

TOWN OF LARKSPUR, COLORADO  
ORDINANCE NO. 3.71

AN ORDINANCE CREATING AN HISTORIC BOARD

(THIS ORDINANCE HEREBY REPEALS AND SUPERCEDES ORDINANCE NO. 3.64 TITLED "AN ORDINANCE CREATING AN HISTORIC BOARD AMENDING ORDINANCE NO. 3.43 OF THE TOWN OF LARKSPUR, COLORADO," PASSED THE 19<sup>TH</sup> DAY OF JUNE 1997.)

WHEREAS, the Town has the authority to regulate the use and development of land within its limits and has undertaken regulation of use and development of property within its limits by enactment of ordinances regulating zoning and development within the Town; and

WHEREAS, the Town has identified a need to provide a process to evaluate and protect sites, buildings, trees and structures deemed to have historical, architectural or archaeological significance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Larkspur, Colorado, as follows:

**HISTORIC BOARD**

Section 1 - Composition of Historic Board. The Larkspur Historic Board shall consist of five (5) voting members approved by the Town Council. At least three of the voting members shall be residents of the Town of Larkspur.

Section 2 - Term of the Board Members. The term of office of the members of the Historic Board shall be for five years. A member may serve only two consecutive terms. Three alternate members shall be approved by the Town Council to serve in the absence of or the disqualification of the regular members. Vacancies shall be filled for the unexpired term only.

Section 3 - Officers of the Board. The Historic Board shall elect from its members a Chairperson and a Vice-Chairperson and a Secretary who shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as chairman for more than two (2) consecutive years. The chairman shall preside over meetings. The Secretary shall attend and take minutes of all meetings of the Historic Board, and such minutes shall be made a matter of public record upon completion. The Secretary shall also keep records of the Board's examinations and other official actions, all of which shall immediately be filed in the Town office and shall become a public record of the Town.

Section 4 - Removal of Board Members/Vacancies. Any member of the Historic Board may be removed for nonperformance of duty or misconduct by the Town Council. Vacancies shall be filled for the unexpired term in the same manner as in the case of the original appointments.

Section 5 - Compensation of the Board. Members of the Historic Board shall receive no compensation by the Town of Larkspur except for reimbursement for actual expenses incurred and mileage for attending official and special meetings.

Section 6 - Quorum. A quorum shall consist of a majority of the voting members. All decisions or actions of the Historic Board shall be made by a majority vote of those members present and voting at any meeting where such a quorum exists. All meetings of the Historic Board shall be open to the public.

Section 7 - Rules and Regulations of the Board. The Historic Board shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable, such rules and regulations shall be consistent with the guidelines of this section, the Town Charter, and appropriate Colorado statutes.

Section 8 - Duties of the Board. The Historic Board shall have the following duties:

- a. To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or Town;
- b. To investigate and recommend to the Town Council the adoption of landmark ordinances designating properties or structures having special historic, community, or architectural value as "landmarks" based upon criteria established by the Historic Board relating to such designations which is consistent with standards for the same used nationally or by the State of Colorado;
- c. To investigate and recommend to Town Council the adoption of ordinances designating areas as having special historic, community, or architectural value as "historic districts";
- d. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
- e. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
- f. To advise and assist owners of landmarks and property or structures

within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places and/or the State Register of Historic Places;

g. To nominate landmarks and historic districts to the National Register of Historic Places, and to review and comment on any National Register nominations submitted to the Historic Board upon request of Town Council;

h. To inform and educate the citizens of Larkspur and surrounding areas concerning the historic and architectural heritage of the duty by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;

i. To hold public hearings and to review applications for proposed designation of Historical Landmarks, Historical Structures or Historical Districts and to issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

j. To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within Historic Districts;

k. To act as a reference committee to review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated Historic Landmarks or Historic Districts. The Zoning Commission Chairperson shall send applications for special use or zoning variations to the Historic Board for comment prior to the date of the hearing by the Planning and Zoning Commission or Board of Zoning Adjustment;

l. To administer on behalf of the Town of Larkspur any property or full or partial interest in real property, including easements, that the Town of Larkspur may have or accept as a gift or otherwise, upon authorization and approval by the Town Council;

m. To accept and administer on behalf of the Town of Larkspur such gifts, grants, and money as may be appropriate for the purposes of this ordinance, upon authorization and approval by the Town Council. Upon authorization and approval by the Town Council, such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Historic Board and the purposes of this ordinance;

n. Upon authorization and approval of the Town Council, to call upon available Town staff members as well as other experts for technical advice, reimbursing the Town for fees charged for such consultation;

o. To testify before all boards and commissions, including the Planning and

Zoning Commission and the Board of Adjustment on any matter affecting historically and architecturally significant property, structures, and areas;

p. To confer recognition upon the owners of landmarks or property or structures within Historic Districts by means of certificates, plaques, or markers;

q. To develop a preservation component in the General Plan of the Town of Larkspur and to recommend it to the Town Council;

r. To periodically review the Larkspur Zoning Ordinance and to recommend to Town Council any amendments appropriate for the protection and continued use of landmarks or property and structures within Historic Districts.

