice of time, date and place of such hearing, and a brief summary of explanation of the subject matter of the hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 15 days prior to the hearing. Where the property owner(s) do not consent to the proposed designation, written notice of the hearing shall also be provided to the record owner(s) shall be provided at least 15 days prior to the hearing. The Town shall be responsible for accomplishing the public notice.

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 and the owners or owners, the Town Council shall approve, modify and approve, or disapprove the proposed designation.

(a) If the owner of the property does not consent to the review, approval shall require a super-majority vote, one vote more than a simple majority vote, of the Town Council. In such cases the Town Council shall use the following criteria in addition to the designation criteria listed in Section 17.67.170:

The property has overwhelming historic importance to the entire community. The term "overwhelming" significance shall, for purposes of this ordinance, encompass:

- (1) Possessing such unusual or uncommon significance that the structure's

potential demolition of major alternation would diminish the character and sense of place in the community of Castle Rock.

(2) Demonstrating superior or outstanding historical characteristics or meeting several of the criteria outlined in Section 17.67.160. The term "superior" shall mean excellence of its kind and their term "outstanding" shall mean marked by eminence and distinction.

(b) The Town Council may exempt a property meeting the above criteria if the Council finds that the property owner has shown the historic designation creates an undue hardship. The following criteria shall be used in assessing the potential for hardship:

(1) Economic hardship:

a. For investment or income-producing properties, the owner's inability to obtain a reasonable rate of return in its present condition or, if rehabilitated, under the alterations' criteria.

b. For non-income producing properties consisting of owner occupied single-family dwelling and/or institutional properties not solely operating for profit, the owner's inability to convert the property to institutional use in its present condition or, if rehabilitated, under the alterations' criteria.

(2) Non-economic hardship:

a. Designation creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

The Board and Town Council may adopt additional guidelines and criteria for the submittal and review of information pertaining to economic and other kinds of hardship which shall be made available to the public.

When a landmark has been designated by the Town Council as provided above, the Planning Department shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance to be recorded, together with a summary description of the penalties and sanctions for violation of Chapter 17.67 of the Castle Rock Municipal Code.

17.67.070 Revocation of designation. If a building or special feature on a designated landmark site was lawfully removed or demolished under the required alteration certificate process or through natural disaster, the owner may apply to the Board for a revocation of the designation.

The Board shall recommend revocation of a landmark designation if, after following the procedures prescribed by Sections 17.67.050 and .060, it was determined that without the

demolished building or feature the property as a whole no longer meets the purposes and standards of this Chapter and the Board's review criteria for designation. The Town Council must revoke a designation by ordinance which, upon its adoption, shall be recorded with the Douglas County Clerk and Recorder. Revocation of a designation is final.

17.67.080 Amendment of designation. Designation of a landmark or historic district may be amended to add features or property to the site or district under the procedures prescribed by Sections 17.67.050 and .060 for initial designations. Whenever a designation has been amended the Department of Planning shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the Douglas County Clerk and Recorder.

ARTICLE VI. LANDMARK ALTERATION CERTIFICATES

17.67.090 Landmark Alteration Certificate required. No person shall carry out or permit to be carried out on a designated landmark property any new construction alteration, removal, or demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this code or other ordinance of the Town.

The Department of Planning shall maintain a current record of all designated landmark properties and pending designations. If the Building Department receives an application for a permit to carry out any new construction, alternation, removal or demolition of a building or other designated features on a landmark property or on a property for which designation proceedings are pending, the Building Department shall promptly forward such permit application to the Planning Department.

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

17.67.110 Landmark Alternation Certificate application and Board review. An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate, 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. The Planning Department shall make available a detailed list of submittal requirements for the applicant's use.

(a) Administrative Review Process for Minor Alterations. A streamlined administrative review process shall be made available to applicants proposing minor changes to a landmarked structure. The Board shall establish written eligibility and review criteria for the staff to follow. The staff may request that the Board examine a property's eligibility for the administrative review process if there is any uncertainty as to the intent of the criteria as applied to a specific request. The administrative process shall be concluded within ten (10) days of a complete application submittal. The applicant may appeal any administrative decision to the Board by submitting an appeal request in writing to the Planning Director within seven (7) days of the administrative ruling.

