

ARTICLE 11: LANDMARK PRESERVATION

PART 1: GENERAL

17-11-1. STATEMENT OF PURPOSES.

- (1) It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures, sites and districts of historical, architectural or geographic significance located within the City is a public necessity, and is required in the interest of the prosperity, civic pride and general welfare of the people.
- (2) The purpose of this Article 11 is to:
 - (a) Designate, preserve, protect, enhance and perpetuate those structures, sites and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
 - (b) Foster civic pride in the beauty and accomplishments of the past;
 - (c) Stabilize or improve the aesthetic and economic vitality and values of such structures, sites and districts;
 - (d) Protect and enhance the City's attraction to tourists and visitors;
 - (e) Promote the use of outstanding historical or architectural structures, sites and districts for the education, stimulation and welfare of the people of the City;
 - (f) Promote good urban design including the perpetuation of related private spaces; and
 - (g) Promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy.
- (3) It is the sense of the City Council that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural and geographic heritage of the City and by ignoring the destruction or defacement of such cultural assets.

17-11-2. DEFINITIONS. For the purposes of this Article 11, the terms set forth below shall have the meanings respectively ascribed to them:

Alteration means any act or process which changes one or more of the exterior architectural features of a structure or district.

Commission means the Heritage, Culture & the Arts Commission.

Committee means the Landmark Preservation Committee established pursuant to this Article 11 as a standing committee of the Commission.

Department means the Department of Community Planning and Development.

Director means the Director of the Department of Community Planning and Development, or designee.

District means any site, structure or improvement and its surrounding environments, or a group of sites, structures or improvements, or both, and their surrounding environs.

Exterior, when applied to an architectural feature, means the architectural style, design, general arrangement and components of all the outer surfaces of a structure or improvement, including, but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to the structure or improvement.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

Owner means all persons who have a record ownership interest in a specific parcel of property.

Secretary means the Secretary to the Planning Commission.

Site means a specific location or place which may or may not have structures or improvements located upon it.

Structure means anything which is constructed or erected, and the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground; an edifice or a building of any kind.

17-11-3. LANDMARK PRESERVATION COMMITTEE.

(1) Establishment; Members.

(a) There is hereby established a Landmark Preservation Committee, which shall be a standing committee of the Commission. The Committee shall consist of seven voting members appointed by the Commission. One member of the Committee shall be an architect with a demonstrated interest in historic architecture, one a realtor having not less than five (5) years of continuous professional real estate experience in the Lakewood area, one a member of the Lakewood Historical Society or successor organization, two at large, and the remaining two members shall be voting members of the Commission. When making appointments, the Commission shall identify each appointee to the qualification, or to membership on the Commission, which such person is intended to represent on the Committee. All members of the Committee shall be Lakewood residents except that the person appointed as the architect need not be, but is preferred. The Commission shall fill any vacancy on the Committee based upon the same criteria used to appoint the departing member.

(b) Four members shall be appointed to serve initial terms of two years, extending from July 15, 1999 until July 15, 2001. The remaining three members shall be appointed to serve terms of three years, extending from July 15, 1999 until July 15, 2002. Thereafter, all

voting members shall be appointed to serve terms of three years, but no person shall serve more than two consecutive three-year terms.

- (c) Once constituted, the Committee shall elect a chair, who shall be a member of the Commission and shall preside over all meetings of the Committee, and a vice-chair and such other officers as its by-laws may prescribe. In the absence of the chair the vice-chair shall perform the duties of the chair. The chair and the vice-chair shall be entitled to vote on any matter pending before the Committee.

(2) Powers and Duties. The Committee shall have the following powers and duties:

- (a) Evaluate and make recommendations concerning the merits of applications for designation pursuant to Part 2 of this Article 11.
- (b) Conduct certificate of appropriateness review as provided in Part 3 of this Article 11.
- (c) Consult with City staff as requested concerning the conformity with approved plans of construction or alteration authorized pursuant to a certificate of appropriateness issued pursuant to Part 3 of this Article 11.
- (d) Prepare, or cause to be prepared, a comprehensive inventory of sites, structures or areas that may be appropriate for designation pursuant to Part 2 of this Article 11.
- (e) Develop and prepare design guidelines for construction and alteration of designated structures and structures in designated districts, for adoption and approval by the Planning Commission.
- (f) Increase public awareness of the value of historic, architectural and cultural preservation.
- (g) Evaluate and comment on decisions of other public agencies affecting the physical development and land use patterns in or affecting designated sites, structures and districts.
- (h) Make recommendations to City Council regarding the following:
 - 1. the utilization of grants from federal and state agencies, private groups, and individuals to promote the preservation of historic or architecturally significant structures within the City;
 - 2. the acquisition of facade easements and the imposition of other restrictions for purposes of preservation;
 - 3. contracts for the purpose of preservation where private preservation is not feasible; and
 - 4. any other functions which may be assigned to it by resolution of the City Council.
- (i) Provide advice and guidance to individuals, developers, neighborhood groups and other parties regarding work on designated sites or structures, or within designated districts.
- (j) Draft and recommend for adoption by the City Council such by-laws, operating policies and other rules of procedure, and amendment to or repeal of any of them, as the Committee may deem appropriate

