

ORDINANCE NO. 2024-__

**AN ORDINANCE AMENDING VARIOUS PROVISIONS IN TITLE 15,
ARTICLE VI, CHAPTER 15.64 OF THE CASTLE ROCK MUNICIPAL
CODE REGARDING HISTORIC PRESERVATION**

WHEREAS, in 1994, the Town Council (the “Council”) of the Town of Castle Rock (the “Town”) approved Ordinance No. 94-01 adopting Title 15, Article VI, Chapter 15.64 of the Castle Rock Municipal Code (the “Historic Preservation Code”) and establishing the Historic Preservation Board (the “Board”); and

WHEREAS, in addition, the Council adopted a corresponding ordinance, Ordinance No. 94-02, designating the first local historical landmarks in the Town; and

WHEREAS, in 2007, the Council approved the Town’s first Historic Preservation Plan (the “Plan”); and

WHEREAS, in 2010, the Council approved Ordinance No. 2010-19 – a comprehensive amendment of the Historic Preservation Code; and

WHEREAS, recently, the Board has discussed another series of amendments to the Historic Preservation Code; and

WHEREAS, specifically, the Board is recommending changes to the provisions within the Historic Preservation Code that govern neighborhood meetings, notices, demolition review, timing of Board approvals, and eligibility for local restoration grants; and

WHEREAS, the Council has reviewed the Board’s recommendations and finds that adoption of the proposed amendments to the Historic Preservation Code is in the best interests of the Town and its residents.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 15.64.020 of the Castle Rock Municipal Code is amended by the addition of the following definitions:

15.64.020 – Definitions.

ADJACENT PROPERTY MEANS A PROPERTY THAT SHARES A PROPERTY LINE IN PART OR IS SEPARATED BY A STREET RIGHT-OF- WAY OR ALLEY-WAY.

ECONOMIC HARDSHIP ANALYSIS IS A REPORT THAT ESTABLISHES WHETHER AN ECONOMIC HARDSHIP EXISTS. THE ANALYSIS SHOULD EXAMINE, BUT NOT BE LIMITED TO, THE STRUCTURAL INTEGRITY OF THE STRUCTURE, RESTORATION COSTS, MARKET COMPARISONS/ANALYSIS, FEASIBILITY OF THE CURRENT USE

AND POTENTIAL ADAPTIVE REUSE, AND AVAILABILITY OF FEDERAL, STATE, AND/OR LOCAL ECONOMIC INCENTIVES FOR HISTORIC RESTORATION.

NON-ECONOMIC HARDSHIP MEANS FACTS AND CIRCUMSTANCES WHICH ESTABLISH THAT THE PROPERTY POSES EITHER AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY OR TO SPECIFIC HEALTH AND/OR SAFETY ISSUES, THE COSTS OF WHICH TO REMEDY ARE SUBSTANTIALLY GREATER THAN THE BENEFITS OF A LANDMARK DESIGNATION.

Section 2. Amendment. The definition of “economic hardship” found in Section 15.64.020 of the Castle Rock Municipal Code is amended to read as follows:

Economic Hardship means facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form. “ECONOMIC HARDSHIP” SHALL NOT INCLUDE SELF-CREATED HARDSHIPS, WILLFUL OR NEGLIGENT ACTS BY THE OWNER, PURCHASE OF THE PROPERTY FOR SUBSTANTIALLY MORE THAN THE MARKET VALUE, FAILURE TO PERFORM NORMAL MAINTENANCE AND REPAIRS, FAILURE TO DILIGENTLY SOLICIT AND RETAIN TENANTS, OR FAILURE TO PROVIDE NORMAL TENANT IMPROVEMENTS.

Section 3. Amendment. The Castle Rock Municipal Code is amended by the addition of a new Section 15.64.040, which Section reads as follows:

15.64.040 - Neighborhood Meetings.

Applicants are required to hold neighborhood meetings on historic preservation applications in accordance with the following provisions below.

