

## ORDINANCE

### No. 1397

**AN ORDINANCE ESTABLISHING THE CITY OF LA JUNTA HISTORIC PRESERVATION ADVISORY BOARD, PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; PROVIDING FOR NOTIFICATION TO THE HISTORIC PRESERVATION ADVISORY BOARD OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC BUILDINGS, LANDMARK SITES AND DISTRICTS; PROVIDING FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; AND DECLARING AN EFFECTIVE DATE FOR THIS ORDINANCE.**

**WHEREAS**, the City Council of La Junta, (hereinafter referred to as the "Council") finds that the economic, cultural and aesthetic standing of the City of La Junta, (hereinafter referred to as "City") cannot be maintained if the heritage of the City is disregarded; and

**WHEREAS**, the Council declares that the protection, preservation, and enhancement of the City's cultural, historic and architectural heritage is essential to the public health, safety and welfare; and

**WHEREAS**, the Council is authorized pursuant to C.R.S. 30-11-107 (bb) to provide for the preservation of the cultural, historic and architectural history within the City;

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF LA JUNTA AS FOLLOWS:**

**Section 1:** The following sections are hereinafter enacted:

**Section 2.38.010 Purpose:**

The purpose for the La Junta Historical Preservation Advisory Board is to promote the public health, safety and welfare through:

- A. The protection and preservation of the historic and cultural heritage of the City by providing for the designation of the historic buildings, landmarks, sites, and districts (collectively referred to hereinafter as "Historic Sites" in accordance with this ordinance);
- B. The enhancement of property values and the stabilization of historic neighborhoods, sites of historical events, and the like;
- C. The increase of economic and financial benefits as a result of the attraction of tourists and visitors to the City; and
- D. The provision of educational opportunities to increase public appreciation of the City's unique heritage.

**Section 2.38.020 Board Established:**

The Historic Preservation Advisory Board is hereby created to be known as the City's Historic Preservation Advisory Board (the "Board"), which shall have principal responsibility for matters of historic preservation as set forth in Sections 2.38.040 through 2.38.100 herein.

- A. Membership: The Board shall consist of the duly appointed and then serving members of the City Planning Commission.
- B. All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred by Board members in the performance of their duties as Board members.

**Section 2.38.030 Meetings:**

The board shall hold at least one regularly scheduled meeting annually or as necessary to take action on pending matters. Minutes shall be kept of all Board meetings. The Board shall comply with all requirements of the Open Public Meetings Act (C.R.S. 24-6-401 & 402 et seq.) applicable to "local public bodies" as defined in that Act.

**Section 2.38.040 Powers and Duties:** The Board shall:

- A. Review applications for designation of sites as being historic pursuant to this ordinance and make recommendations to the City Council as to whether the City Council should, by resolution, designate the site described in the application for such designation based upon the criteria established in Section 2.38.050.
- B. As needed, review the criteria for designation of historic sites set forth in Section 2.38.050 and make recommendations to the City Council for amendments thereto which the Board believes appropriate or necessary.

In addition to the above duties, the Board may, at its discretion:

- C. Advise and assist owners of historic properties on the physical and financial aspects of preservation, renovation, rehabilitation and reuse including nomination to the Colorado and National Registers of Historic Places.
- D. Develop and assist in public education programs including, but not limited to walking tours, brochures, a marker program of historic properties, lectures and conferences.
- E. Conduct surveys of historic sites for the purpose of defining those of historic significance and prioritizing the importance of identified historic sites.
- F. Advise the City Council on matters related to preserving the historic character of the City.
- G. Pursue financial assistance for preservation-related programs.
- H. Perform duties or functions as assigned by the City Council.
- I. The Board may establish additional rules of operation that are consistent with its duties as enumerated herein.

