



Meeting Date: September 17, 2024

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: **David L. Corliss, Town Manager**

From: Tara Vargish, PE, Director, Development Services
Brad Boland, AICP, Long Range Project Manager, Development Services

Title: **Discussion and Direction: Chapter 15 Historic Preservation Amendments**

Executive Summary

The Historic Preservation Board has been discussing potential amendments to Chapter 15.64 (Attachment A) of the Castle Rock Municipal Code, which governs the Historic Preservation in the Town of Castle Rock. Potential changes identified are;

- Demolition review requirements
- Neighborhood meeting requirements
- Noticing requirements
- Approval period
- Local Restoration Grant eligibility

The Historic Preservation Board and staff are seeking input and direction from Town Council in regards to these items prior to taking any further action.

Discussion

Background

Town Council approved Ordinance 94-01 (Attachment B) that established the Historic Preservation Board and regulations concerning historic preservation in the Town of Castle Rock. A corresponding ordinance, Ordinance 94-02, established the first local historical landmarks in the Town. In 2007, Town Council approved the Town's first Historic Preservation Plan. In response to the approval of the Plan, a multi-year effort to compressively amend the Town's historic preservation regulations culminated in the approval of Ordinance No. 2010-19 (Attachment C).

Changes in the 2010 amendment included the strengthening of the landmark designation criteria, creation of a process and criteria for demolition and relocation in the Historic Downtown Area, and creation of a process and criteria for design review by the Historic Preservation Board in the Craig and Gould neighborhood. The 2010 amendment also eliminated the conservation areas proposed by the Town's Historic

Preservation Plan, adopted in 2006, and eliminated the provision that allowed for involuntary landmark designation.

There are two areas that are directly influenced by the Town’s Historic Preservation Ordinance. The Craig & Gould Neighborhood (Attachment A) and the Historic Downtown Area (Attachment A), which includes the Craig & Gould Neighborhood. In the Craig & Gould Neighborhood all construction including new builds and additions are required to go before the Historic Preservation Board for Design Review approval. Within the Historic Downtown Area any proposed demolition of a building built before 1945 is required to go before the Historic Preservation Board for a recommendation and Town Council for approval.

Demolition Review Requirements – Historic Downtown Area

The Historic Preservation Board asked staff to review the Town’s requirements for demolition of buildings in the Historic Downtown Area. Specifically, the age of building requirement that would trigger a demolition review and the criteria for approval.

The current regulations require that the Historic Preservation Board review and recommend any proposal to demolish a structure that was constructed in 1945 or earlier to Town Council who will either approve or deny the demolition request. Regulations do allow Town staff to refer to the Historic Preservation Board and Town Council a proposal to demolish a structure constructed after 1945 if it is determined by staff to possess enough architectural and/or historical significance and/or integrity to meet criteria for Landmark designation. It is believed that the 1945 date was used as the 2007 Historic Preservation Plan stated that Historic Preservation efforts should focus on buildings built in 1945 or before. Staff investigated other local jurisdictions for their requirements. A summary of those requirements can be found in the table below.

Jurisdiction	Demolition Requirement
Boulder	Any structure located in a Historic District AND 50 Years Old - All City
Broomfield	Any structure located in a Historic District
Englewood	Any structure located in a Historic District
Fort Collins	Any structure located in a Historic District AND 50 Years Old- All City
Golden	Any structure located in a Historic District or Non-Residential 50 years or older
Greeley	Any structure located in a Historic District
Lakewood	Any structure located in a Historic District
Longmont	50 Years Old within Original Subdivision And Any structure Designated as Historically Significant in a Historic Survey/Plan
Loveland	Properties identified as eligible for designation in Citywide Survey

The reason for the 50-year requirement found in several jurisdictions’ requirements, is that 50 years of age is a standard criterion for consideration for landmark designation. Standard practice for landmark designation, including the Town’s designation process,

is that a property must meet a certain number of criteria of significance to be eligible to be landmarked. One of those criteria is if the building is at least 50 years old. It should be noted that structure does not necessarily have to be at least 50 years old to be historically significant enough to landmark if it meets the other criteria. To be Nationally Landmarked a property must be at least 50 years old.

The Historic Preservation Board is currently proposing to Town Council to consider changing the requirement from “1945 or earlier” to “50 years or older” to be more in line with this landmarking criteria and other jurisdictions. This would require that for any application of demolition for a building 50 years or older within the Historic Downtown Area must go before the Historic Preservation Board for review and recommendation, and then to Town Council for approval. Staff would retain the discretion to send other demolition permit reviews to the Historic Preservation Board and Town Council for a building less than 50 years old if it is believed it possesses architectural and/or historical significance.

The map below shows the age of buildings in the Historic Downtown Area. Under the current regulations there are approximately 117 structures that were built in 1945 or before and qualify for the demolition review today. Imposing the 50-year requirement would add approximately 110 additional structures that would require a demolition review at the time of regulation amendment, if approved. Additional properties would require demolition review as time went on.



Staff looked at other communities to see if the Town's criteria was aligned with best practices (Attachment D). In general, the Town's criteria for demolition are consistent with other jurisdictions. Staff suggest the rewording of a few of the criteria to be more in line with other jurisdictions. The most significant change would be to criteria number four;

Has deterioration of the property progressed to the point where it is not economically feasible to rehabilitate the property?

To the following;

Has the applicant presented facts and circumstances which establish an Economic Hardship if the property is not demolished?

The proposed language is more in line with other jurisdictions and would more clearly indicate what is needed with the demolition request. The definition for Economic Hardship is as following;

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. 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.

All of the language for the definition of Economic Hardship already exist in the code but is proposed to be combined into a single definition.

If this change is made to the criteria, an Economic Hardship Analysis will be required to be submitted to the Town as part of the demolition review application. An Economic Hardship Analysis is defined as;

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.

The requirement of the Economic Hardship Analysis and the already required Cultural Resources Survey should provide the Historic Preservation Board and Town Council sufficient information when considering a demolition request.

Demolition Review Requirements – Town Wide

The Historic Preservation Board expanded the discussion regarding demolition review requirement to potentially expand Town wide. The main points discussed in favor of expanding the review is that there are properties outside of the Historic Downtown Area that could have significant historical and/or architectural significance and be worth

saving or at the very least documenting. Concerns raised about an expansion were around property rights and potentially an onerous process for an unaware property owner. It was discussed if a Town wide demolition review process was instituted that the 50-year requirement that is being proposed for the Historic Downtown Area may not be appropriate and another date, such as 1945 or earlier, may be more appropriate. It was also discussed that a more streamlined process for properties outside of the Historic Downtown could be appropriate.

As this would be a significant expansion of the Historic Preservation program, the Historic Preservation Board would like feedback and direction from Town Council on whether a Town wide demolition review requirement would be something that Town Council would even want to consider. If Town Council indicated it would be something they may want to consider, the Historic Preservation Board and staff would further investigate and provide a detailed recommendation.

Staff did perform a quick analysis to estimate how many properties outside of the Historic Downtown could potentially be impacted. The table below shows the number of properties built in 1945 and before and then by five-year increments through 1975. The majority of the properties appear to be located in the subdivisions surrounding the Historic Downtown Area.

Year	Number of Properties
1945 and before	5
1946-1950	32
1951-1955	20
1956-1960	45
1961-1965	105
1966-1970	78
1971-1975	360
Total	645

Neighborhood Meetings

For land use applications such as annexation, rezoning applications, and site development plans, there are neighborhood meeting requirements established in section 17.04.040 (Attachment E) of the Castle Rock Municipal Code. As the Town of Castle Rock values community engagement in the development process, Town staff has asked Historic Preservation applicants to conduct neighborhood meetings in accordance with section 17.04.040. Formalization of the need for neighborhood meetings for Historic Preservation applicants would seem appropriate.

For projects involving single family residences it is proposed that the applicant would be required to host a single neighborhood meeting prior to formal submittal of the application. Staff could ask for additional neighborhood meetings based upon the attendance and comments received during the neighborhood meeting.

For commercial and multifamily projects that require a concurrent process through Title 17 and would require public hearings before the Design Review Board, Planning

Commission, or Town council, the neighborhood meeting requirement will follow what is outlined in Chapter 17.04. This would typically require a total of three neighborhood meetings, though depending on the scope and community engagement, may be reduced or increased as deemed necessary by Town staff.

Noticing

The Historic Preservation regulations require that a sign be posted on the property ten days prior to a public hearing. To be consistent with Chapter 17 land use regulations, Town staff has asked Historic Preservation applicants to generally follow the noticing of requirements found in section 17.04.060 (Attachment E) of the Castle Rock Municipal Code. These requirements include posting of the property and a mailed notice to property owners within 500 feet 15 days prior to the public hearing. Additionally, the notice is published on the Town’s website.

In previous work sessions various buffers were examined and what other communities in the front range require. Examples of buffers examined can be found on Attachment F. Requirements of various communities along the front range were also looked at and shown on the table below. The Historic Preservation Board is recommending that for single family projects, the noticing requirement would be to post the property 15 days prior to any neighborhood meeting or hearing and a mailed notice would be sent to the abutting adjacent properties. The Town would post the notice on the Town’s website.

Jurisdiction	Requirement
Boulder	Abutting when in district
Broomfield	1000 Feet
Englewood	Adjacent
Fort Collins	Sign and Notice at HP Commission Hearing
Golden	Just Sign
Greeley	Just Sign
Lakewood	Just Sign
Longmont	Just Sign
Loveland	District Owners

For commercial and multifamily projects that require a concurrent process through Title 17 and would require public hearings before the Design Review Board, Planning Commission, or Town Council, the noticing requirement will follow the Chapter 17.04 requirement of a posted sign and a mailed notice to property owners within 500 feet. Removal of landmark designation of a property is proposed to require a posting of the property and a mailed notice distance requirement of 500 feet.

Approval Period

For applications for Alteration Certificates, the regulations currently allow the Historic Preservation Board to impose a time limit for the applicant to apply for a building permit conforming to the certificate.

The Historic Preservation Board is recommending that all approvals from the Board, with the exemption of Landmarking which is a permanent approval, would provide the

applicant 365 days to obtain all necessary building permits to complete the approved project. This would be a standard requirement and would not require additional action from the Board.

The reasoning behind the requirement is that as time goes on and a project is not initiated, the likelihood of a project changing in scope increases. The requirement clearly sets the expectation that the project will need to go back before the Historic Preservation Board for approval if it does not proceed within 1 year. Furthermore, it is possible if enough time goes by an approved project that has yet to be begun may no longer meet the current Historic Preservation Board's or the Town's regulations/goals or policies.

Local Restoration Grant

The Historic Preservation Board is seeking input in regards to expanding the eligibility of the local restoration grant beyond landmarked properties to include contributing structures with the Downtown Historic Area that are at least 50 years old. The purpose of the local restoration grant is to provide monetary assistance for minor rehabilitation or restoration projects. The local restoration grant is designed to provide up to \$2,000 for these projects but larger amounts may be granted by the Historic Preservation Board. A total of \$15,000 has traditionally been budgeted on a yearly basis for the program. The funding for the Local Restoration Grant comes from the Philip S. Miller Trust. Unused funds are not rolled into future years. The local restoration grant program is identified and defined in Section 16.64.050 and specifically calls out historic landmarks, thus requiring an amendment to expand the eligibility.

Contributing structures are defined in Chapter 15.64 as a property, such as a house, barn, depot, commercial building, church or similar construction or bridge, roadway, grain elevator or railroad, that is deemed significant because of its importance to a particular area or the Historic Downtown Area as a whole. A structure deemed contributing may or may not be eligible for a local Landmark designation, but Historic Integrity is a key aspect of a Contributing Structure.

The idea of expanding the eligibility for the local restoration grant is that there are properties that contribute to the historical character of the historic downtown but that may not quite qualify as a historic landmark and are worth preserving/restoring and properties that may qualify as a historic landmark but the property owner has chosen not to pursue landmarking as of yet.

Per the discussions at the work sessions, the Historic Preservation Board proposes the expansion of the eligibility of the local restoration grant, with the following policy guidelines.

- Properties Identified as a contributing structure
- Structure must be at least 50 years old
- Projects must be for the restoration of historical elements of the structure
- Applications for contributing structures would be considered by the Historic Preservation Board starting at the October meeting each year and would be subject to available funding.