- A. All applicants who submit a historic preservation application to the Town are required to conduct a neighborhood meeting regarding their application within one (1) year prior to submittal.
- B. The Department may require that an applicant conduct additional neighborhood meetings, once after the Department accepts the application and, again, after the Department completes its review of the application, prior to scheduling the public hearing on such application.
- C. When conducting a neighborhood meeting, the applicant shall adhere to the guidelines established by the Town Development Procedures Manual.
- D. The Town Manager may waive the neighborhood meeting requirements found in this section for good cause, including materiality of the subject matter, absence of controversy, and lack of attendance.

Section 4. Amendment. Subsection 15.64.050.C of the Castle Rock Municipal Code is amended to read as follows:

15.64.050 - Economic incentives for historic restoration.

In addition to any incentives that may be offered by the State and/or other potential funding sources, an owner of a Landmark or a Contributing Structure in the Historic Downtown Area may be eligible to apply for the following economic incentives for the Restoration or Rehabilitation of the property, and such additional incentives as may be developed by the Historic Preservation Board and authorized by the Town Council:

- C. Local Restoration Grant Program. The purpose of this program is to provide Historic Landmarks AND CONTRIBUTING STRUCTURES monetary assistance with Rehabilitation or Restoration projects. Grants will be issued for Restoration, reconstruction and Rehabilitation projects. Generally, these grants would be available for smaller projects, such as sanding and re-painting a facade, reconstruction of windows, re-roofing or reconstruction of porches. However, larger projects or State Historic Fund cash match projects may be considered.

Section 5. Amendment. Subsection 15.64.080.E of the Castle Rock Municipal Code is amended to read as follows:

15.64.080 - Landmark designation.

- E. Proceedings by the Board on an ordinance approving an application for Landmark designation.
 - 1. POSTED Notice. Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing on the ordinance shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 1015 days prior to the hearing.
 - 2. WRITTEN NOTICE. WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING SHALL BE SENT BY FIRST-CLASS MAIL AT LEAST FIFTEEN (15) DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF EACH ADJACENT PROPERTY; PROVIDED HOWEVER, THAT THE DEPARTMENT, AT THE DEPARTMENT'S DISCRETION, MAY REQUIRE AN EXPANDED NOTIFICATION AREA. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST THIRTY (30) DAYS PRIOR TO THE FIRST PUBLIC HEARING.

- ~~2-~~ 3. Public hearing. The Board shall hold a public hearing on the application no more than 60 days after the filing of the application. However, the hearing on the ordinance may be deferred until the Cultural Resource Survey described in Subsection D has been completed. The property owner and the public shall have reasonable opportunity to express their opinions regarding the application for Landmark designation. The Board and Town Council shall review the application to determine if the proposed Landmark meets the criteria for Landmark designation set forth in Subsection C and shall consider the applicant's testimony and the comments from the public.
- ~~3-~~ 4. Board recommendation. Within 30 days after the conclusion of the public hearing, the Board shall recommend the application be approved, approved with conditions or disapproved. The Board shall forward its recommendation and written report to the Town Council for consideration and final action.

Section 6. Amendment. Section 15.64.090 of the Castle Rock Municipal Code is amended to read as follows:

15.64.090 - Demolition or relocation of non-Landmarked structures.

