

ORDINANCE NO. 918

AN ORDINANCE ENACTING AN HISTORIC DISTRICT PRESERVATION DESIGNATION PROCEDURE; CREATING AN HISTORIC PRESERVATION BOARD; PROVIDING A CERTIFICATE OF APPROPRIATENESS REVIEW PROCEDURE; AND PRESCRIBING VIOLATIONS AND PENALTIES IN RELATION THERETO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The Golden Revised Ordinances of 1965 are hereby amended by addition of Chapter 18.56, as follows:

"CHAPTER 18.56

HISTORIC DISTRICT PRESERVATION

18.56.010 Purpose and Intent

(1) The City Council hereby enacts this Historic Preservation chapter in accordance with their home rule authority and the policies of the City's Growth and Development Plan. These policies state:

(a) H2 The City will discourage encroachment into viable residential areas by commercial and industrial development.

(b) H4 The City will recognize the integrity of historic residential neighborhoods, will encourage and support their revitalization and will provide active support in obtaining historic designation for eligible residences and districts.

(c) OS2 The City will preserve and enhance as much as possible, man-made elements that are of historic significance, city image features and landmarks, and pedestrian image features.

(2) The City Council finds that the pressures of population growth and the development may result in destruction, impairment or drastic alteration of the buildings, structures and areas important to the City's cultural, historic and architectural heritage. It is further found that the prevention of needless destruction and impairment and the attendant preservation of the City's cultural, historic and architectural heritage is a public necessity and is required in the interest of prosperity, civic pride, and general welfare of the people. Our purpose and intent is therefore:

(a) The protection, enhancement, perpetuation and use of buildings, structures, sites and areas that are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architecture, or which are unique and irreplaceable assets

to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;

(b) The development and maintenance of appropriate settings and environment for such buildings and structures, and in such sites and areas;

(c) The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest;

(d) The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.

It is the intention of this chapter not to preserve every old building in the City, but rather to prevent the destruction of historically and architecturally significant sites, buildings, structures, neighborhoods and districts by restricting the erection, moving, demolition, reconstruction, restoration, or alteration of such buildings, sites and structures.

18.56.020 DEFINITIONS

(1) "Board" means the Historic Preservation Board as described in Section 18.56.050.

(2) "Certificate of Appropriateness Review" means the official findings issued by the Historic Preservation Board after reviewing any application for the erection, demolition, moving, reconstruction, restoration or alteration of any designated historic site.

(3) "District" or "Historic District" means an historic site designated in accordance with this chapter comprised of six or more contiguous lots or properties.

(4) "External Appearance" means the architectural style and general arrangement of the exterior of the structure including type and texture of the building materials and including all windows, doors, lights, signs, and other fixtures appurtenant thereto. This includes any structure, place, work of art landscape element or other object constituting a physical component of real property which is visible from a public way or adjoining properties.

(5) "Ordinary maintenance" means any work where the purpose and effect of such work is to correct deterioration or decay of a structure or any part thereof and if it does not affect a significant change in the external appearance of the structure.

(6) "Significant Change" means an alteration or modification in the external appearance which has or is likely to have

influence or effect on the historic or architectural merit of a structure or site, including, but not limited to all activities for which a building permit is required.

(7) "Site" means a structure, building, location, area, neighborhood or district determined to have significant merit for historic designation under this chapter.

(8) "Work" means any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification which results in a significant change in the external appearance of a site or structure, excepting ordinary maintenance of the same.

18.56.030 STANDARDS FOR DESIGNATION OF HISTORIC SITES OR DISTRICTS

The Historic Preservation Board, duly empowered and composed as defined in Section 18.56.050, will evaluate and determine the merit of sites or districts, as defined in Section 18.56.020, for designation under this Chapter. The following historical, architectural or geographic criteria shall be used in this determination:

(1) Historical importance relates to a building, structure, district, object, site and/or area that:

(a) Has character, interest or value as part of the development, heritage or cultural characteristics of the City of Golden, the State of Colorado or the Nation;

(b) Is the site of an historic event that has interest, value and which has effected the development, heritage, or cultural characteristics of the City of Golden, the State of Colorado or the Nation;

(c) Is identified with a person or group of persons who had some influence on the development, heritage and cultural characteristics of the City of Golden, the State of Colorado or the Nation;

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

(e) By its preservation, promotes the general welfare of the present and future inhabitants of the community, as well as civic pride.

(f) Is at least 50 years old.

(2) Architectural importance relates to a building, structure, district, object, site or area that:

(a) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;

(b) Embodies the distinguishing characteristics of a significant or unique architectural type specimen;

(c) Is the work of an architect or master builder whose individual work has influenced the character of Golden or of Colorado;

(d) Contains elements of design, detail, materials or craftsmanship which represent a significant architectural style.

