

Chapter 15.64 - Historic Preservation

15.64.010 - 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 the Town's unique historic character.

(Ord. 2012-16 §1, 2012)

15.64.020 - Definitions.

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.

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

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

Colorado Cultural Resource Survey is the collection and analysis of information concerning the physical remains that represent the Town'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.

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.

Contributing Structure is 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.

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 below).

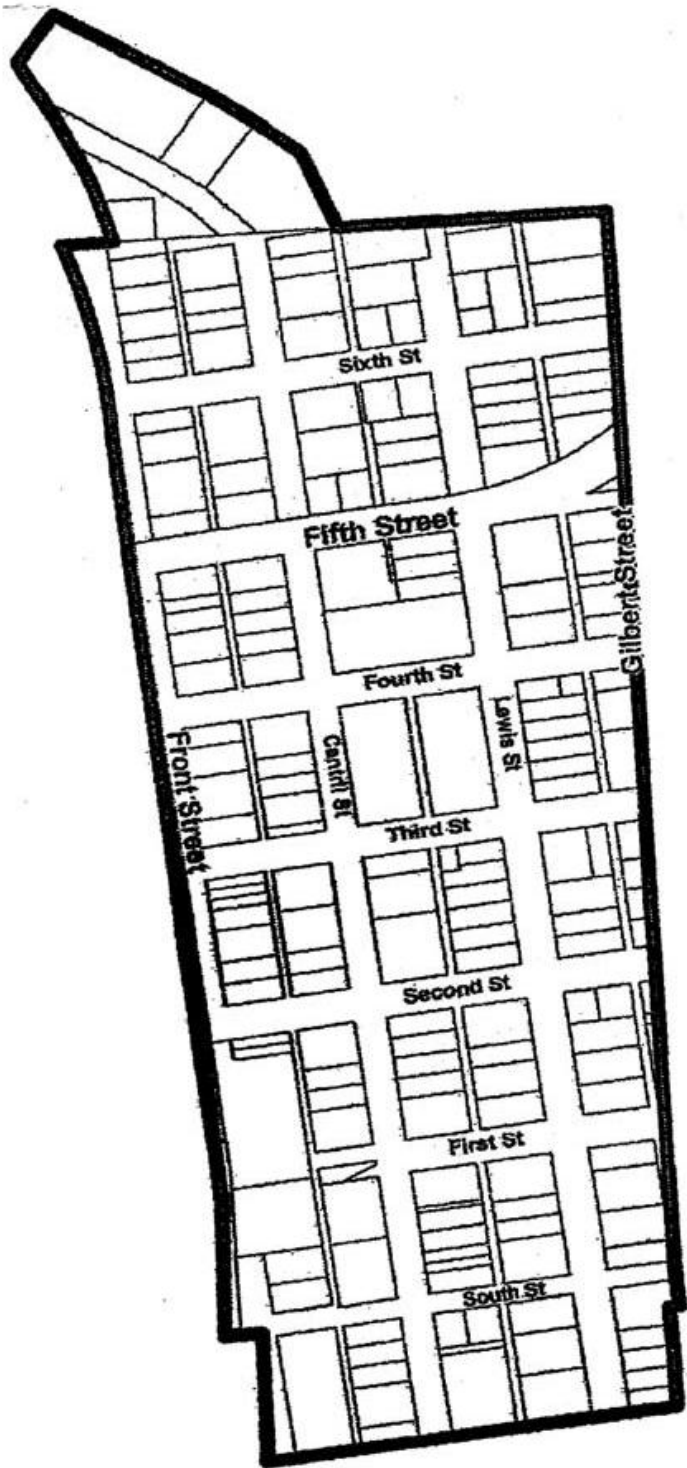


Figure 1
Craig and Gould Neighborhood

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

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

Department means the Town of Castle Rock Development Services Department.

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.

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

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.

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 below.