- A. THE PURPOSE OF THIS SECTION IS TO PREVENT THE LOSS OF STRUCTURES THAT ARE 50 YEARS OF AGE OR OLDER WITHIN THE HISTORIC DOWNTOWN AREA THAT MAY HAVE HISTORICAL, CULTURAL, OR ARCHITECTURAL SIGNIFICANCE. If a building or structure was built within the Historic Downtown Area ~~after 1945~~ LESS THAN 50 YEARS AGO, a demolition or relocation permit may be obtained through ~~Development Services~~ THE DEPARTMENT, unless ~~Development Services staff~~ THE DEPARTMENT finds that the building or structure may possess enough architectural and/or historical significance and/or integrity to meet criteria for Landmark designation pursuant to Section 15.64.080, in which event, the process ~~under~~ SET FORTH IN Subsection ~~15.64.090.B~~ OF THIS SECTION shall be followed.
- B. If a building ~~was built before 1945~~ WITHIN THE HISTORIC DOWNTOWN AREA IS 50 YEARS OF AGE OR OLDER or has been determined by ~~Development Services staff~~ THE DEPARTMENT to meet the criteria in Subsection ~~15.64.090.A~~ OF THIS SECTION, a Cultural Resource Survey AND ECONOMIC HARDSHIP ANALYSIS will be ~~done~~ COMPLETED. Once ~~a~~ THE survey AND ANALYSIS has HAVE been completed submitted TO and reviewed by ~~Town Staff~~ THE DEPARTMENT, a public hearing on the demolition or relocation permit ~~request~~ will be ~~reviewed~~ CONDUCTED by the Board. The Board will forward its recommendation regarding the demolition or relocation permit ~~request~~ to Town Council. The Town Council will hold a public hearing on the ~~resolution~~ ~~for the~~ demolition or relocation PERMIT ~~required~~ and make a determination of ~~approval~~ ~~denial~~ WHETHER TO APPROVE, ~~approval~~ APPROVE with conditions or ~~denial~~ DISAPPROVE SUCH PERMIT. The Board and Town Council will use the following criteria to review a demolition or relocation ~~request~~ PERMIT, ~~along with the information from the Cultural Resource Survey:~~

1. Is the property ~~currently Landmarked and/or would the property be able to achieve~~ ELIGIBLE FOR Landmark status?
 2. Is the property void of features of architectural and/or historical significance and/or integrity?
 3. Will the effect of demolition or relocation be positive or negative ~~on adjacent properties or the downtown district~~ WITH RESPECT TO THE HISTORIC CHARACTER OF THE HISTORIC DOWNTOWN AREA?
 4. ~~Has deterioration of the property progressed to the point where it is not economically feasible to rehabilitate the property?~~
 5. 4. HAS THE APPLICANT PRESENTED FACTS AND CIRCUMSTANCES WHICH ESTABLISH AN ECONOMIC HARDSHIP IF THE PROPERTY IS NOT DEMOLISHED?
 5. For a demolition permit request, has moving the building been investigated? Is it MOVING THE BUILDING a feasible ~~option~~ ALTERNATIVE to demolition?
- C. ~~Notice of the public hearing on a demolition or relocation request shall be accomplished in the same manner as in Paragraph 15.30.080.E.1 of this Code.~~ POSTED NOTICE. NOTICE OF THE TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING ON THE DEMOLITION OR RELOCATION PERMIT 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.
- D. WRITTEN NOTICE. WRITTEN NOTICE OF THE TIME, DATE, PLACE AND A BRIEF SUMMARY OF THE SUBJECT MATTER OF THE PUBLIC HEARING SHALL BE SENT BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF PROPERTY WITHIN 500 FEET OF THE SUBJECT PROPERTY; PROVIDED, HOWEVER, THAT THE DEPARTMENT, AT ITS SOLE DISCRETION, MAY REQUIRE AN EXPANDED NOTIFICATION AREA. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.
- E. DEMOLITION PERMIT ISSUANCE. PRIOR TO, AND AS A CONDITION OF ISSUING A DEMOLITION PERMIT, THE APPLICANT SHALL APPLY FOR AND OBTAIN A BUILDING PERMIT FOR A NEW BUILDING OR STRUCTURE ON THE PROPERTY. THE NEW STRUCTURE SHALL BE REQUIRED TO OBTAIN ALL

NECESSARY LAND USE APPROVALS PRIOR TO ISSUANCE OF A BUILDING PERMIT. THIS REQUIREMENT MAY BE WAIVED IF THE DEPARTMENT FINDS THAT THE PROPERTY POSES AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY.

- F. APPROVAL PERIOD. UPON APPROVAL OF THE DEMOLITION OR RELOCATION PERMIT, THE APPLICANT SHALL HAVE 365 DAYS TO COMPLETE THE DEMOLITION OR RELOCATION OF THE BUILDING OR STRUCTURE. UPON EXPIRATION OF THE 365-DAY PERIOD, THE DEMOLITION OR RELOCATION PERMIT SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT.