(3) Geographic importance relates to a building, structure, district, object, site or area that:

(a) As part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural or architectural motif;

(b) Due to its unique location or singular physical characteristics represents an established and familiar visual feature of the City.

18.56.040 PROCEDURE FOR DESIGNATING SITES FOR PRESERVATION

(1) Initiation of Procedures.

The jurisdictional requirements for formation of a district shall require that at least 50% of the landowners within the proposed district subscribe to a petition requesting formation of the district, or for a site designation, that the landowners request the designation in writing. These petitioning requirements are jurisdictional and a designation proceeding shall not proceed without the petitioning requirements being met.

Whenever, in the opinion of the Board, a site or district petitioning requirement has been met, and the site or district generally meets the criteria for preservation, as defined in Section 18.56.030, the Board will secure the landowner(s) written opinion of such designation. Following this, the Board may proceed by officially adopting a motion or resolution: (a) stating that a preliminary investigation by the Board indicates that the described site or district is eligible for designation for preservation; (b) stating either that the Board has received the landowner(s) written opinion of the designation, or why the Board feels that it should proceed without such information; (c) scheduling a public hearing by the Board on the question of designation, hereinafter called a designation hearing, at a specific time, date, and place; and (d) directing that the notice of the hearing be given as described in Section 18.56.040 (2).

As used in this chapter, "landowner" means the owner in fee of any undivided interest in any given parcel of land. If the mineral estate has been severed, the landowner is the owner in fee of an undivided interest in the surface estate and not the

owner in fee of an undivided interest in the mineral estate. One who is purchasing land under a written contract duly recorded shall be deemed the owner of the land which is subject to the contract if he has paid taxes thereon for the next preceding tax year. The signature of any landowner for any parcel of land shall be sufficient so long as any other owner in fee of an undivided interest in the same area of land does not object in writing to the City within 14 days after the filing of the petition for designation.

(2) Notice of Hearing

(a) Notice of the designation hearing shall be give as follows: Written notice of the time, date, place and subject of the hearing shall be sent by registered or certified mail, not less than seven (7) days prior to the hearing, to all property owners of record as of the date of the resolution, who own or have significant legal or equitable interest in the real property being proposed for designation for preservation.

(b) Signs indicating the proposed action and the time, date, and place of the hearing shall be posted by the Board for a period of not less than seven (7) days immediately preceding the hearing on all sites or districts proposed for designation for preservation. Such signs will be prominently displayed and easily readable from abutting public ways.

(c) A legal notice indicating the nature of the hearing, the property involved, and the time, date and place of the scheduled public hearing, shall be published once in the official newspaper of the City of Golden not less then seven (7) days prior to the hearing.

(d) Written notice of the proposed designation, including the identification of the site or district, the basis for the designation procedure, and the time, date and place of the hearing shall be given to the Building Official and City Engineer not less than seven (7) days prior to public hearing.

(3) Hearing

A quorum of the Historic Preservation Board shall conduct the hearing. If the quorum is not present, the hearing shall be cancelled and rescheduled at that time. A hearing may be continued if the time, date and place shall be established and announced to those present when the current session is adjourned.

(a) Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Board from establishing reasonable rules to govern proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.

(b) Hearings shall include records of the name and address of each speaker, the organization or person or persons they represent, if any; whether or not they are owner or holder of

some interest in an affected property, or represent such owner or holder, and a summary of the relevant portions of each statement and all written presentations shall be incorporated into the record of the hearing. All records of hearings for historic preservation designation will be held in the Golden City Clerk's central files.

(c) The Board shall review the proposed designation with respect to (i) its relationship to the Golden Growth and Development Policy Plan and other adopted planning documents, (ii) the effect of the designation upon the surrounding neighborhood, and (iii) such other planning considerations as may be relevant to the proposed designation.

(4) Findings and Recommendations of the Historic Preservation Board

The Board shall act officially on each proposed designation within thirty (30) days of the hearing thereon. The Board may approve, reject, or modify any proposal, but no proposal may be extended beyond the boundaries of the land described in the original resolution unless the initiation and hearing procedure is repeated for the enlarged boundaries. The Board shall set forth in its records the findings of fact which constitute the basis for its decisions, and due consideration shall be given to the written or oral views of owners of affected property. If the Board fails to act within the thirty (30) day period the designation shall be deemed to have been denied by the Board and the designation procedure referred to the City Council.

(5) Transmittal to City Council

Within fifteen (15) days after reaching its decision, the Historic Preservation Board shall transmit to the City Council, the Building Official, the City Engineer and the Director of Community Development the Board's recommendation on the designation for preservation, including the description of the property involved, and the findings upon which the recommendation was based. If more than one property is involved in the designation procedure, the Board may approve in part and terminate in part. Each part shall then be treated as a separate action. In no event may any property be added to the area described in the initiation resolution without instituting a new designation procedure.