(Sections 17-11-4 and 17-11-5 reserved)

PART 2: DESIGNATION

17-11-6 APPLICATION AND REFERRAL TO COMMITTEE.

- (1) Any person may file with the Department an application for designation.
- (2) Submittal requirements. The application shall be made on a fully completed form prescribed by the Department and shall be accompanied by all of the following:
 - (a) An application fee, in an amount determined by resolution of the City Council.
 - (b) A precise description, including a legal description of the specific parcel of real property or relevant portion thereof, and a detailed, specific description of those elements forming the basis for designation, of the structure, site or district proposed for designation. The description of a proposed district shall be accompanied by current assessment maps from the county assessor's office showing the boundaries of the proposed district, and the assessor parcel numbers of each ownership parcel within such boundaries.
 - (c) Evidence of the ownership of all real property included within a proposed site or district, and of the ownership parcel on which any structure proposed for designation is located, herein called "subject property(ies)." For applications for designation of property other than a district, such evidence shall consist of a commitment for or a title insurance policy, an attorney title opinion, a subdivision certificate, or a written ownership and encumbrance report, dated within 30 days before the date of submittal of the application, and shall include the address of each person having an ownership interest in the property, as shown on the instrument by which such person acquired such interest or if none the address shown for such person in the records of the county assessor pertaining to the property. For applications for designation of a district, such evidence shall consist of a list of the names and addresses of the property owners identified to and corresponding with the assessor parcel numbers for each ownership parcel within the proposed district as shown on the assessment maps. The applicant shall certify in writing that such list was obtained from the most current records of the Jefferson county assessor. Current records for the purposes of this section 17-11-6 shall have the same meaning as set forth in 17-17-4(1)(b) of this Zoning Ordinance.
 - (d) The Director may require reasonable evidence of the authority of the individuals signing the application to bind the applicant thereto.
 - (e) Written consent to the designation from not less than the requisite number of owner(s) of the subject property(ies), as established by Section 17-11-11 below. In the case of an application to designate an area as a district, the applicant shall also prepare and file with the application an abstract, based upon current information from the Jefferson county assessor's office, of all taxable properties within such area showing the assessed valuation for each such property and the total assessed valuation for the entire area.
 - (f) A complete statement of how the site, structure or district meets the approval criteria set forth in Section 17-11-10 below.
 - (g) Others, as determined from time to time by the Director as being necessary or appropriate for the purposes of determining the issues involved in designation.

- (3) Upon receipt of a complete submittal, the Department shall refer the application to the Committee for review.
- (4) The Committee shall review the application and send its written recommendations to the Planning Commission within 45 days after its receipt of the referral.

17-11-7. PUBLIC HEARING BEFORE PLANNING COMMISSION. Prior to making its findings or entering an order approving or denying an application, the Planning Commission shall hold a public hearing on the same, pursuant to the following procedures:

- (1) The Secretary shall schedule a public hearing to be held not later than sixty (60) days after a complete submittal. Notice of the hearing shall be provided as follows:
 - (a) Promptly upon scheduling the hearing, the Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.
 - (b) It shall be the obligation of the applicant, unless waived by the City, to mail written notice of the hearing to the following persons:
 - i) The fee owner(s) of the subject property(ies). Notice shall be deemed properly given to an owner if sent to the address shown for such owner in the evidence of title submitted pursuant to 17-11-6(2)(c) above.
 - ii) The applicant.
 - iii) The fee owners of real property within 500 feet of the boundary of the subject property(ies).
 - iv) The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and having provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies).
- (c) Not later than twenty (20) days prior to the date of the hearing, the applicant shall prepare and file with the Secretary two complete lists of the names and addresses of all persons entitled to receive notice of the hearing. The first list shall be typed or printed on one or more sheets of paper. The name(s) and address(es) of the fee owner(s) of the subject property(ies) shall be prepared from the evidence of title submitted pursuant to 17-11-6(2)(c) above, with names and addresses obtained from assessor maps and identified to specific assessor parcel numbers. The names and addresses of the fee owners of parcels of real property located within 500 feet of the boundary of the subject property(ies) shall be prepared using the same process and meeting all of the requirements provided in Section 17-17-4(1)(b) of this Zoning Ordinance for notice in rezoning cases, which process must be commenced not later than 45 days before the hearing. The names and addresses of registered homeowner organizations shall be prepared from information given to the applicant by the City. The applicant shall certify in writing that such mailing list includes the names and addresses of all owners of the subject property(ies) as shown