Section 7. Amendment. Section 15.64.100 of the Castle Rock Municipal Code is amended to read as follows:

15.64.100 - Amendment and removal of Landmark designation.

- A. A Landmark designation may be amended to add features or property to the site under the SAME procedures AS prescribed by Section 15.64.080 for initial designations. Whenever a designation has been amended, the Department 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.
- B. The owner of a property that is Landmarked may request the removal of the Landmarking status. A Cultural Resource Survey must be completed ~~on~~ FOR the property. Once a survey has been ~~completed~~ SUBMITTED TO AND REVIEWED BY THE DEPARTMENT, A PUBLIC HEARING ON THE REQUEST WILL BE CONDUCTED BY the Board ~~will review the removal of the Landmarking status request.~~ The Board will then forward its recommendation to the Town Council on the request for REGARDING removal of the Landmarking status TO THE TOWN COUNCIL. The Town Council will HOLD A HEARING ON THE REQUEST ~~then~~ AND make a determination whether or not to ~~grant the removal of~~ REMOVE the Landmarking status ~~request~~ OF THE PROPERTY. The Board and Town Council will use the following criteria to review a request for the removal of the Landmarking status, ~~along with the information from the Cultural Resource Survey:~~
 - 1. Does the property no longer meet the criteria for Landmark status under Section 15.64.080?
 - 2. Will the effect of removing the Landmark status be positive or negative ~~on adjacent properties or the downtown district~~ WITH RESPECT TO THE HISTORIC CHARACTER OF THE HISTORIC DOWNTOWN AREA?
- C. ~~Notice of the public hearings on a Landmarking status removal request shall be accomplished in the same manner as in Paragraph 15.64.080.E.1.~~ POSTED NOTICE. NOTICE OF THE TIME, DATE, PLACE AND A BRIEF SUMMARY OF EXPLANATION OF THE SUBJECT MATTER OF THE PUBLIC HEARING ON A REQUEST FOR REMOVAL OF LANDMARKING STATUS 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.

- D. WRITTEN NOTICE. WRITTEN NOTICE OF THE TIME, DATE, PLACE AND A BRIEF SUMMARY OF THE SUBJECT MATTER OF THE PUBLIC HEARING SHALL BE SENT BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF PROPERTY WITHIN 500 FEET OF THE SUBJECT PROPERTY; PROVIDED, HOWEVER, THAT THE DEPARTMENT, AT ITS SOLE DISCRETION, MAY REQUIRE AN EXPANDED NOTIFICATION AREA. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

Section 8. Amendment. Subsections 15.64.140.D and F of the Castle Rock Municipal Code are amended to read as follows:

15.64.140 - Alteration of a Landmark.

- D. Board Proceedings on the Application for Alteration Certificate.
1. Posted Notice. Notice of time, date, place and a brief summary of explanation of the subject matter OF THE PUBLIC HEARING ON AN APPLICATION FOR AN ALTERATION CERTIFICATE SHALL BE POSTED ON THE PROPERTY IN A MANNER visible from all adjacent public rights-of-way at least ~~ten~~ 15 days prior to the hearing. ~~The Department shall be responsible for accomplishing the public notice.~~
 2. WRITTEN NOTICE. WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF THE SUBJECT MATTER OF THE PUBLIC HEARING SHALL BE SENT BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. FOR THE ALTERATION OF A COMMERCIAL OR MULTI-FAMILY RESIDENTIAL LANDMARKED PROPERTY, WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF PROPERTY WITHIN 500 FEET OF THE SUBJECT PROPERTY. FOR THE ALTERATION OF A SINGLE-FAMILY RESIDENTIAL LANDMARKED PROPERTY, WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF EACH ADJACENT PROPERTY. IN EITHER CASE, THE DEPARTMENT, AT ITS SOLE DISCRETION, MAY REQUIRE AN