(6) Action by City Council

Upon receipt of the recommendations transmitted by the Historic Preservation Board, Council may, by ordinance, designate a site or district for preservation. The Council shall give due consideration to the written and oral views of owners of affected property and in its discretion, may hold public hearings on any proposed designation. If more than one property is involved in the designation procedure, the Council may approve in part and terminate in part. The Council is required to act on the designation within forty-five (45) days after receiving the decision of the Board.

(7) Recording of Designation

Within fifteen (15) days of the effective date (date of final publication) of an ordinance designating property as a site for preservation, the Board shall notify the Building Official, the City Engineer and the Community Development Department of the official designation and a copy of the ordinance shall be recorded in the real estate records of the Jefferson County Clerk and Recorder.

(8) Notification

Within ten (10) days after the recording of the ordinance of historic designation of any property the City Clerk shall send to the owner of each property so designated, by registered or certified mail, a letter outlining the reasons for such designation and the obligations or restrictions created by such designation.

(9) Procedure to amend or rescind Designation of Sites for Preservation.

A site or district for preservation may be amended or rescinded in the same manner as the original designation was made.

18.56.050 HISTORIC PRESERVATION BOARD

(1) Creation of the Board

For the purposes of making effective the provisions of this chapter, there is created an Historic Preservation Board for the City of Golden. The Board shall be comprised of 5 members, and one alternate, each of whom shall be a resident of the City. The members of the Board shall be appointed by the Mayor, which appointment shall be confirmed by a majority of the City Council. The membership of the Board may be comprised of members of the Planning Commission, or may be comprised of members of City Council. All Board members are to have a demonstrated interest in Historic Preservation, and it is encouraged that membership of the Board include professionals such as architects, urban planners, engineers, attorneys or real estate agents.

The Board members shall be appointed for a term of 3 years, except for initial appointments for which 2 members shall be appointed for 2 years and 1 member plus the alternate shall be for 1 year. The Board will choose by a majority vote a chairman and vice-chairman. The Board shall hold regularly scheduled meetings and the chairman shall have the power to call special meetings upon notification to members of the Board. The Board shall have the power to prescribe rules of procedure which must conform to the requirements herein, and which must be approved by City Council before becoming effective. The Board shall keep minutes and records of all proceedings, including the number of votes for and against each question and the record for the vote of each member.

For each district as so designated, the Board may appoint an advisory committee comprised of members of the District, which advisory committee would make suggestions and comments on

Certificates of Appropriateness Review in conjunction with the duties of the Board and at the sole discretion of the Board.

(2) Historic Preservation Board Duties and Powers

The Board is assigned the following duties and powers:

- (a) Evaluate and determine the merits of sites for historic preservation designation under this chapter;
 - (b) Conduct Certificate of Appropriateness Review for work on designated sites or districts;
 - (c) Prepare or cause to be prepared a comprehensive inventory of the essential structures, priority structures, and preservation areas within designated historic sites or districts;
 - (d) Consult with the Building Official as to the adequacy of the work being performed under the Certificate of Appropriateness Review;
 - (e) Increase public awareness of the value of historic, architectural and cultural preservation;
 - (f) Evaluate and comment on decisions by other public agencies, affecting the physical development and land use patterns in or affecting designated historic sites;
 - (g) Make recommendations to the City Council regarding:
 - i. the utilization of grants from Federal and State agencies, private groups, and individuals to promote the preservation of historic or architecturally significant structures in Golden,
 - ii. the acquisition of facade easements and the imposition of other restrictions for purposes of historic preservation, and
 - iii. property contracts for the purposes of historic preservation where private preservation is not feasible.
- (8) Any other functions which may be designated by resolution of the City Council.

The Board shall be available to provide advice and guidance to individuals, developers, neighborhood groups or other parties regarding work on designated historic sites, or within designated historic districts.

18.56.060 Criteria for Certificate of Appropriateness Review.

(1) No person shall carry or cause to be carried out on a designated historic site or district any work, as defined in Section 18.56.020, nor shall any person make any material change in the external appearance of an existing historical site or district without a Certificate of Appropriateness Review by the Historic Preservation Board, nor shall a building permit be issued for any such work without a Certificate of Appropriateness Review.

(2) It is the intent of a Certificate of Appropriateness Review to encourage work on any site or district to be within the spirit and intent of this chapter, however, the Board shall have only the power of review and shall not have the power of veto or approval over the work plan submitted.

(3) In conducting the Certificate of Appropriateness Review the Board shall evaluate among other things, within the purposes of this chapter, the historic, geographic and architectural value of the structure, the texture and material of the building or structure or its appurtenant fixtures, and the relationship of such features on surrounding structures within the site or district and the position of each such building or structure in relation to the street or public way or to other buildings and structures. It is not the intent of this chapter to limit new construction to any one period or style, but to preserve the integrity of historic buildings and to insure the compatibility of any new work with existing sites. Harmony or compatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, design, placement and use of any building or structure in relationship to existing buildings and structures and to the setting thereof.