Town staff believes that there is adequate funding to allow for such an expansion of the local restoration grant program. The amount of grants awarded in previous years is listed below.

Year	Amount
2018	\$0
2019	\$9,959.55
2020	No funding due to COVID
2021	\$6,190.54
2022	\$14,560
2023	\$3,884.63
2024	\$10,000 as of 9/5/2024

In years that grant awards were highest, multiple grants were awarded to the same property or grants exceeding \$2,000 were awarded due to funds being available and the scopes of the projects being appropriate for a larger amount.

The expansion of the eligibility of the Local Restoration Grant would be consistent to other incentive programs in Colorado. The State’s Residential Tax Credit program allows for all structures located in a registered historic district to be eligible for the program. Of the jurisdictions whose regulations were reviewed for noticing and demolition requirements, Longmont, Fort Collins, Greeley and Loveland all had dedicated Historic Preservation incentive programs. Contributing structures in local historic districts were eligible for all four incentive programs. Fort Collins expanded some of their incentive programs to properties in or near their Old Town area. While the Castle Rock Historic Downtown Area is not an official district, it has many of the same requirements that would be required in typical local district and the Historic Downtown Area is considered the historic part of Castle Rock.

Recommendation/Direction

The Historic Preservation Board has been discussing potential amendments to Chapter 15.64 (Attachment A) of the Castle Rock Municipal Code, which governs the Historic Preservation in the Town of Castle Rock. Potential changes identified above are summarized here for further discussion and direction:

- Demolition review requirements
 - Should the age of a building required to get demolition approval within the Town’s Historic Downtown Area be changed from “1945 or earlier” to “50 years old or older”?
 - Should buildings outside of the Historic Downtown Area be required to obtain a demolition approval? If direction is provided to pursue this, staff and the Historic Preservation Board would want to have additional research, discussions, outreach done to determine if this should have a set year, such as 1945 or earlier, and if it should have more streamlined requirements than structures within the Historic Downtown Area.
- Neighborhood meeting requirements

- Should these be formalized for Historic Preservation applicants, with 1 required prior to application? All land use items already regulated by Title 17 would follow the more extensive requirements in Title 17.
- Noticing requirements
 - Should these be formalized for Historic Preservation applicants as noticing to the abutting property, sign posted on site and on the Town's webpage? All land use items already regulated by Title 17 would follow the more extensive requirements in Title 17.
- Approval period
 - Should Historic Preservation applications for alterations or demolitions, be required to have all permits in hand within 365 days to complete the project? Should a set date for construction completion be set?
- Local Restoration Grant eligibility
 - Should this existing program be expanded to allow properties that are not landmarked, yet are identified as structures that contribute to the historic character of the area, are older than 50 years, and are restoring historical elements to be eligible to apply for any funds that may be remaining by October of each year?

The Historic Preservation Board and staff are seeking input and direction from Town Council in regards to these items prior to taking any further action.

Next Steps

Based on the direction from Town Council, the Historic Preservation Board would further investigate and discuss these items. If it is appropriate for these items to be brought in front of the Town Council for its consideration in the future, community outreach would be performed prior to any public hearings.

Attachments

Attachment A: Chapter 15.64 of the Castle Rock Municipal Code with Proposed Changes

Attachment B: Ordinance 94-01 – Ordinance Establishing Historic Preservation

Attachment C: Ordinance No. 2010-19 – Ordinance Making Revisions Regarding Historic Preservation

Attachment D: Demolition Criteria of other Jurisdictions

Attachment E: Sections 17.04.040-17.04.060 of the Castle Rock Municipal Code

Attachment F: Buffer Maps

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~~ 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. 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

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:

ARTICLE I. IN GENERAL

17.67.010. Purpose and Intent
17.67.020 Definitions

ARTICLE II. HISTORIC PRESERVATION BOARD

17.67.030 Board Established
17.67.040 Certified Local Government Program Requirements (reserved)

ARTICLE III. HISTORIC LANDMARK DESIGNATION

17.67.050 Designation of Landmarks and Historic Districts
17.67.060 Proceedings by the Town Council
17.67.070 Revocation of Designation
17.67.080 Amendment of Designation

ARTICLE IV. LANDMARK ALTERATION CERTIFICATES

17.67.090 Landmark Alteration Certificate
17.67.100 Construction on Proposed Landmark Sites
17.67.110 Landmark Alteration Certificate Application and Board Review
17.67.120 Appeal or Call-Up of Disapproved Proposals
17.67.130 Issuance of a Landmark Alteration Certificate
17.67.140 Unsafe or Dangerous Condition Exempted
17.67.150 Property Maintenance Required

ARTICLE V. REVIEW CRITERIA FOR LANDMARK DESIGNATION AND ALTERATION CERTIFICATES

- 17.67.160 Criteria for Designation
- 17.67.170 Criteria to Review Alterations Certificate

ARTICLE VI. PROPERTIES OF HISTORIC SIGNIFICANCE WITHOUT LANDMARK DESIGNATION

- 17.67.180 Properties listed in Castle Rock Inventory of Historic Places (1985)
- 17.67.190 Public Notice and Hearing Requirement Prior to Proposed Alternations

ARTICLE VII. PENALTIES AND SANCTIONS

- 17.67.200 Prohibition

ARTICLE VIII. REGISTER OF HISTORIC PLACES

- 17.67.210 Castle Rock Register of Historic Places
- 17.67.220 Castle Rock Properties on the State or National Register of Historic Places

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.

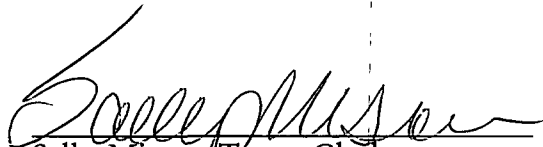
SECTION 4. SEVERABILITY. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be effected thereby.

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.

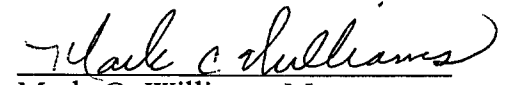
PASSED, APPROVED, AND ADOPTED ON SECOND READING AS AN EMERGENCY ORDINANCE this 24th day of February 1994, by a three-quarter majority vote of the Town Council, 6 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK

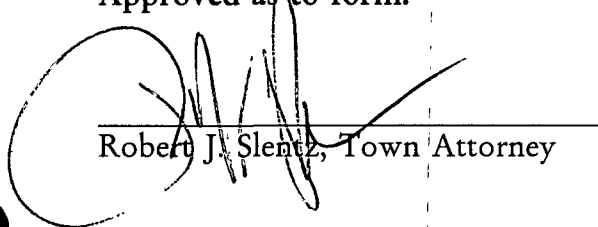


Sally Misare, Town Clerk



Mark C. Williams, Mayor

Approved as to form:



Robert J. Slentz, Town Attorney



Meeting Date: July 27, 2010

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Judy Hostetler, Real Property Specialist, Development Services

Title: Ordinance No. 2010-19: An Ordinance Repealing and Reenacting Chapter 2.18 of the Town of Castle Rock Municipal Code as a New Chapter 15.30 of the Town of Castle Rock Municipal Code Regarding Historic Preservation; and Making Comprehensive Revisions to Such Chapter and Providing Penalties for Violations of Such Provisions, Second Reading

Executive Summary

Town Council held a public hearing on June 27, 2010 to consider the proposed Ordinance on first reading. The Council voted 6-1 to approve the Ordinance with no changes. The purpose and intent of this Memorandum is to present a new Historic Preservation Ordinance for adoption on second reading. The Ordinance is the result of the work of the Historic Preservation Study Team and the expanded Downtown/Historic Team. The proposed Ordinance would strengthen the landmark designation criteria, create specific demolition and relocation criteria in the Historic Downtown Area (Attachment A) and provide for historic district creation and mandatory and enforceable design review by the Historic Preservation Board in the Craig and Gould neighborhood (Attachment B). The Ordinance would also eliminate the conservation areas (Attachment C) proposed by the Town's Historic Preservation Plan, adopted in 2006, and would eliminate the provision in the existing Ordinance that allows for involuntary landmark designation. Town Council approval would be required for demolitions involving potentially significant historic properties, and penalties for violation of the Ordinance would remain the same (Attachment D).

The Downtown Development Authority, Historic Preservation Board, Planning Commission and staff recommend approval of the Ordinance.

Notification and Outreach Efforts

Extensive community outreach occurred as part of both the preparation of the Historic Preservation Plan and the development of the proposed Historic Preservation Ordinance amendments. Several open houses were held to educate the public about the proposed amendments, and Town staff gave numerous presentations on the proposed amendments to the Castle Rock Economic Development Council, Downtown Development Authority, Historic Preservation Board, Planning Commission and Town Council. The Ordinance is a product of the well-represented Downtown/Historic Team.

History of Past Town Council, Boards & Commissions, or Other Discussions

In an effort to ensure that ordinances in the Downtown Castle Rock area assist in the implementation of the Downtown Master Plan and the Historic Preservation Plan, Town Council created the Historic Preservation Study Team in 2008 to provide input to staff regarding proposed revisions to the Town's Historic Preservation Ordinance. Council expanded the representation and responsibilities of this team in 2009 to include the development of a Downtown Overlay and a Design Review Board for Downtown. The expanded team outlined to Town Council on April 28, 2009 a plan of action to address goals and objectives from both Master Plans. The Downtown/Historic Team began working on the defined action plan in the spring of 2009. After approximately one (1) year of meetings and public outreach the Downtown/Historic Team developed the Historic Preservation Ordinance.

The following boards and commissions have recommended the adoption of the Historic Preservation Ordinance:

- On June 2, 2010 the Historic Preservation Board held a public hearing to consider the proposed Ordinance. The Board voted 4-1 to recommend to Town Council approval of the Ordinance. The Board member who voted against the Ordinance was concerned about using a fixed date (1945) to determine whether demolition requests would require Cultural Resource Surveys and public hearings or not. The Board member was also concerned that the proposed Design Review Board might have too much authority over design review in the Downtown area.
- On June 10, 2010 the Planning Commission held a public hearing to consider the proposed Ordinance. The Commission voted 7-0 to recommend to Town Council approval of the Ordinance, with the condition that the definition of *Contributing Structure* be expanded and clarified. The phrases "to a particular area or the Historic Downtown Area as a whole" and "but Historic Integrity is a key aspect of a Contributing Structure" were added to this definition (**Attachment D**).
- On June 17, 2010 the Downtown Development Authority held a public hearing to consider the proposed Ordinance. The Authority voted 6-0 to recommend to Town Council approval of the Ordinance.

Discussion

Background

The Town's first Historic Preservation Ordinance was adopted in 1994 when the Historic Preservation Board was created. This Ordinance established a process for landmark designation and established a public hearing requirement for exterior alteration requests (including removal and demolitions) in the Historic Downtown Area.

The Historic Preservation Plan recommends amendment of the Historic Preservation Ordinance in order to strengthen the landmark designation criteria, create specific demolition and relocation criteria in the Historic Downtown Area and provide for historic district creation and mandatory and enforceable design review by the Historic Preservation Board in the Craig and Gould neighborhood.

Analysis

Landmarking:

Currently, a structure, feature, or area being considered for landmark designation must meet at least one of the criteria for significance specified in the Town's Historic Preservation Ordinance. The proposed revision would require that two or more significance criteria be met, as well as one or more of the seven aspects of integrity defined by the National Park Service and the Colorado Historical Society. A Colorado Cultural Resource Survey would be performed by a licensed architect and reviewed by the Colorado Historical Society's Office of Archaeology and Historic Preservation to determine if the proposed landmark meets these criteria. The intent of this change would be to assist the Historic Preservation Board and Town Council in determining whether or not a property is truly appropriate for landmark designation.

Demolition:

Although the Historic Preservation Board currently reviews demolitions in the Historic Downtown Area, the current Ordinance does not contain specific criteria for this review. The new Ordinance would require a Cultural Resource Survey for all demolition requests for landmarked properties, structures built prior to 1945 and those constructed after 1945 that may possess enough significance and/or integrity to meet the Town's new landmark criteria. This demolition criteria is intended to assist the Historic Preservation Board and Town Council in their review of a demolition request to enable them to make a determination as to whether the request is appropriate or not. It is also intended to be a tool to assist the Town in working with property owners on alternatives to demolition. The Downtown/Historic Team was in consensus that this demolition process would be an effective way to replace involuntary landmarking and the conservation areas proposed by the Historic Preservation Plan.