Section 2.38.050 Criteria for Designation of Historic Sites:

In order to qualify for designation as a historic site pursuant to this article, the site must be determined to have historic significance due to one or more of the following factors:

- A. Its character, interest or value as part of the development, heritage or cultural characteristics of City, County of Otero, State of Colorado, or the United States of America.
- B. Its location as a site of a significant historic event.
- C. Its identification with a person(s) who significantly contributed to the culture and development of City, County of Otero, State of Colorado, or the United States of America.
- D. Its exemplification of the cultural, economic, social or historic heritage of City, County of Otero, State of Colorado or the United States of America.
- E. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- F. Its embodiment of distinguishing characteristics of an architectural type or specimen.
- G. Its identification as the work of an architect or master builder whose individual work has influenced the development of City, County of Otero, State of Colorado or the United States of America.
- H. Its embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.
- I. Its relationship to other distinctive areas that are eligible for preservation according to a plan based on a historic, cultural or architectural motif.
- J. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or City.

Section 2.38.060 Designation of Historic Sites:

- A. Recommendation for Designation of Historic Sites: Pursuant to the procedures hereinafter set forth in this section, the Board may, by written recommendation to the City Council propose the designation as a historic site any building, landmark, site, or district meeting the criteria set forth in Section 2.38.050. Each such designation recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the location and boundaries of the historic site. The designation recommendation may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the historic features of the site. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Section.
- B. Notification Requirements: This site included in any such designation shall be subject to the notification requirements set forth in Section 2.38.090 hereof.
- C. Procedures for Designating Historic Sites for Preservation: Applications for designation must be made to the Board. The Board may require that such

application be made in such form as specified by the Board. Application shall be made only by the owners of one hundred percent (100%) of the historic site for which an application is submitted.

1. Board Review. The Board shall review the application for conformance with the criteria for designation established in Section 2.38.050. The Board shall consider the application at a regularly scheduled or special meeting. The Board shall approve, modify and approve, or disapprove the application. The Board shall notify the City Manager within seven (7) days of any decision approving or disapproving an application.
2. City Council Action. Unless an application is withdrawn by the applicant within sixty (60) days of the date on which the City Council is advised of any decision of the Board recommending approval or disapproval of an application, the City Council shall approve, modify and approve or disapprove the proposed designation. The City Council shall advise the Board of their decision regarding the designation.

Section 2.38.070 Limitation on Resubmission and Reconsideration of Proposed Designations:

Whenever the Board or City Council disapproves an application for designation of a historic site, no person shall submit an application that is the same or substantially the same for at least six (6) months from the effective date of the final City action on the original application.

Section 2.38.080 Amendment of Designation:

Designation of a historic site may be amended to add features or property to the site under the procedures prescribed in Section 2.38.060 for initial designations.

Section 2.38.090 Notification:

Any owner filing an application for designation of property under this article shall, as a part of the application agree to notify the Board of the owner's intention to alter, demolish, move or remove the site subject to the application at least thirty (30) days prior to undertaking any such work. Any such owner shall be responsible for notifying any subsequent purchaser of the property of this notification requirement and the Board may revoke the designation of the site hereunder unless the subsequent purchaser agrees in writing to the provisions of this Section.

Section 2.38.100 Revocation of Designation:

Upon receipt of an application from the then-current owner(s) of a site which has been designated as historic pursuant to this ordinance for revocation of that designation, the Board shall advise the City Council of such application and the City Council may remove the designation. In addition, upon learning of the alteration, demolition, movement or removal of a site which has been designated as historic pursuant to this ordinance, or a violation of Section 2.38.090 of this ordinance, the Board shall following at least fifteen (15) days written notice to the then-current owner(s) of the site subject to the designation, conduct a hearing to determine whether it should recommend to the City Council that the historic designation of the site involved be removed. Following such hearing, the Board shall transmit its written recommendation to the City Council who shall, within sixty (60) days thereafter, determine whether to accept the recommendation and remove the designation. The City Council shall notify the Board and property owner(s) of their decision regarding revocation of the designation.

**PASSED** on first reading this 6<sup>th</sup> day of December, 2004

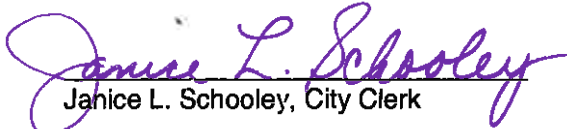
**ADOPTED AND APPROVED** this 20<sup>th</sup> day of December, 2004.

CITY OF LA JUNTA



Don Rizzuto, Mayor

ATTEST:



Janice L. Schooley, City Clerk