in the evidence of title submitted pursuant to 17-11-6(2)(c) above, and of all persons entitled to receive notice of the hearing pursuant to subparagraph (1)(b)(iii) above. As to the latter class the applicant shall certify in writing that such list was obtained from the most current records of the Jefferson County assessor. Current records for the purposes of this subsection (c) shall have the same meaning as set forth in 17-17-4(1)(b) of this Zoning Ordinance.

- (d) The second list of persons entitled to notice shall be in the form of preprinted mailing labels, the size and format of which has been approved by the Secretary.
 - (e) Upon being satisfied that the mailing list is complete and accurate, the City shall return the mailing labels to the applicant. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the date of the Planning Commission hearing, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels. The applicant shall pay the cost of postage for mailing and preparation of notification letters.
 - (f) The applicant shall erect in a conspicuous place upon each proposed site or at the location of each proposed structure, or at not less than one conspicuous place on each boundary of a proposed district, a sign containing notice of the public hearing, which shall include the date, time and place the hearing will be held and notice that the property or structure is proposed for designation for preservation. Such signs shall be provided by the City, with the mounting boards and supports provided by the applicant, and shall be posted for a period of at least fifteen (15) consecutive days prior to the date of such hearing.
 - (g) The Secretary shall cause notice of the hearing, including date, time and place, to be published in full in an official paper or paper of general circulation in the City at least six (6) days prior to the date of the hearing.
 - (h) The applicant shall certify in writing to the Secretary, prior to the public hearing, that letters of notification were mailed in accordance with paragraph (e) above, and that the signs were posted in accordance with paragraph (f) above. Failure of the applicant to provide such certification shall cause the public hearing to be postponed at least fifteen (15) days and until the applicant provides the certification.
- (2) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. If requested by any person, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, and the cost of transcription shall be paid by the person or entity requesting the transcript. If the City Council acquires a copy of the transcript of the proceedings, its copy shall be made available to any person at reasonable times for inspection and study.

17-11-8. PLANNING COMMISSION DECISION.

- (1) The Planning Commission shall consider the application and other submittals, the written consent(s) of the owner(s) of the subject property(ies), any requests for exclusion of property from a proposed district filed pursuant to subsection 17-11-11(3) below, any reports or recommendations of Department staff, and the recommendation of the Committee, and shall hear any relevant evidence or statement provided by the applicant, the owner of any subject property, the Committee or any member thereof, the Director or any member of the staff, and

any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.

- (2) The Planning Commission shall approve the application if the applicant has demonstrated that requisite property owner consents are present and that the criteria set forth in Section 17-11-10 below have been met.
- (3) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant, the Committee and the owner(s) of the subject property(ies) its written findings and order on the application, which shall be effected by written resolution stating the Commission's findings and conclusions upon all relevant issues of fact and law raised by the application, and an order approving or denying the same. A copy of the written findings and order shall also be mailed to any other person who requested in writing a copy thereof.
- (4) A resolution of the Planning Commission approving the application, or denying the same for lack of requisite property owner consents, shall be deemed the final action of the City on the application. Upon the effective date of such resolution the Secretary shall cause a certified copy thereof to be recorded in the real property records of each county in which any structure or real property designated by the resolution is located, and shall send a copy thereof to the Colorado Historical Society.
- (5) Designation under this Part 2 shall not be deemed a change in regulations or restrictions, or a change in a zone district within the meaning of Section 31-23-305, C.R.S., or Section 1.20.020 of the Lakewood Municipal Code.

17-11-9. APPEAL TO CITY COUNCIL.