EXPANDED NOTIFICATION AREA. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

- ~~2-3.~~ 3. Public hearing and Board decision. Within ~~forty-five~~ 45 days after the applicant has submitted a complete application to the Department, the Board shall hold a public hearing on the application. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for Alteration Certificate. The Board shall determine whether the proposed Alteration meets the ~~established review criteria for Alterations~~ set forth in Subsection C OF THIS SECTION and shall consider the applicant's testimony and the comments from the public. Within ~~thirty~~ 30 days after the conclusion of the hearing, the Board shall adopt written findings and conclusions and either approve, approve with conditions, or disapprove the application. ~~When approving an application for an Alteration Certificate, the Board may impose a time limit for the applicant to apply for a building permit conforming to the certificate.~~
- ~~3.~~ 4. ~~Staff will be allowed discretion over~~ THE DEPARTMENT SHALL HAVE THE AUTHORITY TO MAKE minor modifications to ~~the Board approval~~ AN APPROVED ALTERATION CERTIFICATE SO LONG AS SUCH MODIFICATIONS ARE deemed necessary during the construction phase of the project ~~as long as such modifications~~ AND do not cause a significant NEGATIVE impact ~~or potential detriment~~ to the BUILDING OR structure.

F. Appeal of Board's denial of Alteration Certificate.

1. Appeal. Within 21 days of the Board's decision to deny an application for an Alteration Certificate, an applicant may appeal such decision to the Town Council by filing a written notice of appeal with the Department. The appeal shall state why the decision is contested.
2. Notice. Notice of ~~time, date, place and a brief summary of explanation of the subject matter of the public hearing shall be posted on the property in a manner visible from all adjacent public rights of way at least 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice~~ THE APPEAL SHALL BE ACCOMPLISHED IN THE SAME MANNER SET FORTH IN SUBSECTIONS D.1 AND D.2. OF THIS SECTION.
3. Public hearing and Council decision. Within 60 days after the appeal is filed, the Council shall hold a public hearing on the matter. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for Alteration Certificate. After considering the written findings and conclusions of the Board, ~~whether the proposed Alteration meets the established review criteria set forth in Subsection C,~~ the applicant's testimony, AND THE comments from the

public and the hardship appeal criteria set forth in Paragraph F.4, the Council shall DETERMINE WHETHER THE PROPOSED ALTERATION MEETS THE REVIEW CRITERIA SET FORTH IN SUBSECTION C OF THIS SECTION AND, IF APPROPRIATE, WHETHER THE APPLICANT HAS ESTABLISHED TO THE COUNCIL'S SATISFACTION THE EXISTENCE OF AN ECONOMIC OR NON-ECONOMIC HARDSHIP. THE COUNCIL SHALL THEN approve, approve with conditions or modifications, or disapprove the application.

~~4. Hardship appeal criteria.~~

- ~~a. Economic Hardship. The applicant has presented facts and circumstances which establish Economic Hardship. Consideration for Economic Hardship shall not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements; or~~
- ~~b. Noneconomic hardship. The applicant has presented specific facts which establish that the property poses either an imminent threat to public health and safety or specific health and/or safety issues, the costs of which to remedy are substantially greater than the benefits of designation.~~

Section 9. Amendment. Section 15.64.140 of the Castle Rock Municipal Code is amended by the addition of a new subsection G, which subsection reads as follows:

15.64.140 - Alteration of a Landmark.

G. APPROVAL PERIOD. UPON APPROVAL OF AN ALTERATION CERTIFICATE, THE APPLICANT SHALL HAVE 365 DAYS TO OBTAIN ALL NECESSARY BUILDING PERMITS AND COMPLETE THE ALTERATION OF THE BUILDING OR STRUCTURE. UPON EXPIRATION OF THE 365-DAY PERIOD, THE ALTERATION CERTIFICATE SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT.

Section 10. Amendment. Subsections 15.64.160.D and F of the Castle Rock Municipal Code are amended to read as follows:

15.64.160 - Relocation of a Landmark.