Relocations:

The Town's current Historic Preservation Ordinance does not address potential relocation requests, and there are no criteria for such a request. The proposed Historic Preservation Ordinance would establish criteria to assist the Historic Preservation Board in determining whether or not the relocation would diminish the integrity or character of the neighborhood losing the structure or the neighborhood receiving it and whether or not the structure would be compatible with the proposed site and adjacent properties. The property owner would be required to submit a relocation plan and demonstrate that the structure could be moved without significant damage, that there are no alternative receiver sites and that the structure cannot be reused effectively at its current location.

Historic Districts:

The Town does not currently have a process for designating historic districts. The proposed Historic Preservation Ordinance would provide criteria for district nomination in the Craig and Gould neighborhood that would establish the significance and integrity of a proposed district. In order to be considered, a majority of the property owners would be required to support the designation, and a majority of the structures would need to be deemed contributing by virtue of a Colorado Cultural Resource Survey. The

Historic Preservation Board and Town Council would review the request, and historic districts created by Town Council could be amended to add additional properties.

Design Review:

The Historic Preservation Board currently reviews design changes related to new construction, additions and other exterior alterations for all properties located within the Historic Downtown Area (which includes the Craig and Gould neighborhood), but this is strictly a courtesy review. The proposed Historic Preservation Ordinance would restrict the Board's authority to the Craig and Gould neighborhood, but the review would be binding and enforceable.

The Downtown/Historic Team proposed the creation of a new Design Review Board for the Downtown area that would consist of members of the Historic Preservation Board, Downtown Development Authority, Planning Commission and downtown property owners. The Design Review Board would have binding review authority over all new construction and design changes Downtown and would enforce the new Downtown Overlay, assuming Town Council approves it. The team felt that it would be appropriate for the Design Review Board to review alterations to non-landmarked historic buildings, since the Historic Preservation Board would have representation on the Design Review Board, and they felt that the same board should review all Downtown construction except landmarked properties. As a result, the team proposed elimination of the conservation areas proposed by the Historic Preservation Plan.

Downtown Plan:

Strengthening the Town's Historic Preservation Ordinance is in keeping with the Downtown Castle Rock Master Plan, which was adopted in 2008. One of the guiding principles of this plan is to "protect and enhance the historic character of Downtown" and its vision states that "Downtown Castle Rock should be the Main Street of Douglas County, providing the region with an authentic Western Downtown experience and a central gathering place, which unites neighborhoods, families and individuals."

Four Cornerstones/Vision 2020/Comprehensive Plan:

One of the Town's Cornerstones is Town Identity, the intent being "to preserve Castle Rock's character as a distinct and physically separate community that is the center of Douglas County." One of the goals of this Cornerstone is to "preserve Castle Rock's historic buildings and small-town atmosphere." The Downtown/Historic Team and staff believe that this Historic Preservation Ordinance would assist the Historic Preservation Board and Town Council in achieving this goal.

The following are goals of the Town's 2020 Vision Statement, which staff believes would be more achievable with a stronger Historic Preservation Ordinance.

- Preserve and enhance our history and heritage;
- Maintain a vibrant downtown;
- Maintain a strong sense of community and small-town character.

Finally, the Castle Rock 2020 Comprehensive Master Plan describes the Downtown area as being important to the overall image of Castle Rock. It identifies the most important historic structures as being those built of native rhyolite stone but states that there are many non-rhyolite structures that are also worthy of preservation. **Principle CC-1** states that “historic preservation of our heritage shall occur to enhance the quality of life, enrich our community identity, and preserve our small town atmosphere.” Again, staff believes that a stronger Historic Preservation Ordinance would make this principle more achievable.

Budget Impact

Not applicable

Recommendations

The Downtown Development Authority, Historic Preservation Board, Planning Commission and staff recommend that Town Council approve the proposed Ordinance revising the Historic Preservation chapter of the Municipal Code, which is designed to:

- Assist in the implementation of the Town of Castle Rock’s Downtown Master Plan and Historic Preservation Plan;
- Make landmark designation more difficult to accomplish;
- Make demolition requests for newer structures easier to accomplish;
- Provide stronger design review authority to the Historic Preservation Board in the Craig and Gould neighborhood.

Proposed Motion

I move to approve Ordinance No. 2010-19: An Ordinance Repealing and Reenacting Chapter 2.18 of the Town of Castle Rock Municipal Code as a New Chapter 15.30 of the Town of Castle Rock Municipal Code Regarding Historic Preservation; and Making Comprehensive Revisions to Such Chapter and Providing Penalties for Violations of Such Provisions, on second reading.

Attachments

Attachment A: Map of Historic Downtown Area

Attachment B: Map of Craig and Gould Neighborhood

Attachment C: Map of Previous Conservation Areas

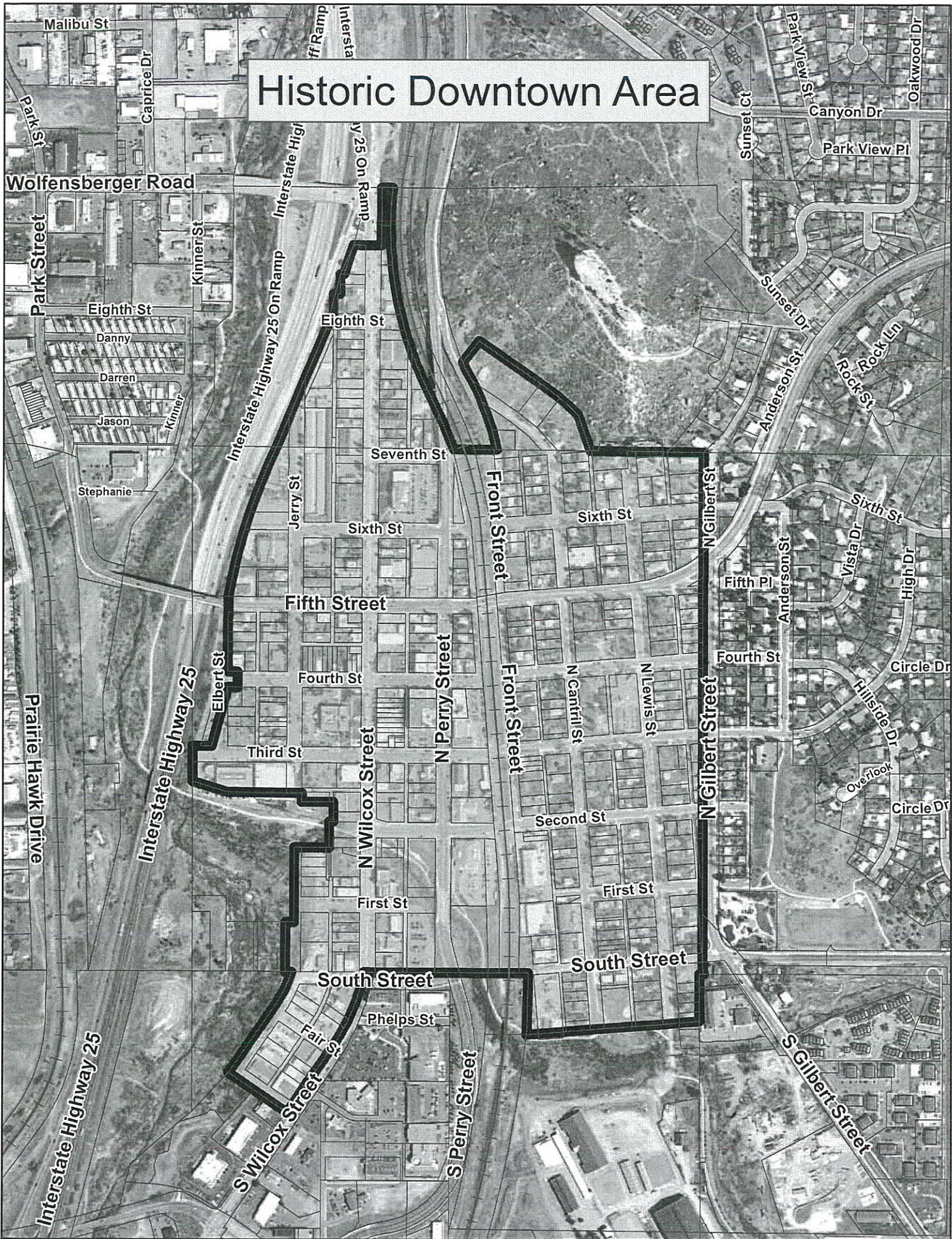
Attachment D: Ordinance No. 2010-19: An Ordinance Repealing and Reenacting Chapter 2.18 of the Town of Castle Rock Municipal Code as a New Chapter 15.30 of the Town of Castle Rock Municipal Code Regarding Historic Preservation; and Making Comprehensive Revisions to Such Chapter and Providing Penalties for Violations of Such Provisions