(b) Meeting and Hearing Requirements. The Board shall hold a public meeting on all applications for landmark alteration certificates within thirty (30) days after an application is made. The Board shall hold a noticed public hearing which is required for requests involving demolition or removal of a landmarked structure. Notice of time, date and place of such hearing, and a brief summary of explanation of the subject matter of the hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 15 days prior to the hearing. The applicant is responsible for accomplishing the public notice.

(c) Board review. The Board shall determine whether the application meets the established review standards for alterations. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Board and applicant, the Board shall adopt written findings and conclusions and either approve, modify and approve, or disapprove the application.

(d) Extension of review period. When reviewing alteration certificate applications involving moving or demolition of a landmarked structure, the Board may extend the review period up to 90 additional days if the Board finds the original application does not meet the established review standards for alterations. The 90-day extension period shall be used to encourage both the applicant and the Board to explore acceptable alternative solutions to the original submittal.

17.67.120 Appeal or call up of disapproved proposals. A decision of the Board approving or disapproving and an application for alteration or extending the review period on the application is final unless appealed to or called up by the Town Council as provided below:

(a) An applicant may appeal any decision of the Board⁽¹⁾ by filing a written notice of appeal ~~(to the Town Council)~~ ^{with} to the Planning Department within seven (7) days of the Board's decision.

(b) The Town Council may call up for review any decision of the Board to disapprove, modify, or suspend action on an alteration application by serving written notice on the Board within twenty-one (21) days of the Board's decision.

(c) Council meeting and decision. Within thirty (30) days of the date of any decision of the Board to disapprove or modify an alteration certificate application, the Council shall hold a public meeting on the matter. Where a decision to move or demolish a landmarked structure is involved, public notice shall be required in accordance with Section 17.67.110 (a). The Council shall consider the written findings and conclusions of the Board and the proposals conformance to adopted alteration certificate criteria and shall approve, modify and approve, or disapprove the proposed application.

(d) Undue Hardship Appeals. The Council may consider claims of economic or undue hardship in cases where an applicant was denied an alteration certificate by the Board. The applicant must provide adequate documentation and/or testimony at the Council meeting to justify such claims. The following includes the type of information, plus any other information the applicant feels is necessary, which must be submitted in order for the Council to consider a hardship appeal:

- 1) Estimated of the cost of the alteration proposed under the denied Alteration Certificate, and an estimate of any additional costs which would be incurred to comply with the alterations recommended by the Board.
- 2) Estimates of the value of the property in its current state, with the denied alterations, and with the alterations proposed by the Board.
- 3) Information regarding the soundness of the structure or structures, and the feasibility for rehabilitation which would preserve the character and qualities of the designation.
- 4) In the case of income-producing properties, the annual gross income from the property, the operating and maintenance expenses associated with the property, and the effect of the proposed and Board recommended alterations on these figures.
- 5) Any information concerning the mortgage of other financial obligations on the property which are affected by the denial of the proposed alterations.
- 6) The appraised value of the property.
- 7) Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
- 8) Information relating to any nonfinancial hardship resulting from the denial of a alteration certificate.

The Town Council may refer the information for review by the Board prior to rendering its final decision on any hardship-related appeal. If it is determined that the denial of the

certificate of alteration would pose an undue hardship on the applicant, than a certificate of alteration noting the hardship relief shall be issued, and the property owner may make the alterations outlined in the alteration certificate application.

17.67.130 Issuance of a Landmark Alteration Certificate. The Planning Department shall issue a landmark alteration certificate if an application has been approved by the Board or Town Council.

(a) Time limit. When approving an application for a landmark alteration certificate, the Board of Town council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.

17.67.140 Unsafe or dangerous condition exempted. Nothing in the Section 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 feature, or parts thereof where such condition is declared unsafe or dangerous by the Town Building Inspector or Fire Inspector and where the proposed measures have been declared necessary by the Town Manager 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 landmark alteration certificate under this Chapter, but a certificate is required for permanent alteration, removal, or demolition.

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

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any external architectural feature which does not involve change in design, material, color, or outward appearance of a designated landmark.