- D. Board proceedings on applications for Relocation Certificates.
 - 1. Posted Notice. Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing ON AN APPLICATION FOR A RELOCATION CERTIFICATE shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 10-15 days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

2. WRITTEN NOTICE. WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF THE SUBJECT MATTER OF THE PUBLIC HEARING SHALL BE SENT BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF PROPERTY WITHIN 500 FEET OF THE SUBJECT PROPERTY; PROVIDED, HOWEVER, THAT THE DEPARTMENT, AT ITS SOLE DISCRETION, MAY REQUIRE AN EXPANDED NOTIFICATION AREA. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

~~2.-3.~~ Public hearing and Board decision. Within 45 days after the applicant has submitted a complete application to the Department, the Board shall hold a public hearing on the application. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for Relocation Certificate. The Board shall determine whether the proposed relocation meets the ~~established~~ review criteria set forth in Subsection C OF THIS SECTION and shall consider the applicant's testimony and the comments from the public. Within 30 days after the conclusion of the hearing, the Board shall adopt written findings and conclusions and either approve, approve with conditions, or disapprove the application. ~~When approving an application for a Relocation Certificate, the Board may impose a time limit for the applicant to apply for a permit conforming to the certificate.~~

F. Appeal of Board's denial of Relocation Certificate.

1. Appeal. Within 21 days of the Board's decision to deny an application for an Alteration Certificate, an applicant may appeal such decision to the Town Council by filing a written notice of appeal with the Department. The appeal shall state why the decision is contested. ~~A copy of a~~ An affidavit demonstrating proof of the relocation financing shall be provided.

2. Notice. ~~Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing shall be posted on the property in a manner visible from all adjacent public rights-of-way at least 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice~~ THE APPEAL SHALL BE ACCOMPLISHED IN THE SAME MANNER SET FORTH IN SUBSECTIONS D.1 AND D.2. OF THIS SECTION.

3. Public hearing and Council decision. Within 60 days after the appeal is filed, the Council shall hold a public hearing on the matter. The applicant and the public shall

have reasonable opportunity to express their opinions regarding the application for Relocation Certificate. After considering the written findings and conclusions of the Board, ~~whether the proposed relocation meets the established review criteria set forth in Subsection C and the hardship appeal criteria set forth in Paragraph 4 below,~~ THE APPLICANT'S TESTIMONY, AND THE COMMENTS FROM THE PUBLIC, the Town Council shall DETERMINE WHETHER THE PROPOSED RELOCATION MEETS THE REVIEW CRITERIA SET FORTH IN SUBSECTION C OF THIS SECTION AND, IF APPROPRIATE, WHETHER THE APPLICANT HAS ESTABLISHED TO THE COUNCIL'S SATISFACTION THE EXISTENCE OF AN ECONOMIC OR NON-ECONOMIC HARDSHIP. THE TOWN COUNCIL SHALL approve, approve with conditions ~~or modifications,~~ or disapprove the application.

~~4. Hardship appeal criteria.~~

~~a. Economic Hardship. The applicant has presented facts and circumstances which establish Economic Hardship. Consideration for Economic Hardship shall not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements; or~~

~~b. Noneconomic hardship. The applicant has presented specific facts which establish that the property poses either an imminent threat to public health and safety or specific health and/or safety issues, the costs of which to remedy are substantially greater than the benefits of designation.~~

Section 11. Amendment. Section 15.64.160 of the Castle Rock Municipal Code is amended by the addition of a new subsection G, which subsection reads as follows:

15.64.160 - Relocation of a Landmark.

G. APPROVAL PERIOD. UPON APPROVAL OF A RELOCATION CERTIFICATE, THE APPLICANT SHALL HAVE 365 DAYS TO COMPLETE THE RELOCATION OF THE BUILDING OR STRUCTURE. UPON EXPIRATION OF THE 365-DAY PERIOD, THE RELOCATION CERTIFICATE SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT.

Section 12. Amendment. Subsections 15.64.170.E, F and G of the Castle Rock Municipal Code are amended to read as follows:

15.64.170 - Historic District designation for the Craig and Gould neighborhood.

E. Public outreach for Historic Districts. The Town shall assist property owners who request the formation of a District. Prior to the Board hearing, Department staff shall host a

minimum of one meeting with the owners of properties within the proposed District to explain the responsibilities and benefits of designation and to adopt guidelines concerning the preservation of structures in the District. Notification of the meeting shall be sent by first-class mail to the applicant and all owners of properties within the proposed District stating the date, time and location of the meeting no less than ~~10~~15 days prior to the meeting. The Department shall be responsible for accomplishing the public notice. Prior to this meeting, Department staff shall make materials available to affected property owners, including, without limitation, information on the history of the area proposed for designation, the history of individual properties proposed for designation and information on the responsibilities and benefits of designation.