Attachment A

Map of Historic Downtown Area



Historic Downtown Area

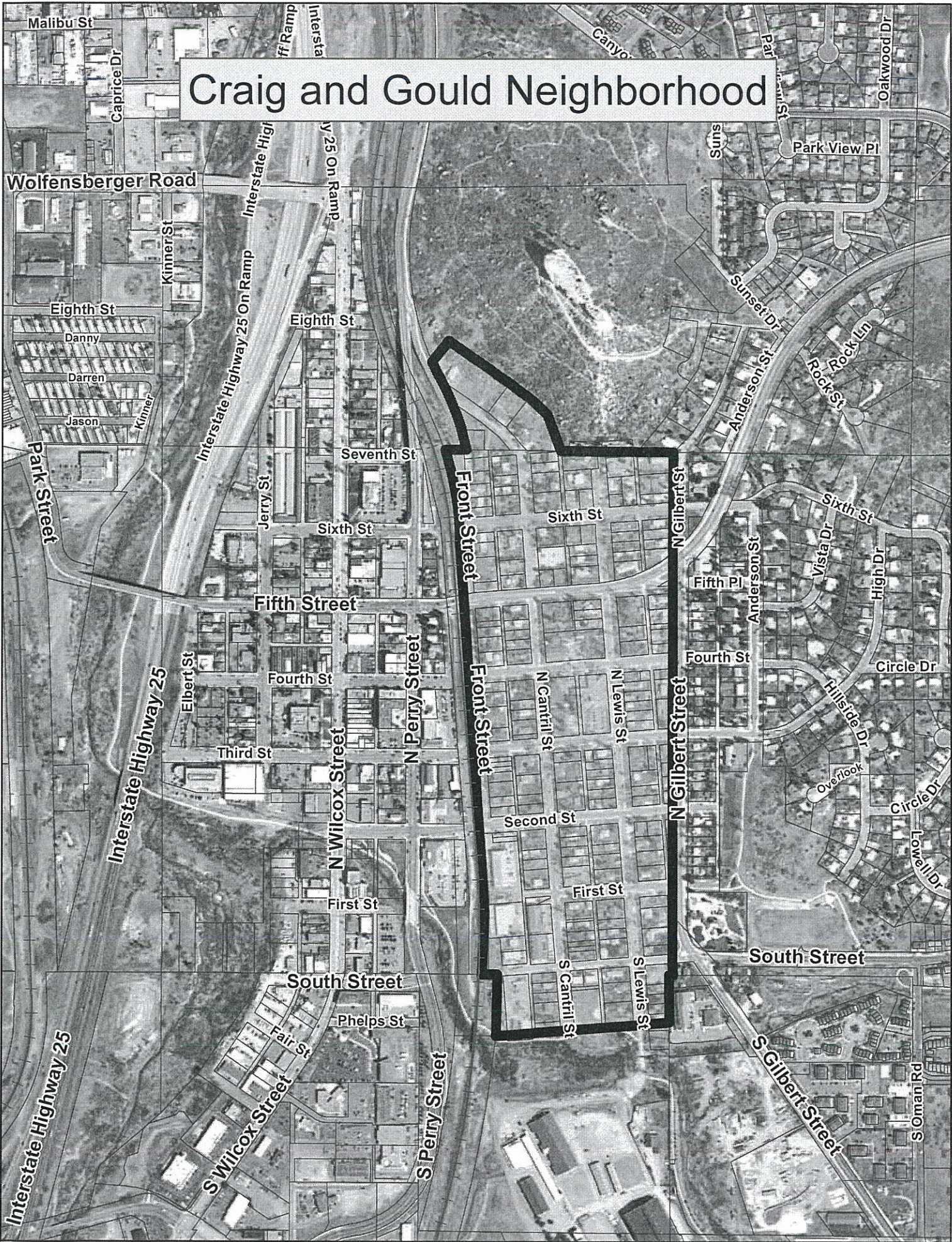


Attachment B

Map of Craig and Gould Neighborhood



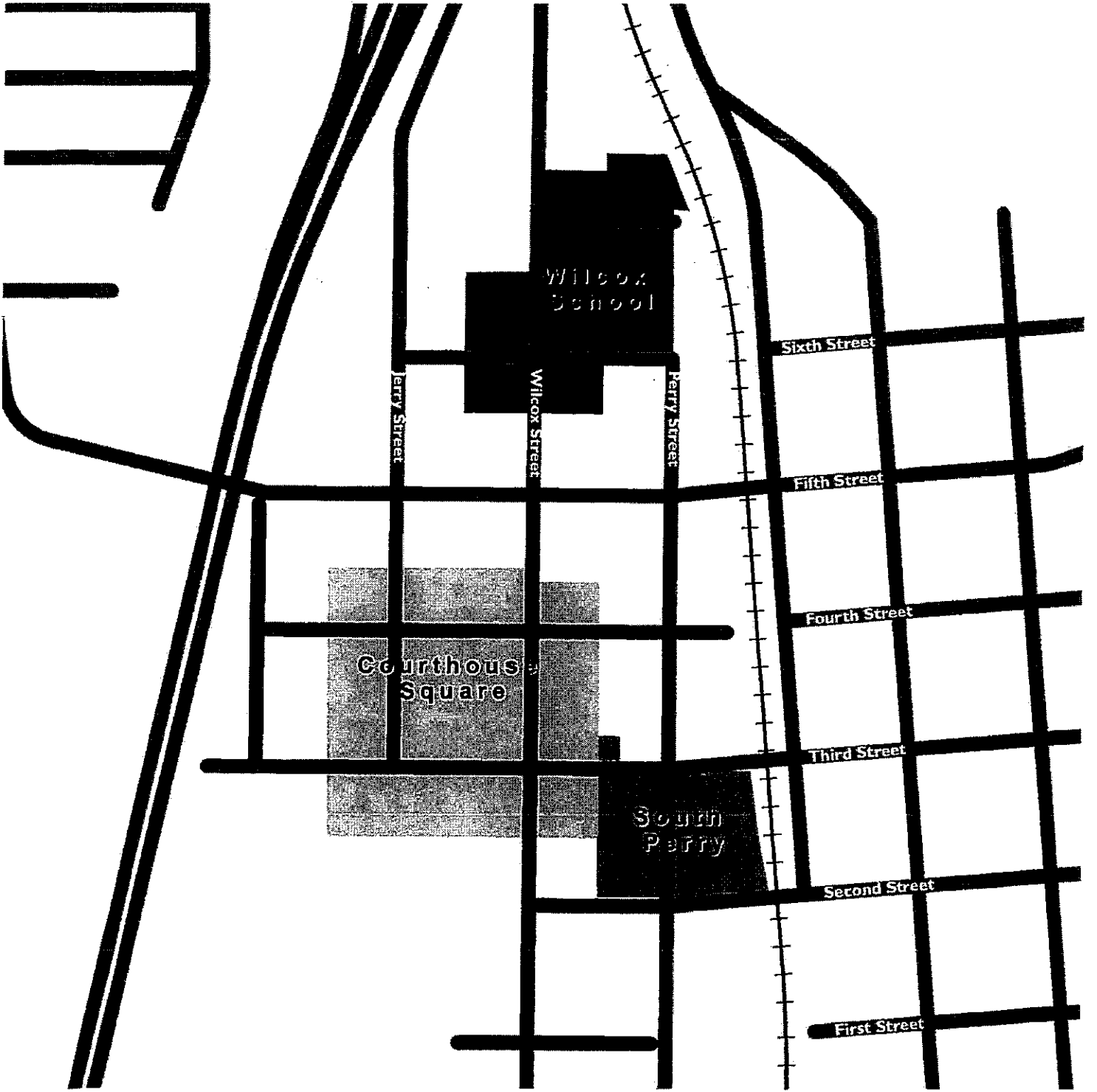
Craig and Gould Neighborhood



Attachment C

Map of Previous Conservation Areas





Wilcox
School

Courthouse
Square

South
Perry

Sixth Street

Fifth Street

Fourth Street

Third Street

Second Street

First Street

Jerry Street

Wilcox Street

Perry Street

Attachment D

Ordinance No. 2010-19: An Ordinance Repealing and Reenacting Chapter 2.18 of the Town of Castle Rock Municipal Code as a New Chapter 15.30 of the Town of Castle Rock Municipal Code Regarding Historic Preservation; and Making Comprehensive Revisions to Such Chapter and Providing Penalties for Violations of Such Provisions



ORDINANCE NO. 2010-19

AN ORDINANCE REPEALING AND REENACTING CHAPTER 2.18 OF THE TOWN OF CASTLE ROCK MUNICIPAL CODE AS A NEW CHAPTER 15.30 OF THE TOWN OF CASTLE ROCK MUNICIPAL CODE REGARDING HISTORIC PRESERVATION; AND MAKING COMPREHENSIVE REVISIONS TO SUCH CHAPTER; AND PROVIDING PENALTIES FOR VIOLATION OF SUCH PROVISIONS

WHEREAS, the Town of Castle Rock is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community; and

WHEREAS, Vision 2020 and the 2020 Comprehensive Master Plan express the importance of preserving the Town's historic buildings; and

WHEREAS, by Resolution 2007-72 the Town Council adopted the Historic Preservation Plan (Historic Preservation Plan) that contain the following provisions;

Strategy 1.3.1. Revise the Historic Preservation Ordinance to strengthen the designation criteria so that only truly significant resources receive protection. Structures or sites should meet multiple designation criteria; and

Strategy 1.3.2. Revise the Historic Preservation Ordinance to provide a procedure for the formation of historic districts. Work with owners of properties to establish historic districts where appropriate; and

Strategy 1.6.2. Revise the Historic Preservation Ordinance to prohibit demolition and relocation of historically designated buildings or objects prior to issuance of a building permit for new development; and

Strategy 1.7.1. Revise the Historic Preservation Ordinance to incorporate demolition hardship criteria for designated structures; and

Strategy 2.1.2. Revise the Historic Preservation Ordinance to require design approvals by the Historic Preservation Board within historic districts and the Craig and Gould Neighborhood; and

WHEREAS, the Town currently has no designated historic districts and desires to establish a process by which historic districts may be designated; and

WHEREAS, significant public outreach and input was obtained in formulation of amendments to the Historic Preservation provisions in the Castle Rock Municipal Code currently codified in Chapter 2.18 (Historic Preservation Ordinance) ; and

WHEREAS, the Historic Preservation Board, at its June 10, 2010 meeting voted 4-1 to

recommend approval of this ordinance.

WHEREAS, the Planning Commission, at its June 10, 2010 meeting voted 7-0 to recommend approval of this ordinance; and

WHEREAS, the Downtown Development Authority, at its June 17, 2010 meeting, voted 6-0 to recommend approval of this ordinance; and

WHEREAS, public hearings have been held on this Ordinance before the Planning Commission and Town Council as required by Town regulations.

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

Section 1. Repeal and Reenactment. Chapter 2.18 of the Castle Rock Municipal Code is repealed in its entirety and reenacted as Chapter 15.30 to read as follows:

**Chapter 15.30
Historic Preservation**

- 15.30.010 Purpose and Intent**
- 15.30.020 Definitions**
- 15.30.030 Historic Preservation Board established**
- 15.30.040 (Reserved)**
- 15.30.050 Economic incentives for historic restoration**
- 15.30.060 Town of Castle Rock historic Landmarks**
- 15.30.070 National register of historic places**
- 15.30.080 Landmark designation**
- 15.30.090 Demolition or relocation of non-Landmarked structures**
- 15.30.100 Amendment or removal of Landmark designation**
- 15.30.110 Correction of unsafe or dangerous conditions on Landmarks**
- 15.30.120 Property maintenance required for Landmarks**
- 15.30.130 Construction on proposed Landmark properties**
- 15.30.140 Alteration of a Landmark**
- 15.30.150 Minor alteration of a Landmark**
- 15.30.160 Relocation of a Landmark**
- 15.30.170 Historic District designation for the Craig and Gould neighborhood**
- 15.30.180 Amendment of District designation**
- 15.30.190 Design review, Craig & Gould neighborhood**
- 15.30.200 Approval for new construction and Alterations to Non-Landmarked Properties, Craig and Gould neighborhood**
- 15.30.210 Violation and penalties**

15.30.010 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 Historic Downtown Area, 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 derived from tourists, visitors, homebuyers, businesses and developers; and

D. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

The intent 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.

15.30.020 Definitions

A. *Alteration* means 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, door and appurtenances.

B. *Alteration Certificate* is a written authorization, which must be issued by the Historic Preservation Board prior to any Alteration to an Historic Landmark.

C. *Castle Rock Design* is the Town's design guidelines that encourage design quality that is in harmony with Castle Rock's character. Town Council adopted the document on May 12, 2003 by Resolution No. 2003-64.

D. *Colorado Cultural Resource Survey* is the collection and analysis of information concerning the physical remains that represent Castle Rock's past. The information characterizes both the resources and their location and becomes the basis for evaluation. A survey documents the physical evidence of the past that expresses and contributes to the history of a region.

E. *Compatible* means likeness or similarity in character. This may include a similarity or likeness in a building form, envelope, footprint, roof, window or door patterns and/or materials of a building.

F. *Contributing Structure* is a property, such as a house, barn, depot, commercial

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building church or similar construction or bridge, roadway, grain elevator or railroad, that is deemed significant because of its importance to a particular area or the Historic Downtown Area as a whole. A structure deemed Contributing may or may not be eligible for a local Landmark designation, but Historic Integrity is a key aspect of a Contributing Structure.

G. *Craig and Gould* is a neighborhood located within the Historic Downtown Area. The neighborhood is bounded by Front Street to the west, Gilbert Street to the east, Rock Park to the north, and South Street to the south (see Figure 1).

H. *Demolition* means razing, destroying, dismantling, defacing or in any other manner causing partial or total ruin of a structure.

I. *Demolition Certificate* is a written authorization, which must be issued by the Town Council prior to any Demolition within the Historic Downtown Area.

J. *Department* means the Town of Castle Rock Development Services Department.

K. *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.

L. *Historic Context* is a compilation of information about historic properties that share a common theme, character, geographic area, and time period.

M. *Historic District or District* is a formally recognized area where all Contributing structures are treated as designated landmarks. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey. The Significance of a Historic District may be recognized through listing in a local, state or national landmarks register.

N. *The Historic Downtown Area* is determined to be an area of general historic Significance to the Town in need of particular review for Demolitions that may impact the architectural heritage of the Town. The Historic Downtown Area is defined as that area depicted on the map as shown in Figure 2.