ARTICLE V. REVIEW CRITERIA FOR LANDMARK DESIGNATIONS AND ALTERATION CERTIFICATES

17.67.160 Criteria for designation. In determining whether a structures, feature, or area is appropriate for designation as an historic landmark, the Board and Town Council shall consider whether the landmark proposed for designation meets one or more of the following criteria:

(a) the character, interest, or value of the proposed landmark as part of the

development heritage or cultural characteristics of the Town;

(b) the proposed landmarks as a location of a significant local, county, state or national event;

(c) the identification of the proposed landmark with a person or persons significantly contributing to the local, county, state or national history;

(d) the proposed landmark as an embodiment of the distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or the use of indigenous materials - the use of the locally-quarried rhyolite rock being of special importance to the Town;

(e) the proposed landmark as an identification of the work of an architect, landscape architect, or master builders whose work has influenced development in the town, county, state or nation;

(f) the proposed landmark's architectural, cultural, or archaeological significance;

(g) the proposed landmark as an example of either architectural or structural innovation; and

(h) the relationship of the proposed landmark to other distinctive structures, districts, or site which would also be determined to be of historic significance.

(i) the age of the structure. A fifty-year minimum is generally required.

The Board and Council may develop and adopt more specific designation criteria to be subsequently incorporated into this Chapter.

17.67.170 Criteria to review alterations certificate. In addition to the following general criteria, the Board and Town Council shall consider the proposed alteration for conformance with the Secretary of Interior's Standards for Rehabilitation. Conformance to specific alteration criteria for individual properties, structures, or districts imposed at the time of initial designation must also be demonstrated.

(a) The proposed alterations do not destroy or substantially impair the historic significance of the structure or property.

(b) Every reasonable effort shall be made to ensure that the proposed alteration preserves, enhances, or restores the significant architectural features which are important to the designated historic landmark.

(c) The proposed architectural style, arrangement, texture, color, and materials are compatible with the character of the historic landmark.

(d) Interior alterations are restricted where the proposed alteration may so change the overall structure as to affect its exterior appearance or overall structural integrity, or where the interior is an integral part of the structure as recognized at the time of landmark designation.

(e) Whenever possible, new additions or alterations to designated structures shall be done in such a manner that if such change could be removed in the future, the essential form and integrity of the structure would be unimpaired.

The Board and Town Council may adopt additional criteria or policy design guidelines to aid in the review of alteration certificate applications. Such criteria and policies shall be written and made available to all alteration certificate applicants and the general public.

ARTICLE VI. NON-LANDMARKED PROPERTIES OF HISTORIC SIGNIFICANCE

17.67.180 Properties of Historic Significance. Properties of Historic Significance to the Town are listed in the Castle Rock Inventory of Historic Places, initially prepared in 1985, and as may be amended from time to time by the Board and Council.

17.67.190 Public Notice and Hearing Requirement Prior to Proposed Alternations

(a) Affected properties. Structures listed in the Castle Rock Inventory of Historic Places which are still standing and which have not been designated by the Town as a local historic landmark are subject to notice and hearing requirements prior to the issuance of a building permit for any proposed building alteration involving a significant change to building's exterior appearance, building removal, or building demolition.

(b) Public meeting and hearing required. Before a building permit can be issued for proposed alterations to such structures as identified in (a) above, the proposal shall be considered at a public meeting before the Board no later than twenty (20) days after the request for building permit has been accepted by the Town Building Department. If the permit involves building removal or demolition, public notice of the meeting shall be required. Notice of time, date and place of such meeting, and a brief summary of explanation of the subject matter of the hearing shall be posted on the property in a manner visible from all adjacent public right-of-ways at least ten (10) days prior to the hearing. The Town shall be responsible for accomplishing the public notice.

(c) The purpose of the meeting shall be to review the proposed alteration with the applicant and, if warranted, discuss alternative designs, materials, and actions with the applicant which would better preserve the historic character of the property.

(d) Within five (5) days following the public meeting, the applicant shall be entitled to be granted a building permit for the proposed alteration, changed or unchanged, assuming that all other Town codes and requirements have been met and if no application for landmark designation has been submitted.

ARTICLE VII. PENALTIES AND SANCTIONS

17.67.200 Prohibition. No person shall violate or permit to be violated any of the requirements of this Chapter or the terms of a landmark alteration certificate.