(4) The Board is granted the authority to promulgate guidelines not inconsistent with this section or this chapter creating more specific architectural review standards or criteria, and upon approval by City Council of the same, these guidelines shall also be considered as part of the Board's Certificate of Appropriateness Review of any work.

(5) In addition to the criteria prescribed herein, the Board shall also evaluate any work as to conformance with such further standards as may be embodied in the designation of the historic district or site.

18.56.070 Certificate of Appropriateness Review.

Any person or parties desiring to perform work, as defined in Section 18.56.020, on any designated historic site or district as set forth in this chapter shall apply to the Historic Preservation Board for a Certificate of Appropriateness Review as follows:

(1) Application Submittal.

Application for a Certificate of Appropriateness Review must be made to the Board prior to or in conjunction with an application for a building permit, and in any case, prior to the commencement of any work as described in this chapter. Application must include working drawings, specifications scale drawings and/or other information as may be required to enable an intelligent understanding of the proposed work. The degree of detail required will vary with the nature, extent and type of work proposed.

(2) Application Review.

Upon receipt of the application and attachments the Board will determine the adequacy of the materials and evaluate the work, as set forth in other portions of this chapter. The Certificate of Appropriateness Review will be completed within 15 days following submission of a complete application. Failure of the Board to complete the review within this time shall be considered the same as approval, except for those special cases where the Board determines that an extension of time is necessary for proper review and notifies the applicant in writing. The Board will conclude the review with a written recommendation or resolution as to whether the work conforms to the intent of this chapter, and if not, suggested changes that could be made which if followed would enable the work to conform to this chapter. Upon receiving said resolution or recommendation, the applicant may proceed to building permit issuance.

(3) Maintenance.

Nothing in this chapter shall be construed to prevent the ordinary maintenance of any exterior elements of any building or structure designated as historic or within a designated historic district or site.

Ordinary maintenance is any work, where the purpose and effect of such work is to correct deterioration or decay and if it does not effect a significant change in the external appearance of the structure.

18.56.080 APPEAL PROCEDURE

Any person aggrieved by a decision of the Board may, within fifteen (15) days thereafter, apply to the Council of the City of Golden for review of the Board's decision. He shall file with the City Manager a written notice requesting the Council to review said decision.

18.56.090 ROLE OF BOARD OF ADJUSTMENT

The Board of Adjustment shall not act on any variance or exception pertaining to property within Historic Overlay Districts without first consulting and obtaining the written report of the Historic Preservation Board. No appeal shall lie to the Board of Adjustment from any of the decisions of the Historic

Preservation Board.

18.56.100 REMEDYING DANGEROUS CONDITIONS

In any case where the Building/Zone Official, Fire Department or any other duly authorized officer or agency of the City of Golden shall order or direct the construction, reconstruction, remodeling, repair or demolition of any improvement or any other necessary action to a structure, combination of structures, site or area designated as Historic Overlay Districts, for the purpose of remedying conditions determined by said agencies to be immediately dangerous to life, health or property, nothing contained in this Chapter shall be construed as making it a violation of this Chapter for any person to comply with such order or directive without receipt of a statement from the Board. Any such department, agency or officer shall give the Board as early notice as practicable of the proposed or actual issuance of any such order or directive.

18.56.110 ENFORCEMENT AND PENALTIES

(1) It shall be the duty of the Director of Community Development or his delegate to administer and enforce the provisions of this Chapter.

(2) The Director of Community Development or his authorized delegate may serve a written order requiring the correction of any violation of this Chapter, on the owner, agent or tenant of the building or premises or upon architect, builder, contractor or other person who commits or assists in any such violation.

(3) In addition to any of the foregoing remedies, the City Attorney, acting on behalf of the City Council, may maintain an action for an injunction to restrain or cause the correction of any violation of this Chapter, or for a mandatory injunction in appropriate cases.

(4) Any person, firm, or corporation violating any provisions of this Chapter, upon conviction thereof, may be fined not more than three hundred dollars (\$300) or imprisoned not more than ninety (90) days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense.

Section 2. Any ordinances in conflict herewith are hereby repealed.

Introduced, approved and ordered published this 13th day of January, 1983.

Adopted, approved and ordered published this 14th day of April, 1983.

Dr. Ruth A. Maurer
Mayor

ATTEST:

Sharon L. Bennetts
City Clerk

Approved as to form:

Russell J. Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 13th day of January, 1983, and was published as a proposed ordinance in the Colorado Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held on the 27th day of January 1983, and continued through the 14th day of April, 1983 and the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 20th day of April, 1983.

Attest:

Sharon L. Bennetts
City Clerk of the City of Golden,
Colorado