Figure 1

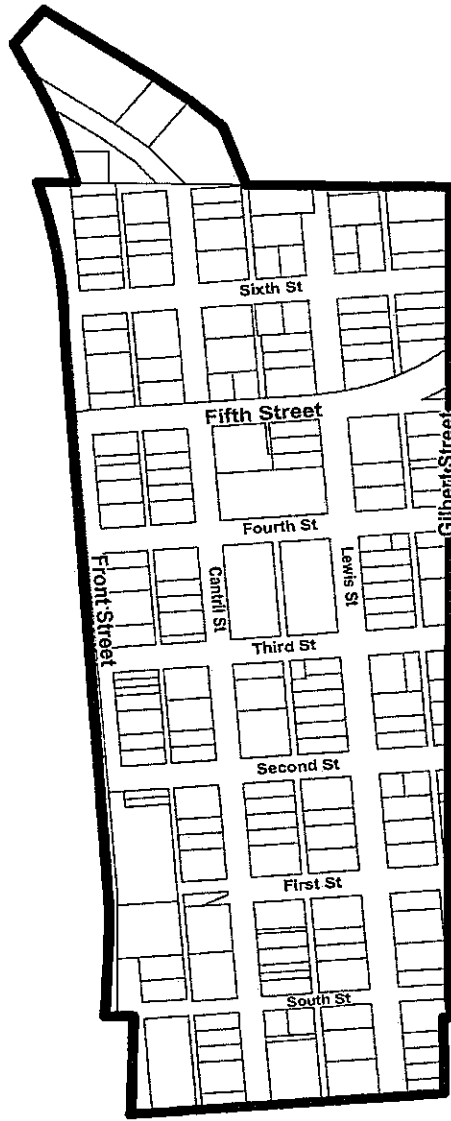
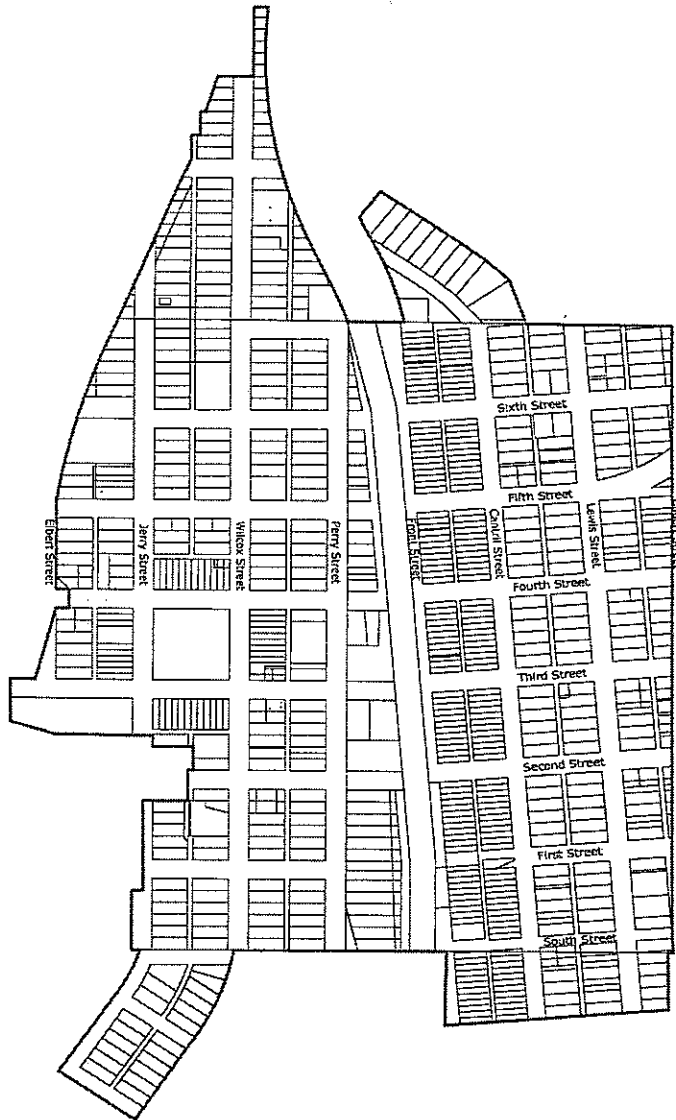


Figure 2



O. *Historic Integrity* is the ability of a property to convey its Significance, or the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Integrity is judged based on the following seven aspects as defined by the National Park Service and Colorado Historical Society: location, design, setting, materials, workmanship, feeling and association.

P. *Historic Landmark or Landmark* means an individual structure, object, feature or area which has been designated by ordinance 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.

2nd Reading Copy

Q. *Historic Preservation Plan* is a document that serves as a policy guide for all other Town-wide plans and decisions as they relate to identified historic resources. The Plan was adopted by the Town Council by Resolution No. 2007-72 on June 12, 2007.

R. *Historic Property* means any property that is designated as a local Historic Landmark by ordinance, or is listed on the state or national register, or is listed as a property deemed eligible for local landmarking according to the Castle Rock Historic Survey.

S. *Minor Alteration* means the change of a single feature (i.e. door, porch feature, window, accessory structure, paint) or the replacement or repair of a feature that does not dramatically change the visual appearance of the structure.

T. *Reconnaissance Survey* provides basic information on a property, including, but not limited to, the construction date, a brief history, pictures of all elevations and a site map.

U. *Rehabilitation* is defined as the act or process of making possible a Compatible use for property through repair and/or Alterations while preserving those portions or features which convey its historical, cultural, or architectural values.

V. *Relocation Certificate* is a written authorization, which must be issued by the Historic Preservation Board prior to any relocation of an Historic Landmark.

W. *Restoration* is defined as the act or process of accurately depicting the forms, features, and character of a property as they appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and planning systems and other code-required work to make properties functional is appropriate within a restoration period.

X. *Sense of Place* is defined as a place that has certain characteristics that make it special, this may include its architecture, geographic features, building types, uses or Historic Context.

Y. *Significance* is the aspect of history that determines why a property is important to the Town. Generally, this can be the setting, cultural significance, architecture, or association with a significant person or significant event. A property may meet the criteria under more than one area of Significance.

Z. *Site* is the location of a significant event, a prehistoric or historical occupation or activity, or a structure, whether standing ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure. Examples of Sites may include a mesa, butte, rhyolite quarry, local ranch, railroad stop or archaeological site of historic importance to the Town.

AA. *Structures of Historic Significance* means non-Landmarked structures, such as a house, barn, depot, commercial building church or similar construction or bridge, roadway, grain elevator or railroad, which are listed as eligible for local or national register nomination on a Colorado Resource Survey.

15.30.030 Historic Preservation Board established

There is hereby created a Historic Preservation Board, referred to in this Chapter as the Board, which shall have principal responsibility for matters of historic preservation.

A. **Membership.** The Board shall consist of seven (7) members providing a balanced, community-wide representation. All members shall be residents of Douglas County, with preference given to Town of Castle Rock residents. 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. At least three (3) 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. The Castle Rock Historical Society and the Castle Rock Chamber of Commerce are encouraged to submit nominees for Council consideration. The Director of Development services or a designated department representative shall serve as staff to the Board.

B. **Appointments and terms of office.** Members of the Board shall be appointed by the Town Council. Board terms of office are three-year staggered terms commencing on the date of appointment. All terms shall run from June 1 through May 31 of the third year. Members may continue to serve until their successors have been appointed. Members may be reappointed by the Town 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 shall serve at the pleasure of the Town Council and may be removed with or without cause by a majority vote of the Town Council.

C. **Attendance.** To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two (2) continuous months, no board member shall miss more than three (3) meetings in any twelve-month period. Upon any fourth absence within twelve (12) months, other than for an emergency, medical condition or military leave of less than two (2) months, as determined by the Chairperson, the Board member shall be deemed to have resigned from the Board, and the Council shall appoint a replacement. Nothing herein prohibits the Council from reappointing the resigning member under this paragraph.

D. **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

2nd Reading Copy

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 action.

E. 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) member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one (1) year and may serve successive terms.

F. 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.

G. Powers and duties. The Board shall:

1. Adopt criteria for review of Historic Properties and for review of proposals to alter, demolish or relocate designated Landmarks.

2. Review properties nominated for designation as a Historic Landmark or Historic District in the Craig and Gould neighborhood and recommend that the Town Council designate by ordinance those properties qualifying for such designation.

3. Review and rule on any application for Alterations to a Historic District in the Craig and Gould neighborhood.

4. Review and rule on any application for the Alteration, relocation, or Demolition of a Historic Landmark.

5. Review and approve new construction and Alterations to non-Landmarked properties within the Craig and Gould neighborhood.

6. Maintain a system for survey and inventory.

7. Advise and assist owners of Historic Properties regarding physical and financial aspects of preservation, renovation, Rehabilitation and reuse, including nomination to the National Register of Historic Places.

8. In conjunction with the Castle Rock Historical Society, develop and assist with public education programs, including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences.

9. Conduct surveys of historic areas for the purpose of defining those of historic Significance and prioritizing the importance of identified historic areas and structures.

10. Advise the Planning Commission and Town Council on matters related to preserving the historic character of the Town.

11. In conjunction with other entities and private individuals, actively pursue financial assistance for preservation-related programs through grants and other means.

12. Administer the local economic incentive programs set forth in section 15.30.050.

13. Review and make recommendations to the Town Council regarding amendments to the Historic Preservation Plan. The Plan, and any amendments thereto, shall be adopted by resolution of the Town Council.

H. Rules and procedures. The Board shall adopt rules of procedure or bylaws which shall be made available to the public. All meetings of the Board shall be open to the public.

15.30.040 (Reserved).

15.30.050 Economic incentives for historic restoration

In addition to any incentives that may be offered by the state of Colorado 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:

A. Property tax rebate for Historic Landmarks. Property owners of Historic Landmarks may be eligible for a property tax rebate of the Town's real property taxes for the real property upon which the Historic Landmark is located by entering into a revocable contract with the Town regarding the property tax rebate. The revocable contract shall allow for the automatic renewal of the property tax rebate subject to appropriation by the Town Council and subject to verification that the property owner is in compliance with both the revocable contract and this Chapter 15.30.

B. Historic Preservation Design Assistance Program. The Design Assistance Program is intended to give Downtown Castle Rock property owners architectural assistance for designing projects in accordance with Castle Rock Design Guidelines. The Program will pay for architectural assistance of facade design, for building expansion or new construction within the Historic Downtown Area. The assistance also includes design help involving an architect and Department staff regarding building signage and Restoration activities. Projects include, but are not limited to, facade reconstruction, building additions or new development.

C. Local Restoration Grant Program. The purpose of this program is to provide Historic Landmarks 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.

D. Plaques, Banners, and Markers. The Town shall use historic preservation funds to provide plaques, banners or markers for local Landmarks.

15.30.060 Town of Castle Rock Historic Landmarks

As of January 1, 2009, the following Historic Landmarks have been officially approved by the Historic Preservation Board and Town Council by ordinance:

1. Christensen House and Carriage House - 420 Jerry Street.
2. The Rock (Castle Rock Geologic Feature and including the Rock Park).
3. Hammar House - 203 Cantril Street.
4. Dyer House and Stone House and Barn - 208 Cantril Street.
5. D&RG Depot - 420 Elbert Street.
6. First National Bank of Douglas County - 300 Wilcox Street.
7. Richardson House - 310 Front Street.
8. Doepke House - 20 Cantril Street.
9. Upton Treat Smith House and Garage - 403 Cantril Street.
10. Christ's Episcopal Church - 615 Fourth Street.
11. Residence at 15 Lewis Street - 15 Lewis Street.
12. Commercial Building at 302 Wilcox Street - 302 Wilcox Street.
13. Commercial Building at 304 Wilcox Street - 304 Wilcox Street.
14. Keystone Hotel (and Tivoli Saloon) - 219/223 Fourth Street.
15. Residence at 111 Cantril Street - 111 Cantril Street.
16. Owens House - 213-215 Perry Street.
17. City Hotel - 415-419 Perry Street.
18. Kirk House - 620 Second Street.
19. Breuss House - 312 Lewis Street.
20. Jacob Kroll House – 110 Lewis Street.
21. Hunter House – 418 Lewis Street.
22. Sellars House – 22 Lewis Street.
23. Saunders House – 203 Perry Street.
24. House – 207 Perry Street.
25. Breselow House-213 Cantril Street.

The Department shall maintain a current record of all Landmarks and pending designations.

15.30.070 National register of historic places

The following properties are designated as National Historic Landmarks on the National Register of Historic Properties:

1. Hammar House - 203 Cantril Street.
2. D&RG Depot - 420 Elbert Street.
3. Cantril School - 320 Cantril Street.
4. First National Bank of Douglas County - 300 Wilcox Street.
5. Keystone Hotel – 223 Fourth Street

15.30.080 Landmark designation

A. Authorization. Pursuant to the procedures in this Chapter, the Town Council may by ordinance designate as a Landmark an individual structure or an integrated group of structures and features on a single lot or site having special historical or architectural value. Landmarks designated pursuant to this Section 15.30.080 shall be subject to the controls and standards set forth in this Chapter and eligible for such incentive programs pursuant to Section 15.30.