- (1) If the Planning Commission denies an application for any reason other than lack of requisite property owner consents, the applicant or the Committee shall have the right to appeal such decision to City Council by filing a written notice of appeal, specifying the factual and legal basis for the appeal, with the City Clerk and the Secretary not later than ten (10) days after the date of mailing of the Planning Commission's findings and order.
- (2) Notice of the City Council's consideration of the appeal, and of the City Council's consideration hearing thereon, shall be provided pursuant to the procedures set forth in Section 17-11-7 for the public hearing before the Planning Commission except that the City Clerk shall perform the responsibilities assigned therein to the Secretary. However, notwithstanding the provisions of Section 17-11-7, the public hearing and consideration by the City Council of the designation ordinance shall not be less than ten (10) days after the date of publication in an official paper or paper of general circulation in the City.
- (3) The City Council shall establish a period of time, prior to voting upon the appeal, during which the appellant or the Committee or any member thereof may comment and be heard upon the findings and order of the Planning Commission. Upon consideration of the appeal, the City Council may consider only the notice of appeal, the record before the Planning Commission, the written findings and order of the Planning Commission, and the comments

related thereto made during the City Council hearing. In addition, the City Council may, in its sole discretion, hear any other relevant written or oral statement regarding the findings and order of the Planning Commission. No other materials or evidence shall be considered by the City Council.

- (4) If it is shown that the written findings and order of the Planning Commission contain a finding based upon incorrect information, or if there is shown to be newly discovered information not available at the time of the public hearing before the Planning Commission, and if the correct or newly discovered information could, in the opinion of the City Council, change the findings or order of the Planning Commission, then the entire matter shall be referred by the City Council to the Planning Commission for its consideration. If there is shown to be a clerical mistake in the written findings or order of the Planning Commission, the mistake may be corrected by City Council action without referral to the Planning Commission.
- (5) After its hearing, the City Council may:
 - (a) Remand consideration of the application to the Planning Commission for further proceedings as the City Council may direct; or
 - (b) Revise the Planning Commission's findings of fact only if such revision is supported by evidence in the record made before the Planning Commission, and proceed to vote upon the appeal; or
 - (c) Adopt the Planning Commission's findings of fact and proceed to vote upon the appeal; or
 - (d) Table its decision to a specified date.
- (6) Final action by the City Council on the appeal, which shall be by written resolution setting forth its decision and the factual and legal basis therefor, shall be taken within ninety (90) days after the date of the City Council's hearing thereon, or within thirty (30) days after the date the City Council receives the findings and order after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the City Council denying the application. If the vote on any appeal is tabled by the City Council pursuant to the provisions of the City of Lakewood Municipal Code Section 1.20.030, an additional fourteen (14) days shall be added to the time limitation for each such tabling.
- (7) The City Clerk shall provide a copy of the results of the City Council's final action on the appeal to the appellant, the Committee, the Secretary, and any other person who has requested in writing to receive the same.
- (8) Upon the effective date of a resolution of the City Council approving an application on appeal, the City Clerk shall cause a certified copy thereof to be recorded in the real property records of each county in which any structure or real property designated by the resolution is located, and shall send a copy thereof to the Colorado Historical Society.

17-11-10. CRITERIA. A structure, site or district may be designated for preservation if it meets any of the criteria in any of the following three categories:

- (1) History. Historic importance relates to a structure, site or area that meets one or more of the following criteria:
 - (a) Has character, interest or value as part of the development, heritage or cultural characteristics of the City, the state of Colorado or the nation; or
 - (b) Is the site of an historic event that has interest and value, and which has affected the development, heritage, or cultural characteristics of the City, the state of Colorado or the nation; or
 - (c) Is identified with a person or group of persons who had some influence on the development, heritage or cultural characteristics of the City, the state or the nation; or
 - (d) Exemplifies the political, cultural, economic, social or historical heritage of the community; or
 - (e) By its preservation, promotes the civic pride of the present and future inhabitants of the community.

- (2) Architecture. Architectural importance relates to a structure, site or area that:
 - (a) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
 - (b) Embodies the distinguishing characteristics of a significant architectural type specimen;
 - (c) Is the work of an architect or master builder whose individual work has influenced the character of the City or of the state of Colorado;
 - (d) Contains the elements of design, detail, materials and craftsmanship which represents a significant architectural style.

- (3) Geography. Geographic importance relates to a structure, site or area that:
 - (a) As part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif;
 - (b) Due to its unique location or singular characteristics represents an established and familiar visual feature of the City.

17-11-11. PROPERTY OWNER CONSENT REQUIRED.

