

ORDINANCE NO. 1579

AN ORDINANCE AMENDING ORDINANCE NO. 1397 THAT ESTABLISHED THE CITY OF LA JUNTA HISTORIC PRESERVATION ADVISORY BOARD, PROVIDED FOR THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; PROVIDED FOR NOTIFICATION TO THE HISTORIC PRESERVATION ADVISORY BOARD OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC BUILDINGS, LANDMARK SITES AND DISTRICTS; PROVIDED FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; AND DECLARED 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Section 1: Sections 2.38.010 through 2.38.100 are repealed in their entirety.

Section 2: 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 a minimum of five (5) 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 per quarter year for at least four (4) meetings annually or as additional meeting may be 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.
- 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 Register of Historic Properties on the National Register 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.
- J. Review and make recommendations based on the Secretary of the Interiors Standards for the Treatment of Historic Properties for any application to alter, relocate or demolish a designated building, structure, site, object or such within a district.

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.
- K. Its possibility to yield important information related to prehistory or history.

Section 2.38.060 Designation of Historic Sites:

- A. 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. Applications for a district nomination shall not be reviewed if more than 25% of the property owners within the proposed district oppose the nomination in writing or through ballot prepared and administered by the City.

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.
3. Recordation. Within 30 days of the effective date of an ordinance designating a property or district, for preservation, the City shall record the designation with the Clerk and Recorder of Otero County.

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:

- A. A property can only be de-designated if the property has deteriorated or been altered significantly enough that it no longer meets integrity standards for designation. Therefore, to de-designate, "cause" must be shown that indicates that the qualities or original designation no longer exist and not just because a current owner no longer "likes" designation.
- B. 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 site. The Board shall review work associated with such notification for adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties and provide comments to the owner to encourage work in keeping with the intent and spirit of these standards.

Section 2.38. 100 Revocation of Designation:


- A. If a special feature on a property has been altered so that the property no longer retains its historic integrity, the owner may apply to the Board for a revocation of the designation or the Board shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so. The revocation application shall be reviewed under the same procedures as the designation procedure described hereinabove.
- B. A property can only be de-designated if the property has deteriorated or been altered significantly enough that it no longer meets integrity standards for designation. Therefore, to de-designate, "cause" must be shown that indicates that the qualities or original designation no

longer exist and not just because a current owner no longer
"likes" designation.

PASSED on first reading this 7th day of August, 2017.

ADOPTED AND APPROVED this 21st day of August, 2017.

CITY OF LA JUNTA



Lynn Horner, Mayor

ATTEST:



Melanie R. Scofield, City Clerk