(a) Criminal penalties. The following violations of this chapter are punishable by a fine of up to \$1,000 and/or up to one year imprisonment:

- (1) Moving or demolishing a designated landmark structure without an approved Landmark Alteration Certificate.
- (2) Other types of alterations to a designated landmark without an approved landmark alteration certificate.
- (3) Moving, demolishing, or otherwise altering a structure with a pending application for landmark designation.
- (4) Alterations to a defined historically significant structure without having first undergone the required public meeting process.

(b) Council sanctions. Irrespective of the imposition of the criminal penalties provided above, the Town Council may impose the following non-penal sanctions, if after a due process hearing, it is found that the provisions of this chapter have been violated:

- (1) Moving or demolishing a designated landmark structure without an approved Landmark Alteration Certificate. The Town Council may restrict the issuance of any building permits on the site for a period of up to five (5) years, in addition to any fines imposed through the municipal court.
- (2) Other types of alterations to a designated landmark without an approved landmark alteration certificate. The Town Council may require that the structure be returned to its original state or restrict the issuance of any building permit on the site for up to two (2) years, in addition to any fines imposed through the municipal court.
- (3) Moving, demolishing, or otherwise altering a structure with a pending application for landmark designation. The Town Council may restrict the issuance of any building permit on the site for a period of up to five (5) years, in

addition to any fines imposed through the municipal court.

ARTICLE VIII. REGISTER OF HISTORIC PLACES

17.67.210 Town of Castle Rock Register of Historic Places. The following historic landmarks, historic districts, and historically significant properties as officially approved by the Historic Preservation Board and Town Council by ordinance are as follows:

- (a) Christensen House and Carriage House - 420 Jerry Street
- (b) The Rock (Castle Rock Geologic Feature and including the Rock Park)
- (c) Hammar House - 203 Cantril Street
- (d) Dyer House and Stone House and Barn - 208 Cantril Street
- (e) D&RG Depot - 420 Elbert Street
- (f) First National Bank of Douglas County - 300 Wilcox
- (g) Richardson House - 310 Front Street
- (h) Doepke House - 20 Cantril Street
- (i) Upton Treat Smith House - 403 Cantril Street

17.67.220 National Register of Historic Places. The following Castle Rock properties are designated as National Historic Landmarks on the National Register of Historic Properties:

- (a) Hammar House - 203 Cantril
- (b) D&RG Depot - 420 Elbert Street
- (c) Cantril School - 320 Cantril Street
- (d) Former Douglas County Courthouse site - 300 Block of Wilcox west

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective at 12:01 AM, March 1, 1994.

SECTION 3. EMERGENCY CLAUSE. For reasons set forth in the recitals to this ordinance, it is declared that an emergency exists and that in order to immediately preserve the public health and safety this ordinance shall take effect upon its passage on second and final reading.

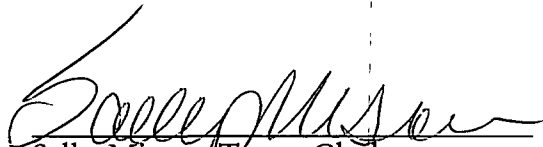
SECTION 4. SEVERABILITY. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be effected thereby.

SUBMITTED this 10th day of February 1994 and approved for publication and further reading by a vote of the Town Council of the Town of Castle Rock of 7 for and 0 against.

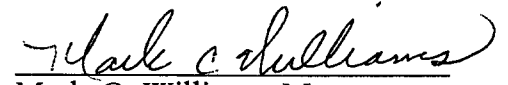
PASSED, APPROVED, AND ADOPTED ON SECOND READING AS AN EMERGENCY ORDINANCE this 24th day of February 1994, by a three-quarter majority vote of the Town Council, 10 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK

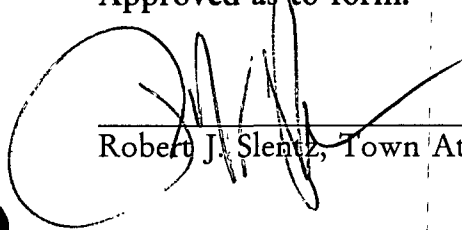


Sally Misare, Town Clerk



Mark C. Williams, Mayor

Approved as to form:



Robert J. Slentz, Town Attorney