- (1) Subject only to the provisions of subsection (2) of this Section 17-11-11, the Department shall not accept, nor shall the Planning Commission approve, an application to designate any structure or parcel of real property for preservation without the written consent of the owner thereof.

- (2) The Department shall not accept, nor shall the Planning Commission approve, an application to designate any area as a district for preservation without the written consent of the owners of properties which account for more than 75% of the assessed valuation and more than 75% of the number of legal ownership parcels in the area proposed for designation.

- (3) The Planning Commission shall exclude from any area proposed for designation as a district any property whose owner files with the Secretary a written request for such exclusion on or before the date of the public hearing before Planning Commission.

17-11-12. REVOCATION OF DESIGNATION; EXCLUSION FROM DISTRICT.

- (1) The owner of any structure or parcel of property designated for preservation other than as part of a district under this Article 11 may apply for revocation of the designation of such owner's property by filing an application therefor with the Department. The submittal requirements and procedure for such application shall be substantially as provided in sections 17-11-6 through 17-11-8 above, except that the Planning Commission shall approve such application if, at the time of the public hearing before Planning Commission, the owner confirms its desire to have the designation revoked.
- (2) The owner(s) of structure(s) or parcel(s) of property designated for preservation as part of a district may apply for revocation of the designation of such district by filing an application therefor with the Department. The submittal requirements and procedure for such application shall be substantially as provided in sections 17-11-6 through 17-11-8 above, except that the Planning Commission shall approve such application if, at the time of the public hearing before Planning Commission, the said owners confirm their desire to have the designation revoked, and their said properties account for 25% or more of the assessed valuation or 25% or more of the number of legal ownership parcels in the district.
- (3) The owner of any structure or parcel of property designated for preservation as part of a district may apply for the exclusion of such property from the district by filing an application therefor with the Department. The submittal requirements and procedure for such application shall be substantially as provided in sections 17-11-6 through 17-11-8 above, except that the Planning Commission shall approve such application if, at the time of the public hearing before Planning Commission, the owner confirms its desire to have its property excluded.
- (4) Action of the Planning Commission on any application for revocation or exclusion shall be deemed the final action of the City thereon.

(Sections 17-11-13 through 17-11-15 reserved)

PART 3: BUILDING/DEMOLITION PERMIT REVIEW

17-11-16. REQUIREMENT. It shall be unlawful for any person to commence work on any of the following without prior compliance with the provisions of this Part 3:

- (a) Alteration or reconstruction of, or addition to, the exterior of any improvement which constitutes all or part of a designated structure or all or part of a structure located in a designated district; or

- (b) Demolition of any improvement which constitutes all or part of a designated structure or all or part of a structure located in a designated district; or
- (c) Construction or erection of, or addition to, any improvement upon any property located in a designated district; or
- (d) Alteration of any designated site.

17-11-17. APPLICATION AND COMMITTEE REVIEW.

- (1) Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, and except in cases exempted pursuant to Section 17-11-20, upon the filing of an application for a permit for the performance of any work coming within the scope of Section 17-11-16 above, the Director shall require the applicant to meet the following additional submittal requirements:
 - (a) A narrative description of the type of work proposed and its effect or impact upon the site, structure or district designated for preservation;
 - (b) Plans and design showing in detail any proposed alteration or construction;
 - (c) A landmark preservation review fee in an amount determined by resolution of the City Council;
 - (d) For applications for demolition, professionally prepared estimated costs of continued maintenance of the structure in its current condition, of rehabilitation, and of demolition, an engineer's or architect's report as to structural soundness, and professionally prepared estimates of market value of the property in its current condition, as rehabilitated, and after demolition; and
 - (e) Others, as determined from time to time by the Director as being necessary or appropriate for the purposes of determining the issues involved in the certificate of appropriateness review provided for herein.
- (2) On receipt of a complete submittal the Director shall refer the application to the Committee for review.
- (3) If the application and other submittals demonstrate that the criteria set forth in Section 17-11-18 below are met, the Committee shall issue and send a certificate of appropriateness to the Director within 45 days after its receipt of the referral.
- (4) If the application and other submittals do not demonstrate that the criteria set forth in Section 17-11-18 below are met, the Committee may issue an order continuing the permit application process for a period not to exceed 90 days from the date of complete submittal of the application. Any such order shall specify all aspects of the proposed work which do not meet the criteria and shall be sent promptly to the Director and the applicant.
- (5) During any continuance ordered by the Committee, the Committee shall act with due diligence to study alternative means whereby the work may be brought into conformity with applicable criteria and shall during such period be available to meet with the applicant in an attempt to resolve the nonconformities.