F. Board Proceedings for Historic District Designation.

1. Notice. Notice of time, date, place and a brief summary of explanation of the subject matter of the hearing shall be published ~~in the newspaper~~ ON THE TOWN OF CASTLE ROCK WEBSITE (WWW.CRGOV.COM) ~~10~~15 days prior to the hearing. Written notice shall be sent by first-class mail to all property owners within the proposed District 15 days prior to the hearing. ~~The Department shall be responsible for accomplishing the public notice.~~
2. Public hearing and Board recommendation. Within 45 days of receiving a complete application, the Board shall hold a public hearing on the application. The applicant, the property owners within the District, and the public shall have reasonable opportunity to express their opinions regarding the application for District designation. The Board shall determine whether the proposed District meets the ~~established~~ review criteria set forth in Subsection C OF THIS SECTION. Within 30 days after the conclusion of the public hearing, the Board shall recommend to Council approval, approval with conditions or disapproval of the application. The Board shall forward its recommendation by written report to the Town Council for consideration and final action.

G. Town Council proceedings for Historic District designation.

1. Notice. Notice of time, date, place and a brief summary of explanation of the subject matter of the public hearing, shall be published ~~in the newspaper~~ ON THE TOWN OF CASTLE ROCK WEBSITE (WWW.CRGOV.COM) ~~10~~15 days prior to the hearing. Written notice shall be mailed to all property owners within the proposed District 15 days prior to the hearing. ~~The Department shall be responsible for accomplishing the public notice.~~
2. Public hearing and Council decision. The Town Council shall hold a public hearing on the proposed District designation. The applicant, the property owners within the District and the public shall have reasonable opportunity to express their opinions regarding the application for District designation. The Council shall review the Board's written recommendations and whether the proposed District meets the ~~established~~ review criteria set forth in Subsection C OF THIS SECTION. Within

30 days after the conclusion of the public hearing, the Town Council shall approve, approve with conditions or disapprove the proposed district designation.

3. Designating ordinance. Approval of a District designation shall be by ORDINANCE OF THE Town Council. Each such designating ordinance shall include a description of the characteristics of the District 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. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Chapter.

Section 13. Amendment. Subsections 15.64.200.E and F of the Castle Rock Municipal Code are amended to read as follows:

15.64.200 - Approval for new construction and alterations to non-Landmarked properties, Craig and Gould neighborhood.

E. Board proceedings.

1. POSTED Notice. Notice of time, date and place of the public 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 ~~ten~~ 15 days prior to the hearing. ~~The Town shall be responsible for accomplishing the public notice.~~
2. WRITTEN NOTICE. WRITTEN NOTICE OF TIME, DATE, PLACE AND A BRIEF SUMMARY OF THE SUBJECT MATTER OF THE PUBLIC HEARING SHALL BE SENT BY FIRST-CLASS MAIL AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE PUBLIC HEARING IS TO BE HELD. NOTICE IS CONSIDERED SENT ON THE DATE IT IS POSTMARKED BY THE U.S. POSTAL SERVICE. FOR A COMMERCIAL OR MULTI-FAMILY RESIDENTIAL NON-LANDMARKED PROPERTY, WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF PROPERTY WITHIN 500 FEET OF THE SUBJECT PROPERTY. FOR SINGLE-FAMILY RESIDENTIAL NON-LANDMARKED PROPERTY, WRITTEN NOTICE SHALL BE SENT TO THE OWNER(S) OF THE PROPERTY WHICH IS SUBJECT OF THE PUBLIC HEARING AND TO OWNERS OF EACH ADJACENT PROPERTY. IN EITHER CASE, THE DEPARTMENT, AT ITS SOLE DISCRETION, MAY REQUIRE AN EXPANDED NOTIFICATION AREA. IN COMPILING THE NAMES AND ADDRESSES OF THE NOTICE RECIPIENTS, THE APPLICANT MAY RELY ON THE ACCURACY OF THE PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO, AS THOSE RECORDS EXIST 30 DAYS PRIOR TO THE FIRST PUBLIC HEARING.