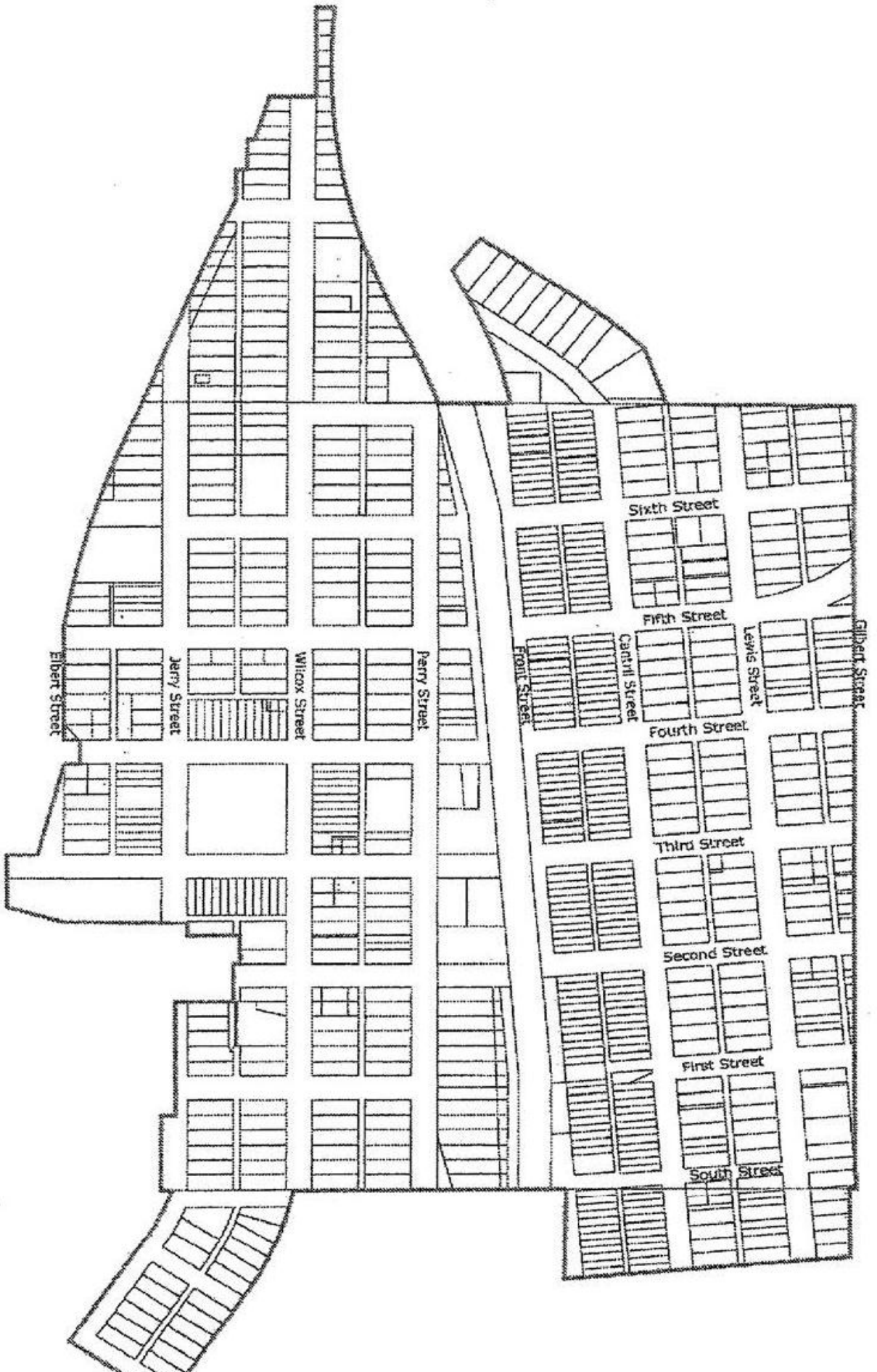


Figure 2

Historic Downtown Area

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.

Historic Landmark or Landmark means an individual structure, object, feature or area which has been designated by ordinance on the Town'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.

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.

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.

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.

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.

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.

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

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 plumbing systems and other code-required work to make properties functional is appropriate within a restoration period.

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.

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.

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.

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.

(Ord. 2012-16 §1, 2012)

15.64.030 - 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 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 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. At least three members shall be residents or property owners from the Craig and Gould neighborhood. If the required number of residents or property owners from the Craig and Gould neighborhood cannot be found to serve on the Board, this requirement may be waived until the next vacancy occurs, at which time the Town shall diligently seek Craig and Gould representation. 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 continuous months, no Board member shall miss more than three meetings in any twelve-month period. Upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two 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 Subsection.

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 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 of its members to serve as chairperson to preside over the Board's meetings and one member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one year and may serve successive terms.

F.

Meetings. The Board shall hold meetings at regularly scheduled intervals, but shall meet at minimum four 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 15.64.050

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.

(Ord. 2012-16 §1, 2012)

15.64.040 - Reserved.

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:

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.

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.

(Ord. 2012-16 §1, 2012)

15.64.060 - 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:

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 Street.

G.

Richardson House - 310 Front Street.

H.

Doepke House - 20 Cantril Street.

I.

Upton Treat Smith House and Garage - 403 Cantril Street.

J.

Christ's Episcopal Church - 615 Fourth Street.