B. Nomination for Landmark Designation. A nomination for Landmark designation may be made by any property owner desiring to obtain a Landmark designation for his or her property by filing a nomination application with the Department.

C. Criteria for Landmark designation. Structures and sites that meet two (2) or more of the following criteria for Significance and convey one (1) or more of the following aspects of Historic Integrity may be nominated for Landmark designation:

1. Significance.

a. People. Associated with a person or persons significantly contributing to local, state or national history.

b. Events. Associated with a significant local, county, state or national event (or events).

c. Architecture.

i. Embodies the distinctive characteristics of an architectural style valuable for the study of a type, period or method of construction;

ii. Represents the work of a master architect or builder whose work has influenced development in the Town, County, State or nation;

iii. Uses indigenous materials; the use of locally quarried rhyolite being of special importance to the Town; or

iv. Is an example of architectural or structural innovation.

d. Heritage. Possesses character, interest or value as part of the development heritage or cultural characteristics of the Town, with railroads, quarries and early development of the Town being of special importance to the Town.

e. Archaeology. Possesses archaeological Significance or provides information important to prehistory.

f. Age. Constructed at least fifty (50) years prior to designation.

2. Historic Integrity.

a. Location. The place where the Historic Property was constructed or the place where an historic event occurred.

b. Design. The combination of elements that create the historic form, plan space, structure and style of a property.

c. Setting. The physical environment of an Historic Property; the character of the place.

d. Materials. The physical elements of an Historic Property.

e. Workmanship. The physical evidence of the crafts of a culture and evidence of an artisan's labor and skills.

f. Feeling. A property's expression of the aesthetic or historic sense of a particular time and the ability to convey a property's historic character.

g. Association. The direct link between an historic event or person and an Historic Property.

D. Cultural Resource Surveys. In order to determine if a proposed Landmark meets the criteria for designation set forth in subsection C, the Board will require a Colorado Cultural Resource Survey Architectural Inventory Form to be completed by a Colorado licensed architect and reviewed by the Colorado Historical Society Office of Archaeology and Historic Preservation, at the Town's expense.

E. Proceedings by the Board on an Ordinance approving an application for Landmark designation.

1. 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 ten (10) days prior to the

hearing.

2. Public hearing. The Board shall hold a public hearing on the application no more than sixty (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. Board recommendation. Within thirty (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.

F. Proceedings by the Town Council on application for Landmark designation.

1. Notice. Notice of the public hearing shall be provided in accordance with subsection E.1.

2. Public hearing and Council decision. Within sixty (60) days after the Board has forwarded its written report to the Town Council, the Town Council shall hold a public hearing on the proposed designation. The property owner and the public shall have reasonable opportunity to express their opinions regarding the application for Landmark designation. The Town Council shall approve, approve with conditions, or disapprove the proposed Landmark designation after considering the Board's written recommendation, whether the proposed Landmark meets the designation criteria set forth in subsection C, the applicant's testimony, and the comments from the public.

3. Designating ordinance. Approval of a Landmark designation shall be by Town Council ordinance. Each such designating ordinance shall include: a legal description and boundaries of the property designated as a Landmark; a description of the characteristics of the Landmark justifying its designation; and a description of the particular features that should be preserved.

G. Recording with County Clerk. When a Landmark has been designated by the Town Council, the Department shall promptly notify the owner of the property designated as a Landmark 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 this Chapter, with the Douglas County Clerk and Recorder.

15.30.090 Demolition or relocation of non-Landmarked structures.

A If a building or structure was built within the Historic Downtown Area after 1945, a

demolition or relocation permit may be obtained through Development Services, unless Development Services staff 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 15.30.080, in which event, the process under 15.30.090.B shall be followed.

B. If a building was built before 1945 or has been determined by Development Services staff to meet the criteria in 15.30.090.A, a Cultural Resource Survey will be done. Once a survey has been completed, a public hearing on the demolition or relocation request will be reviewed by the Board. The Board will forward its recommendation regarding the demolition or relocation request to Town Council. The Town Council will hold a public hearing on the resolution for the demolition or relocation request, and make a determination of approval, approval with conditions, or denial. The Board and Town Council will use the following criteria to review a demolition or relocation request, along with the information from the Cultural Resource Survey:

1. Is the property currently Landmarked and/or would the property be able to achieve 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?
4. Has deterioration of the property progressed to the point where it is not economically feasible to rehabilitate the property?
5. For a demolition request, has moving the building been investigated? Is it a feasible option to demolition?

C. Notice of the public hearing on a demolition or relocation request shall be accomplished in the same manner as in 15.30.080.E.1. of this Code.

15.30.100 Amendment and removal of Landmark designation.

A. A Landmark designation may be amended to add features or property to the site under the procedures prescribed by Section 15.30.080 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 the property. Once a survey has been completed, 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 removal of the Landmarking status. Town Council will then make a determination whether or not to grant the removal of the Landmarking status request. 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 15.30.080?
2. Will the effect of removing the Landmark status be positive or negative on adjacent properties or the downtown district?

Notice of the public hearings on a Landmarking status removal request shall be accomplished in the same manner as in 15.30.080.E.1.

15.30.110 Correction of unsafe or dangerous conditions on Landmarks

Nothing in this Section shall be construed to prevent any Alteration or Demolition necessary to correct the unsafe or dangerous condition of any Landmark, 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 an Alteration or Demolition Certificate under this Article, but a certificate is required for permanent Alteration or Demolition.

15.30.120 Property maintenance required for Landmarks

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 occupant of any Landmark or structure in Historic Downtown Area shall fail to comply with all applicable provisions of this section and other ordinances of the Town regulating property maintenance. Nothing in this Chapter 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.

15.30.130 Construction on proposed Landmark properties

No person shall receive a building permit to alter, and/or remove any structure or other feature under consideration for Landmark designation from the date an application has been filed to initiate the designation of such Landmark property until final disposition of the designation by the Town Council.

15.30.140 Alteration of a Landmark

- A. Alteration Certificate required. Except for Minor Alterations, no person shall carry

out or permit to be carried out on any Landmark any of the following without first obtaining an Alteration Certificate:

1. Any exterior alteration of a Landmark, including, but not limited to, windows, doors, siding, porches or any other character-defining features;
2. Alteration of any fence or other landscape feature, including without limitation, decks, patios, walls, berms, garden structures, water features, exterior lighting, curb cuts, driveways, or landscaping, that have the potential to damage or change the essential character of the Landmark;
3. Any other activity requiring a building permit pursuant to this code, except for building permits required for interior work on a building; or
4. Any proposed modification to a previously approved Alteration Certificate.

B. Application requirements. Prior to issuance of an Alteration Certificate, the applicant must submit a land use application to the Department. The application shall be submitted at least forty-five (45) days in advance of the next regularly scheduled Board meeting. Staff may require a site plan showing the location of the proposed or existing structure, including setbacks, building dimensions, driveways and landscape areas as well as building elevations showing architectural elements of the structure.

C. Criteria to review Alterations. The applicant shall be required to demonstrate that the proposed Alteration will not result in the following effects:

1. The destruction or substantial impairment of the Historic Integrity or the character defining architectural features of the Landmark;
2. The architectural style, arrangement, texture, color and materials of the proposed Alterations are incompatible with the character of the Historic Landmark;
3. Proposed interior Alterations negatively impact the overall structural integrity of the Landmark so as to affect its exterior appearance;
4. The proposed Alterations change an integral part of the structure recognized at the time of Landmark designation;
5. New additions or Alterations to designated Landmarks being completed in a manner that if such change could be removed in the future, the essential form and integrity of the structure would be unimpaired;
6. The proposed Alterations fail to conform to the Secretary of Interior's Standards for Rehabilitation or the specific Alteration criteria imposed at the time of initial designation; and

7. Any such additional criteria or policy design guidelines adopted by the Board 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.

D. Board proceedings on the application for Alteration Certificate.

1. 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 ten (10) days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

2. 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 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.

E. Issuance of Alteration Certificate. The Department shall issue an Alteration Certificate if the Board has approved an application. Alterations and relocations of Landmarks shall be completed in compliance with all applicable design guidelines.

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

1. Appeal. Within twenty-one (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 ten (10) days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

3. Public hearing and Council decision. Within sixty (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, comments from the public, and the hardship appeal criteria set forth in

subsection F.4, the 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. Non-economic 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.

15.30.150 Minor alterations of a Landmark

A. Administrative review. A streamlined administrative review process shall be made available to applicants proposing a Minor Alteration to a Landmark. The administrative process shall be concluded within ten (10) days of a complete application submittal. If it is determined that the Minor Alteration will cause no significant impact or potential detriment, Department staff shall issue an Alteration Certificate to the applicant and shall notify the Board of such issuance.

B. Board referral. If the Department staff determines that the proposed work would create a significant impact or potential detriment or if Department staff is unable to determine whether the proposed work is a Minor Alteration, the application shall be referred to the Board for public hearing in accordance with section 15.30.140, and the Department staff shall promptly notify the applicant of the referral.

C. Appeal of Department decision. The applicant may appeal any administrative decision to the Board by submitting an appeal request in writing to the Department within seven (7) days of the administrative ruling.

15.30.160 Relocation of a Landmark

A. Relocation Certificate Required. No person shall carry out or permit to be carried out a relocation of a Landmark without first obtaining a Relocation Certificate.

B. Application requirements. Prior to issuance of a Relocation Certificate, the applicant must submit a historic preservation land use application to the Department. The application shall be submitted at least forty-five (45) days in advance of the next regularly scheduled Board meeting. Staff may require a site plan showing the location of the proposed or existing structure, including setbacks, building dimensions, driveways and landscape areas as well as building elevations showing

architectural elements of the structure.

C. Criteria to review relocations of Landmarks. The applicant shall be required to demonstrate the following:

1. The Landmark can be relocated without significant damage to its physical integrity;
2. The Landmark cannot be rehabilitated or reused on its present site to provide for any reasonable beneficial or economic use of the property;
3. Relocation of the Landmark would not diminish the integrity or character of the neighborhood losing the Landmark;
4. The Landmark is Compatible with the proposed site and adjacent properties;
5. Relocation of the Landmark would not diminish the integrity or character of the neighborhood receiving the Landmark;
6. No alternate sites at a historic park or more suitable relocation area are available;
7. A relocation plan has been submitted to and approved by the Department, and the applicant has presented proof of ability to post a bond in an amount determined by the Department to cover the safe relocation, preservation and repair (if required) of the Landmark, adequate site preparation and the completion of infrastructure connections; and
8. Any additional criteria or policy design guidelines adopted by the Board to aid in the review of Relocation Certificate applications. Such criteria and policies shall be written and made available to all Relocation Certificate applicants and the general public.

D. Board proceedings on applications for Relocation Certificates.

1. 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 ten (10) days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

2. 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 Relocation Certificate. The Board shall determine whether the proposed relocation meets the established review criteria set forth in subsection C and shall consider the applicant's testimony and the comments from the public. Within thirty (30) days after the conclusion of the hearing, the

2nd Reading Copy

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.

E. Issuance of Relocation Certificate. The Department shall issue a Relocation Certificate if the Board has approved an application. Relocations of Landmarks shall be completed in compliance with all applicable design guidelines.

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

1. Appeal. Within twenty-one (21) days of the Board's decision to deny an application for a Relocation 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 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 ten (10) days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

3. Public hearing and Council decision. Within sixty (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 review criteria set forth in subsection C, and the hardship appeal criteria set forth in subsection F.4, 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. Non-economic 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.

15.30.170 Historic District formation for the Craig and Gould neighborhood

2nd Reading Copy

A. Authorization. Pursuant to the procedures hereinafter set forth in this section 15.30.180, the Town Council may by ordinance designate a Historic District within the Craig and Gould neighborhood. The properties included in any such designation shall be subject to the controls and standards set forth in this Chapter, and shall be eligible for such incentive programs as may be developed by the Historic Preservation Board and Town Council.