~~2.-3.~~ Public hearing and Board decision. Within ~~forty five~~ 45 days of receiving a complete application, the Board shall hold a public hearing on the application. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for new construction or Alteration to a non-Landmarked property. The Board shall review the proposed new construction or Alteration for conformance with the review criteria set forth in Subsection C OF THIS SECTION. ~~The Board shall review the standards in a reasonable manner,~~ taking into consideration economic and technical feasibility. At the hearing, the Board may approve, approve with conditions, or ~~deny~~ DISAPPROVE the ~~proposed new construction or Alteration~~ APPLICATION. In the case of ~~denial~~ DISAPPROVAL, the Board shall MAKE WRITTEN FINDINGS, ~~state~~ STATING the reasons therefor ~~in a written statement and make recommendations in regard to the appropriateness of design, arrangement, texture, material and color~~ FOR ITS DECISION.

~~3.-4.~~ ~~Staff will be allowed discretion over~~ THE DEPARTMENT SHALL HAVE THE AUTHORITY TO MAKE minor modifications to ~~the Board approval~~ AN APPROVED APPLICATION FOR NEW CONSTRUCTION OR ALTERATION TO A NON-LANDMARKED PROPERTY SO LONG AS SUCH MODIFICATIONS ARE deemed necessary during the construction phase of the project ~~as long as such modifications~~ AND do not ~~dramatically~~ SUBSTANTIALLY change the visual appearance of the BUILDING OR structure.

F. Appeal of Board decisions. Within 21 days of the Board's decision ~~regarding~~ TO DISAPPROVE AN APPLICATION for new construction ~~and or Alterations~~ ALTERATION to A non-Landmarked ~~properties~~ PROPERTY, an applicant may appeal ~~any~~ SUCH decision ~~of the Board~~ to the Town Council by filing a written notice of appeal with the Department ~~within 21 days of the Board's decision~~. THE APPEAL SHALL STATE WHY THE DECISION IS CONTESTED.

1. Notice. Notice of ~~time, date and place of the public 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 10 days prior to the hearing. The Town shall be responsible for accomplishing the public notice.~~ THE APPEAL SHALL BE ACCOMPLISHED IN THE SAME MANNER SET FORTH IN SUBSECTIONS E.1 AND E.2. OF THIS SECTION.

2. Council meeting and decision. Within 60 days after the appeal is filed, the Council shall hold a public ~~meeting~~ HEARING on the matter. The applicant and the public shall have reasonable opportunity to express their opinions on the application. ~~The Council shall~~ AFTER considering the written findings and conclusions of the Board, THE APPLICANT'S TESTIMONY, AND THE COMMENTS FROM THE PUBLIC, THE COUNCIL SHALL DETERMINE whether the proposed new construction or Alteration to a non-Landmarked property ~~conforms to~~ MEETS the review criteria set forth in Subsection C OF THIS SECTION, and shall THEN approve, approve with conditions ~~or modifications~~, or disapprove the application.

Section 14. Amendment. Section 15.64.200 of the Castle Rock Municipal Code is amended by the addition of a new subsection G, which subsection reads as follows:

15.64.200 - Approval for new construction and alterations to non-Landmarked properties, Craig and Gould neighborhood.

G. APPROVAL PERIOD. UPON APPROVAL OF AN APPLICATION FOR NEW CONSTRUCTION OR ALTERATION TO A NON-LANDMARKED PROPERTY, THE APPLICANT SHALL HAVE 365 DAYS TO OBTAIN ALL NECESSARY BUILDING PERMITS COMPLETE THE CONSTRUCTION OR ALTERATION TO THE BUILDING OR STRUCTURE. UPON EXPIRATION OF THE 365-DAY PERIOD, THE APPROVAL SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT.

Section 15. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 16. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ___ day of _____, 2024, by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ day of _____, 2024, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Tara Vargish, Director of Development Services