K.

Residence at 15 Lewis Street - 15 Lewis Street.

L.

Commercial Building at 302 Wilcox Street - 302 Wilcox Street.

M.

Commercial Building at 304 Wilcox Street - 304 Wilcox Street.

N.

Keystone Hotel (and Tivoli Saloon) - 219/223 Fourth Street.

O.

Residence at 111 Cantril Street - 111 Cantril Street.

P.

Owens House - 213-215 Perry Street.

Q.

City Hotel - 415-419 Perry Street.

R.

Kirk House - 620 Second Street.

S.

Breuss House - 312 Lewis Street.

T.

Jacob Kroll House - 110 Lewis Street.

U.

Hunter House - 418 Lewis Street.

V.

Sellars House - 22 Lewis Street.

W.

Saunders House - 203 Perry Street.

X.

House - 207 Perry Street.

Y.

Breselow House - 213 Cantril Street.

Z.

Eichling Dry Goods - 307 Third Street.

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

(Ord. 2013-01 §3, 2013; Ord. 2012-16 §1, 2012)

15.64.070 - National Register of Historic Places.

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

A.

Hammar House -203 Cantril Street.

B.

D&RG Depot - 420 Elbert Street.

C.

Cantril School - 320 Cantril Street.

D.

First National Bank of Douglas County - 300 Wilcox Street.

E.

Keystone Hotel - 223 Fourth Street.

(Ord. 2012-16 §1, 2012)

15.64.080 - 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 shall be subject to the controls and standards set forth in this Chapter and eligible for such incentive programs pursuant to Section 15.64.050

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 or more of the following criteria for Significance and convey one 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 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 10 days prior to the hearing.

2.

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.

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.

F.

Proceedings by the Town Council on application for Landmark designation.

1.

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

2.

Public hearing and Council decision. Within 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.

(Ord. 2012-16 §1, 2012)

15.64.090 - 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 Section 15.64.080, in which event, the process under Subsection 15.64.090.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 Subsection 15.64.090.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 Paragraph 15.30.080.E.1 of this Code.

(Ord. 2012-16 §1, 2012)

15.64.100 - Amendment and removal of Landmark designation.

A.

Landmark designation may be amended to add features or property to the site under the procedures 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 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. The 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 Section 15.64.080

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 Paragraph 15.64.080.E.1.

(Ord. 2012-16 §1, 2012)

15.64.110 - 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.

(Ord. 2012-16 §1, 2012)

15.64.120 - 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.

(Ord. 2012-16 §1, 2012)

15.64.130 - 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.

(Ord. 2012-16 §1, 2012)

15.64.140 - 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 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 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

2.

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 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 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 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.

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, comments from the public and the hardship appeal criteria set forth in Paragraph 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.

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.

(Ord. 2012-16 §1, 2012)

15.64.150 - Minor alteration 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 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 15.64.140 above, 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 days of the administrative ruling.

(Ord. 2012-16 §1, 2012)

15.64.160 - 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 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 10 days prior to the hearing. The Department shall be responsible for accomplishing the public notice.

2.

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 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.

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

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 review criteria set forth in Subsection C and the hardship appeal criteria set forth in Paragraph 4 below, 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.

(Ord. 2012-16 §1, 2012)

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

A.

Authorization. Pursuant to the procedures hereinafter set forth in this Section, 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 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 or more of the following criteria for Significance and conveys one or more of the following aspects of Historic Integrity:

a.

Significance.

i.

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

ii.

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

iii.

Architecture.

a)

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

b)

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

c)

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

d)

Is an example of architectural or structural innovation.

iv.

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.

v.

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

vi.

Age. Constructed at least 50 years prior to designation.

b.

Historic Integrity.

i.

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

ii.

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.

iii.

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

iv.

Materials. The physical elements of an Historic Property.

v.

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

vi.

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

vii.

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 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 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 10 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. 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 10 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. 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 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.

(Ord. 2012-16 §1, 2012)

15.64.180 - Amendment of District designation.

Designation of a Historic District may be amended to add property under the procedures prescribed by Section 15.64.180. 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.

(Ord. 2012-16 §1, 2012)

15.64.190 - 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.

(Ord. 2012-16 §1, 2012)

15.64.200 - 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-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 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 10 days prior to the hearing. The Town shall be responsible for accomplishing the public notice.

2.

Public hearing and Board decision. Within 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 therefor 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 21 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 21 days of the Board's decision.

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.

2.

Council meeting and decision. Within 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.

(Ord. 2012-16 §1, 2012)

15.64.210 - Violation 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 \$1,000.00 or by imprisonment not to exceed one 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.