B. Nominations for Historic District designation. A nomination for Historic District designation within the Craig and Gould neighborhood may be made by the Board or by any property owner group desiring to form a District by filing an application with the Department. Where nominated by the Board, the Department and at least one (1) member of the Historic Preservation Board shall contact the owners of record in such District outlining the reasons and effects of the designation and obtain or attempt to obtain a majority of property owners' consents before the nomination is accepted as complete for review.

C. Criteria for Historic District Designation in the Craig and Gould neighborhood. The applicant shall be required to demonstrate the following:

1. A majority (51%) of property owners within the proposed District support the designation;
2. A majority (51%) of the buildings within the proposed District are Contributing Structures according to Colorado Cultural Resource Surveys;
3. The potential boundaries for the proposed District are appropriate;
4. The proposed designation is consistent with the goals and policies of the Castle Rock Comprehensive Plan, as amended; and
5. The proposed District as a whole meets two (2) or more of the following criteria for Significance and convey one (1) or more of the following aspects of Historic Integrity:
 - a. Significance.
 1. People. Associated with a person or persons significantly contributing to local, state or national history.
 2. Events. Associated with a significant local, county, state or national event (or events).
 3. Architecture.
 - i. Embodies the distinctive characteristics of an architectural style valuable for the study of a type, period or method of construction;

ii. Represents the work of a master architect or builder whose work has influenced development in the Town, County, State or nation;

iii. Uses indigenous materials; the use of locally quarried rhyolite being of special importance to the Town; or

iv. Is an example of architectural or structural innovation.

4. Heritage. Possesses character, interest or value as part of the development heritage or cultural characteristics of the Town, with railroads, quarries and early development of the Town being of special importance to the Town.

5. Archaeology. Possesses archaeological Significance or provides information important to prehistory.

6. Age. Constructed at least fifty (50) years prior to designation.

b. Historic Integrity.

1. Location. The place where the Historic Property was constructed or the place where an historic event occurred.

2. Design. The combination of elements that create the historic form, plan space, structure and style of a property. For Districts, this includes the spatial relationship between structures and the landscape.

3. Setting. The physical environment of an Historic Property; the character of the place.

4. Materials. The physical elements of an Historic Property.

5. Workmanship. The physical evidence of the crafts of a culture and evidence of an artisan's labor and skills.

6. Feeling. A property's expression of the aesthetic or historic sense of particular time and the ability to convey a property's historic character.

7. Association. The direct link between an historic event or person and an Historic Property.

D. Reconnaissance survey. If a Reconnaissance Survey has not been completed or is outdated prior to the establishment of any Historic District, the Town may require the applicant to

2nd Reading Copy

provide, at its expense, a Reconnaissance Survey providing basic information, including, but not limited to, construction date, a brief history, pictures of all elevations and a site map shall be completed within the proposed District and provided to the Town. The survey shall be completed by a Colorado licensed architect endorsed by the Colorado Historical Society.

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 ten (10) 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 ten (10) days prior to the hearing. Written notice shall be sent by first-class mail to all property owners within the proposed District fifteen (15) days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

2. Public hearing and Board recommendation. Within forty-five (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. Within thirty (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 ten (10) days prior to the hearing. Written notice shall be mailed to all property owners within the proposed District fifteen (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

2nd Reading Copy

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. Within thirty (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 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.

H. Recording with the County Clerk. When a District has been designated by the Town Council as provided above, the Department shall promptly notify the owners of the properties included in the District 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 this Chapter.

15.30.180 Amendment of district designation

Designation of a Historic District may be amended to add property under the procedures prescribed by Section 15.30.180. 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.

15.30.190 Design review, Craig and Gould neighborhood

The Craig and Gould Neighborhood is subject to design review regulations to ensure that new construction and Alterations to non-Landmarked properties within the neighborhood are done in a way that is in keeping with the historic context of the neighborhood. The Historic Preservation Plan indicates that Craig and Gould may also meet the criteria for a Historic District. If designation shall occur, this section shall be amended to include any new regulations passed as part of the designation.

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

A. Applicability. To ensure that new structures and Alterations to non-Landmarked properties within the Craig and Gould Neighborhood are Compatible with existing character, the Historic Preservation Board shall conduct a mandatory and enforceable design review for all such new construction and Alterations. This includes all exterior alterations that require a building permit and/or any alterations that affect the character-defining features of the structure, including but not limited to windows, doors, siding and porches.

B. Application required. Prior to any new construction or Alteration to a non-

2nd Reading Copy

landmarked structure within the Craig and Gould Neighborhood, a property owner must submit an application to the Department. The application shall be submitted at least forty-five (45) days in advance of the next regularly scheduled Board meeting. Staff may require a site plan showing the location of the proposed or existing structure, including setbacks, building dimensions, driveways and landscape areas as well as building elevations showing architectural elements of the structure.

C. Criteria to review new construction and Alterations to non-Landmarked properties. Applications for new construction and alterations to non-Landmarked properties within the Craig and Gould Neighborhood shall be reviewed for conformance with the applicable standards outlined in the:

1. Castle Rock Style standards;
2. Castle Rock Design standards;
3. F.R.E.S.H standards in the Castle Rock Historic Preservation Plan; and
4. The Secretary of Interior's Standards for Rehabilitation.

D. Administrative review. If the project is determined to be minor, staff may exempt the application from the provisions of this section. A minor project may involve the change of a single feature or the replacement or repair of a feature that does not change the visual appearance of the structure. In such case, Department staff shall notify the building official who shall issue a permit to the applicant.

E. Board proceedings

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 ten (10) days prior to the hearing. The Town shall be responsible for accomplishing the public notice.

2. 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. 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 the proposed new construction or Alteration. In the case of denial the Board shall state the reasons, thereof, in a written statement and make recommendations in regard to the appropriateness of design, arrangement, texture, material and color.

F. Appeal of Board decisions. Within twenty-one days of the Board's decision regarding new construction and Alterations to non-Landmarked properties, an applicant may appeal any decision of the Board to the Town Council by filing a written notice of appeal with the Department within twenty-one (21) days of the Board's decision.

1. Notice. Notice of time, date and place of the public hearing and a brief

2nd Reading Copy

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 (10) days prior to the hearing. The Town shall be responsible for accomplishing the public notice.

2. Council meeting and decision. Within sixty (60) days after the appeal is filed, the Council shall hold a public meeting on the matter. The applicant and the public shall have reasonable opportunity to express their opinions on the application. The Council shall consider the written findings and conclusions of the Board, whether the proposed new construction or Alteration to a non-Landmarked property conforms to the review criteria set forth in subsection C, and shall approve, approve with conditions or modifications, or disapprove the application.

15.30.210 Violations and penalties.

A. No person shall violate any of the provisions of the ordinances of the Town, including the provisions of this Code. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town or this Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. 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 6th day of July, 2010 by a vote of 6 for, and 1 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2010, by the Town Council of the Town of Castle Rock by a vote of _____ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Ryan Reilly, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services

ATTACHMENT X: DEMOLITION CRITERIA OF OTHER JURISDICTIONS

<p>Boulder</p>	<p>The eligibility of the building for designation as an individual landmark The relationship of the building to the character of the neighborhood as an established and definable area The reasonable condition of the building The reasonable projected cost of restoration or repair When considering the condition of the building and the projected cost of restoration or repair as set forth in paragraphs (3) and (4) above, the board may not consider deterioration caused by unreasonable neglect</p>
<p>Broomfield (Non Designated Properties in Districts) (Certificate of Historic Appropriateness)</p>	<p>The effect of the proposed change on the general architectural or historic character of the structure or district The uniqueness of the structure and how it ties in with the history of the area The effect of the proposed work on the protection, enhancement, perpetuation, and use of the structure, area or district The condition of the existing improvements and whether they are a hazard to the public health or safety</p>
<p>Broomfield (Designated Property)</p>	<p>The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure. The structure cannot be rehabilitated or reused on-site to provide for any reasonable beneficial use of the property. The structure cannot be practically moved to another site. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following: Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur. Any impact on the historic importance of the remaining structures located on the property and adjacent properties. Any impact to the architectural integrity of the remaining structures located on the property and adjacent properties. In the case of archeological sites, consideration will be given to whether information can be recovered as part of the demolition process</p>
<p>Englewood</p>	<p>The structural soundness of any buildings or structures on the property and their potential for rehabilitation. The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition For investment or income-producing properties, the ability to obtain a reasonable rate of return on the property in its present condition, or in a rehabilitated condition pursuant to the requirements of this Title. For non-income producing properties consisting of owner-occupied single-family dwellings or non-income producing institutional properties not solely operating for profit, the ability to maintain or to convert the property to a reasonable residential or institutional use in its present condition or in a rehabilitated condition or the ability to transfer the property for a reasonable rate of return. The consideration for economic hardship shall not include any of the following Willful or negligent acts by the owner Purchase of the property for substantially more than its market value Failure to perform normal maintenance and repairs Failure to diligently solicit and retain tenants Failure to prescribe a rental amount which is reasonable Failure to provide normal tenant improvements</p>
<p>Fort Collins</p>	<p>If property is not landmarked and over 50 years old it is publically noticed and Historic Preservation Commission notified at preceding meeting. Landmark Designation can be initiated by 3 members of public or Commission</p>
<p>Golden</p>	<p>Contributing Status - If the Board determines not contributing, approval can be granted at this point Condition of the Building Economic Infeasibility</p>
<p>Greeley</p>	<p>The structure must be demolished because it presents an imminent hazard The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property The structure cannot be moved to another site because it is physically or economically impractical The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur Significant impact on the historical importance of other structures located on the property and adjacent properties Significant impact to the architectural integrity of other structures located on the property and adjacent properties</p>
<p>Longmont</p>	<p>Is the property eligible for Landmark Designation without owner consent? A Certificate of Hardship may be granted For economic hardship. Compliance with the regulations of this chapter will result in a substantial economic burden on the applicant The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines No reasonable means of saving the property from deterioration, demolition or collapse other than the applicant's proposal exists</p>
<p>Loveland</p>	<p>The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property The structure cannot be practically moved to another site in Loveland The applicant demonstrates that the proposal mitigates to the greatest extent practical the following Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur Any impact on the historic importance of the structure or structures located on the property and adjacent properties Any impact on the historic importance of the structure or structures located on the property and adjacent properties</p>

17.04.040 - Neighborhood meetings.

Applicants are required to hold neighborhood meetings on development applications in accord with the provisions below. The Development Procedures Manual establishes guidelines for neighborhood meetings. The pre-application neighborhood meeting must be held within one (1) year prior to an application submittal.

- A. Applicants who submit a Rezoning application in conjunction with an application for annexation are required to conduct neighborhood meetings (i) one meeting prior to application submittal to the Town; (ii) one meeting following application acceptance by the Town; and (iii) one meeting upon completion of application review prior to scheduling the public hearing before Planning Commission. In addition, Town staff may request that an Applicant conduct additional neighborhood meetings.
- B. Applicants who submit an application for Rezoning or major PD amendment are required to conduct neighborhood meetings (i) one meeting prior to application submittal to the Town; (ii) one meeting following application acceptance by the Town; and (iii) one meeting upon completion of application review prior to scheduling the public hearing before Planning Commission. In addition, Town staff may request that an Applicant conduct additional neighborhood meetings.
- C. Town staff may request applicants who submit an application for a site development plan or Use by Special Review to conduct neighborhood meetings: (i) one meeting prior to application submittal to the Town; (ii) one meeting following application acceptance by the Town; and (iii) one meeting upon completion of application review prior to scheduling the public hearing before Planning Commission.
- D. The Manager may waive one or more of the neighborhood meeting requirements for good cause (i.e., materiality lack of controversy, attendance, etc.).

(Ord. No. 2019-028, § 1, 9-17-2019)

17.04.050 - Notice requirements.