### DESIGNATION PROCESS

Section 9 - Application. Applications shall be made to the Historic Board on a form prepared by it and may be submitted by the owner of record of the nominated property or structure.

Section 10 - Review and Recommendation. The Historic Board shall within forty-five (45) days from receipt of a completed application in proper form adopt by resolution a recommendation that the nominated Historic Landmark or Historic District does or does not meet the criteria for designation. The resolution shall be accompanied by a report to the Town Council containing the following information:

a. Explanation of the significance or lack of significance of the nominated Historic Landmark or Historic District as it relates to the criteria for designation;

b. Explanation of the integrity or lack of integrity of the nominated Historic Landmark or Historic District;

c. In the case of a nominated Historic Landmark found to meet the criteria for designation:

i) The significant exterior architectural features of the nominated Historic Landmark that should be protected;

ii) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed.

d. In the case of a nominated Historic District found to meet the criteria for designation;

i) The types of significant exterior architectural features of the

structures within the nominated historic district that should be protected;

ii) The types of alterations and demolitions that should be reviewed for appropriateness.

e. Proposed design guidelines for applying the criteria for review of Certificates of Appropriateness.

f. The relationship of the nominated Historic Landmark or Historic District to the ongoing effort of the Historic Board to identify and nominate all potential areas and structures that meet the criteria for designation.

g. A map showing the location of the nominated landmark and the boundaries of the nominated Historic District.

The recommendation and report of the Historic Board shall be sent to the Town Council within seven (7) days following the vote on the resolution and shall be available to the public in the Town Office.

#### Section 11 - Hearing.

a. The Town Council shall schedule a public hearing on the application within thirty (30) days following receipt of a report and recommendation from the Historic Board that a nominated Historic Landmark or Historic District does or does not meet the criteria for designation.

b. Notice of the date, time, place, and purpose of the public hearing and a copy of the completed application form shall be sent by regular mail to the owner(s) of record, as well as to property owners adjoining the nominated Historic Landmark or Historic District at least fifteen (15) days prior to the date of the hearing. Notice shall also be published in a newspaper having general circulation in the Town of Larkspur. The notice shall state the street address and legal description of a nominated Historic Landmark and the boundaries of a nominated Historic District.

c. Oral or written testimony concerning the significance of the nominated Historic Landmark or Historic District shall be taken at the public hearing from any person concerning the nomination. The Historic Board may present expert testimony or present its own evidence regarding the eligibility of designation.

#### Section 12 - Designation or Non-Designation.

a. Within thirty (30) days following close of the public hearing, the Town Council shall make a determination upon the evidence whether the nominated Historic Landmark or Historic District does or does not meet the criteria for designation. Such a

determination shall be passed by resolution of the Town Council and shall be accompanied by a report stating the findings of the Town Council

b. Notice of the determination of the Town Council, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated Historic Landmark and to the owners of all property within a nominated Historic District within seven (7) days following adoption of the resolution.

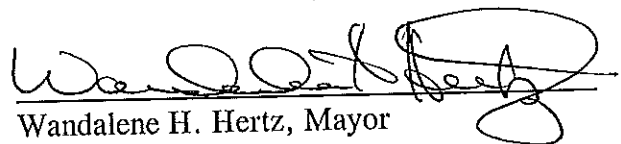
Section 13 - Appeal. Any property owner wishing to appeal may appeal a property's non-designation to the Board of Adjustment following proper procedures.

Section 14 - Classification. Upon designation, the Historic Landmark or Historic District shall be classified as a "District H - Historic District." No building permit shall be issued by the Building Department for alteration, construction, demolition, or removal of a designated Historic Landmark or of any property or structure within a designated Historic District until after thirty-five (35) days from the receipt of the notification of the Historic Board of such application for permit.

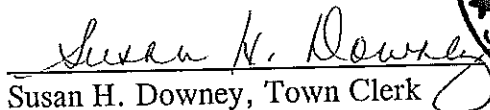
Section 15 - Fees. The Historic Board may recommend to the Town Council an appropriate system of processing fees for the review of applications.

Section 16 - Limitation on Powers of Historic Board Concerning Expenditures. The Historic Board shall not expend or commit Town funds or pledge the Town's credit without prior approval by the Town Council. The Board may submit a proposed budget to the Town Council for approval of anticipated expenditures.

INTRODUCED, READ, APPROVED and ORDERED POSTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR ON THE 19th DAY of August, 1999.

  
Wandalene H. Hertz, Mayor

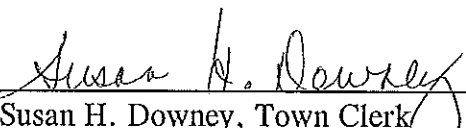
ATTEST:

  
Susan H. Downey, Town Clerk



CERTIFICATE OF POSTING

I hereby certify that Ordinance No. 3.71 was posted on the bulletin board at the Town Hall for the Town of Larkspur from August 26, \_\_\_\_\_, 1999 until September 3 \_\_\_\_\_, 1999.

  
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Susan H. Downey, Town Clerk