- (6) If the Committee fails to send either a certificate of appropriateness or a continuance order to the Director within 45 days after its receipt of the referral, or upon receipt of a certificate of appropriateness or the expiration of any continuance period, whichever shall first occur, the building permit application process shall proceed without further reference to this Part 3.

17-11-18. CRITERIA. The Committee shall issue a certificate of appropriateness for proposed construction or alteration if the application and other submittals demonstrate that it is of a nature which will not adversely affect or destroy any architectural feature of the structure, is in substantial conformity with the design guidelines adopted by the Planning Commission (see, 17-11-3(2)(e) above), and is appropriate or consistent with the purposes of this Article 11. The Committee shall issue a certificate of appropriateness for proposed demolition if the application and other submittals demonstrate that the structure is not structurally sound, or that maintenance or rehabilitation thereof would cause unreasonable economic hardship for the owner.

17-11-19. APPEAL OF CONTINUANCE. An applicant may appeal any continuance ordered by the Committee pursuant to subsection 17-11-17(4) above within 10 days after the entry of such order, by written notice to the Planning Commission setting forth the specific grounds for such appeal and the facts supporting the same. The Committee shall be given written notice of and may participate in the appeal as an interested party. The scope of review shall be limited to whether the Committee correctly applied the criteria, or whether delay from the continuance causes an unreasonable economic hardship for the applicant, or both. Such appeals shall be conducted pursuant to rules determined by the Planning Commission. Action of the Planning Commission on the appeal shall be the final action of the City.

17-11-20 PUBLIC IMPROVEMENTS. If an application for a permit for the performance of any work coming within the scope of Section 17-11-16 above filed by the City, the State of Colorado, or any other public agency in connection with the construction or installation of any transportation, utility, drainage or other building improvements is accompanied by a written request from the City Manager for exemption from the provisions of Sections 17-11-16 through 17-11-19 above, such application shall be exempt from said provisions.

Notwithstanding the foregoing, however, the applicant for such permit shall, prior to the commencement of any work coming within the scope of Section 17-11-16, seek recommendations from the Committee with respect thereto.

PART 4: ADMINISTRATION & ENFORCEMENT

17-11-21. STAY OF DEMOLITION PERMIT PROCESS PENDING DESIGNATION.

Except in cases of applications for demolition permits made in response to orders from building or fire officials to abate conditions immediately dangerous to life, health or property, upon the setting of a designation hearing pursuant to subsection 17-11-7(1) above, an application for a permit to demolish all or any portion of any structure proposed for designation, or of a structure located in a proposed district, shall be stayed pending a final, non-appealable determination of the designation application. If the structure for which demolition is applied is designated for preservation or is located in a district so designated, the application shall be referred to the Committee for review pursuant to Part 3 of this Article 11.

17-11-22. MAINTENANCE. Designated structures and structures located in designated districts shall be preserved against decay and deterioration and kept free from structural defects by the owner thereof, or by such other person or persons who may have legal custody and control thereof. Nothing in this Article 11 shall be construed to prevent or delay the ordinary maintenance of any exterior elements of any designated structure, or of a structure in a designated district. Ordinary maintenance is any work, the purpose and effect of which is to inhibit or correct deterioration, decay or minor damage which and does not effect a significant change in the exterior appearance of the structure.

17-11-23. CONFORMITY WITH APPROVED PLANS. Any and all construction or alteration authorized pursuant to a certificate of appropriateness shall conform to the approved construction and building plans.

17-11-24. ENFORCEMENT. An alleged violation of any provision of this Article 11 shall be subject to the provisions of Section 17-1-9 of this Ordinance.

17-11-25. APPEALS.

- (1) The Planning Commission may hear and decide appeals from any order, requirement, decision, or determination made by any administrative officer or employee of the City in the enforcement of this Article 11.
- (2) Appeals of an order, requirement, decision, or determination may be made by the owner or lessee of the property to which such officer's or employee's action pertains. An order, requirement, decision, or determination by such officer or employee shall be made in writing and sent by regular mail to the address furnished by the owner or lessee. Appeals by the owner or lessee to the Planning Commission must be filed in writing with the Director no later than 15 days from the date of the said officer's or employee's action. Any appeal shall be accompanied by an appeal fee in an amount established by resolution of the City Council.

17-11-26. REVIEWING ENTITY FOR TAX CREDITS. The Committee shall have no authority to act as a reviewing entity for purposes of the Colorado Historic Rehabilitation tax credit.