A. The notice requirements for public hearing on the designated applications shall be as follows:

<i>Application Type</i>	<i>Neighborhood Meeting</i>	<i>Mineral Rights Notice (17.04.080)</i>	<i>Website Notice (17.04.060)</i>	<i>Written Notice (17.04.060)</i>	<i>Posted Notice (17.04.060)</i>
Sketch Plan	If requested by Town	None	Yes	Yes	Yes

Annexation¹	Yes	None	Yes	Yes	Yes
Zoning/Rezoning	Yes	Yes	Yes	Yes	Yes
Planned Development Plan <i>(including Interchange Overlay)</i>	Yes	Yes	Yes	Yes	Yes
Planned Development Plan Major Amendment or Amending PD Zoning Regulations	Yes	Yes	Yes	Yes	Yes
Planned Development Minor Amendment (Non-Interface)	If requested by Town	None	Yes	None	None
Site Development Plan or Major Amendment <i>(Residential, Interface or Commercial over 10 acres/100,000 sq. ft.)</i>	If requested by Town	Yes	Yes	Yes	Yes

Site Development Plan - Administrative <i>(Non-Interface Commercial under 10 acres and 100,000 sq. ft.) or Minor Amendment</i>	If requested by Town	Yes	Yes	None	None
Downtown: Site Development Plan and Major Amendment	If requested by Town	None	Yes	Yes	Yes
Use by Special Review - Site Development Plan and Amendment	If requested by Town	Yes	Yes	Yes	Yes
Skyline/Ridgeline Variance	If requested by Town	None	Yes	Yes	Yes
Board of Adjustment Variance	If requested by Town	None	Yes	Yes	Yes
Wireless Facility - New	If requested by Town	None	Yes	Yes	Yes
Wireless Facility - Co-location	None	None	None	None	None
Infrastructure Construction Plans	None	None	None	None	None

Technical Criteria Variance	None	None	None	None	None
Plat/Amended Plat	None	Yes	Yes	Adjacent owners with application submittal	None

¹ Annexations require additional notice pursuant to Chapter 20.02, CRMC.

(Ord. No. 2019-028, § 1, 9-17-2019)

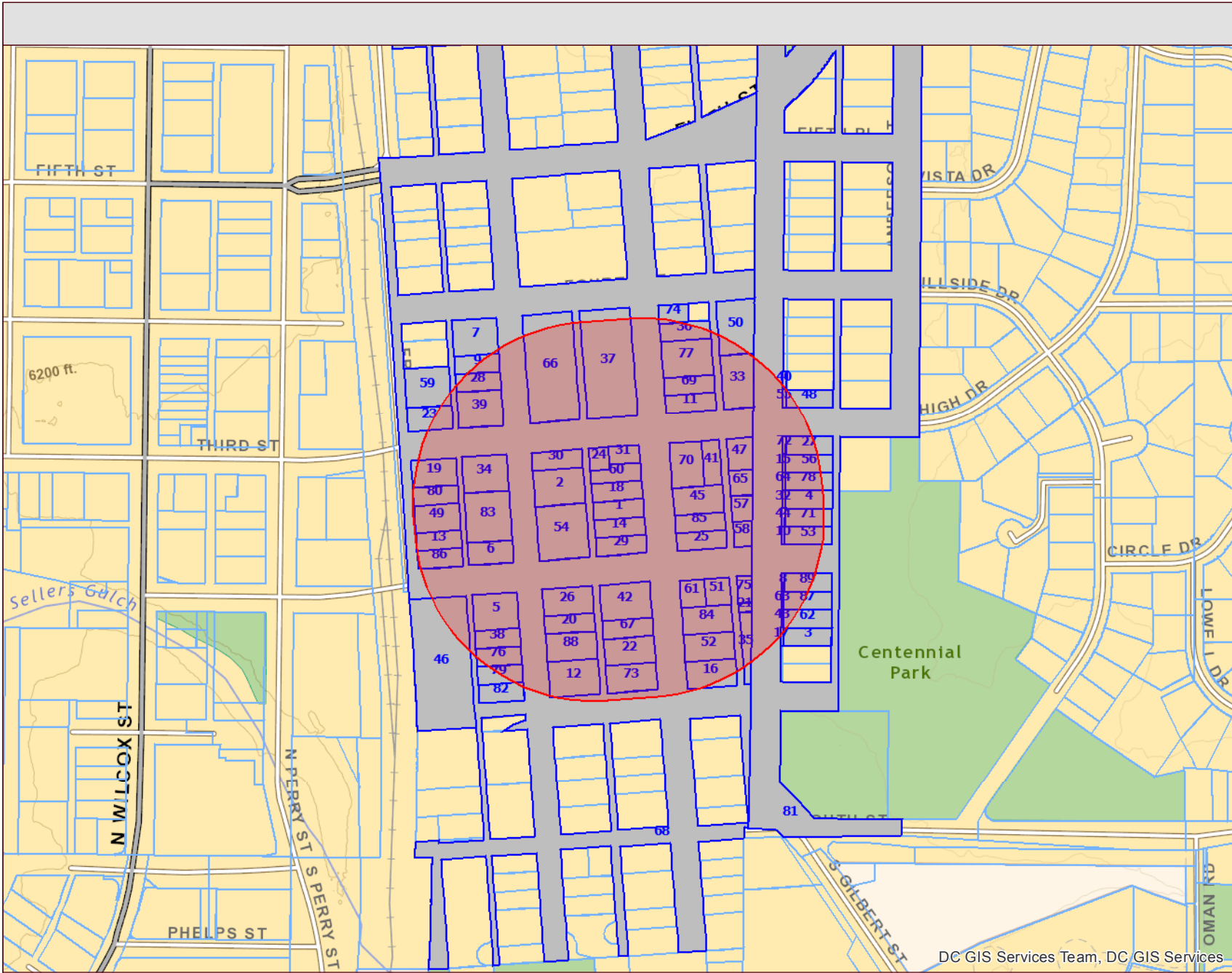
17.04.060 - Notice for public hearing.

- A. All land use applications for which this Title mandates public hearings shall be subject to the requirements set forth in this Chapter. Noticing of public hearings is intended to provide for the opportunity for public participation or public information on land use and development applications within the Town.
- B. The applicant shall be responsible for providing written notice and certifying by affidavit that the posting of the property for the public hearing is in accordance with these requirements.
 - 1. Written notice. Written notice of a 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 owners of the property which is subject of the public hearing and to owners of property within five hundred (500) feet of the subject property; provided, however, that the Director, at the Director'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 hearing.
 - 2. Posted notice. The real property proposed to be developed shall be posted with a sign giving notice to the general public of the proposed development at least fifteen (15) days prior to the date on which the public hearing is to be held. For parcels of land exceeding ten (10) acres in size, two (2) signs shall be posted. The size of the sign is established in accordance with the standards set forth in the Development Services Procedure Manual, as amended from time to time. Such signs shall be generated by the Development Services Department and shall be posted on the subject property by the Town or, if directed by the Director, the applicant in a

manner visible to the public and, whenever possible, at the nearest right-of-way adjacent to the property or, otherwise, at a location(s) reasonably calculated by the Director to afford the best notice to the public. Once the sign is posted, the applicant is responsible for ensuring the sign is maintained in accordance with the requirements set forth in the Development Services Procedures Manual.

- C. The Town shall post a notice of the hearing on the Town's website seven (7) days prior to such public hearing, in the usual and customary location within the website for such notices. For the purpose of this Section, website shall mean the Town's website www.CRgov.com.
- D. At its expense, the Town may initiate community outreach and expand notification concerning an application or public hearing beyond the minimum requirements set forth in this Chapter.
- E. Prior to the first noticed public hearing, the applicant or applicant's representative shall provide the Development Services Department affidavits demonstrating good faith and substantial compliance with Subsection B above. The form and content of the notice and affidavit shall comply with the standards set forth in the Development Procedures Manual.
- F. The standard for compliance with the notice provisions of this Section shall be substantial compliance. The Director shall determine if substantial compliance with these provisions has been demonstrated and that administrative decision shall be final and binding. In the event the Director determines that the notice does not meet the substantial compliance standard, such noticed hearing shall be vacated and the matter re-noticed.
- G. Notice of an application that has been remanded to Planning Commission in accordance with Subsection 17.04.090.E shall be by website notice five (5) days prior to the public hearing of the Planning Commission.

(Ord. No. 2023-007, § 2, 4-4-2023; Ord. No. 2019-028, § 1, 9-17-2019)



Real Property

Parcel

Public Land Survey System

Township

Section

General Features

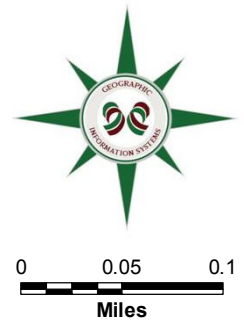
School

Private Road

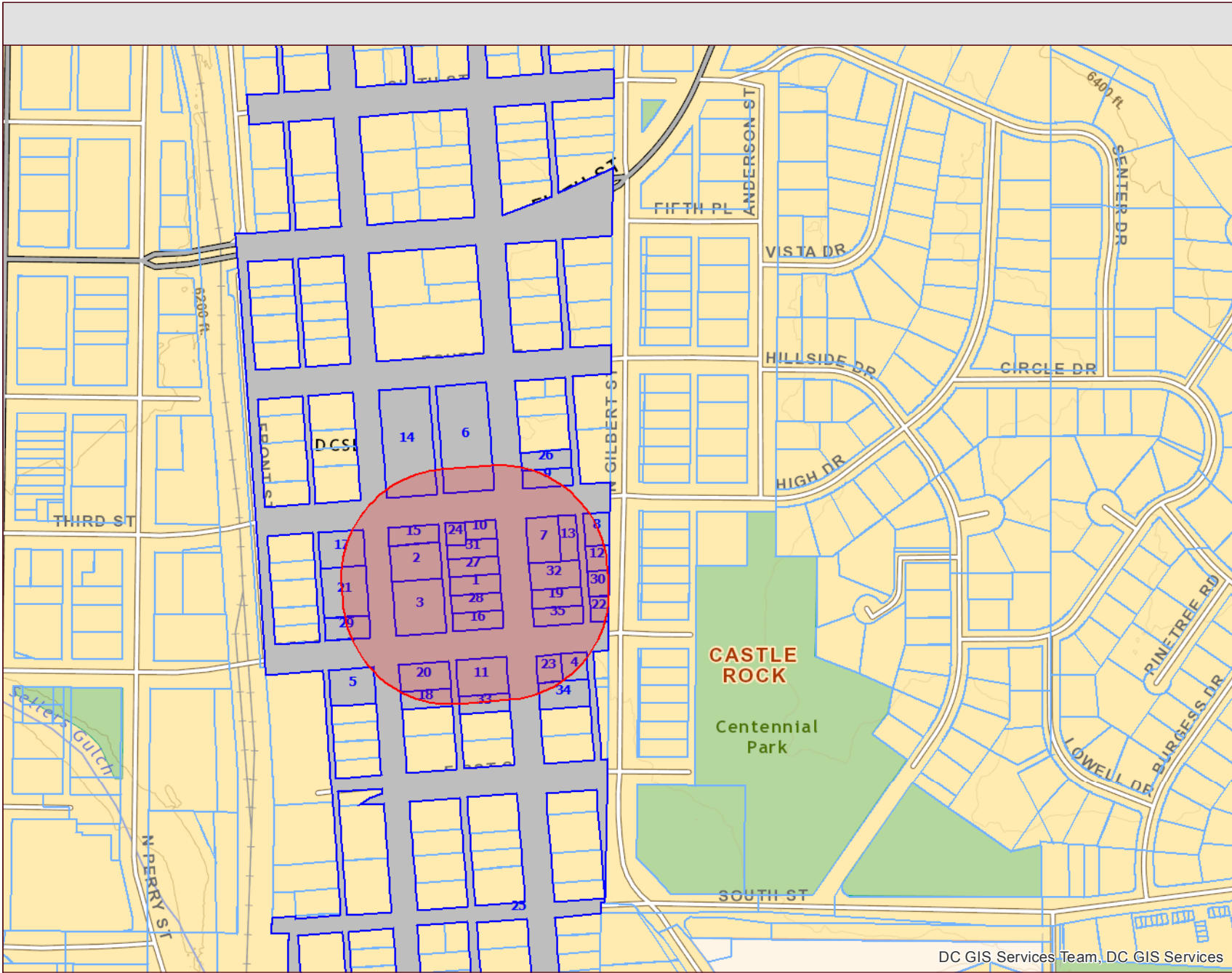
Railroad

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Douglas County GIS Division
 Philip S. Miller Bldg., 100 Third St.
 Castle Rock, Colorado 80104



DC GIS Services Team, DC GIS Services



Real Property

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Public Land Survey System

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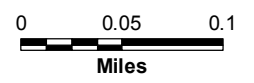
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