

**Ordinance No. 295**  
**Town of Rico**

**HISTORIC LANDMARK PRESERVATION ORDINANCE**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO, CREATING REGULATIONS AND GUIDELINES FOR THE DESIGNATION OF HISTORIC LANDMARKS AND THE ALTERATIONS TO DESIGNATED HISTORIC LANDMARKS.**

**WHEREAS**, the Board of Trustees recognizes that numerous historic buildings and structures exist in the Town of Rico, that such historic buildings and structures are invaluable historic resources for the Town of Rico, State of Colorado, and the National as a whole, and that such historic buildings and structures constitute an essential element of the character of the Town of Rico;

**WHEREAS**, the Board of Trustees finds that a survey of historic buildings and structures and the designation of local historic land marks will facilitate the preservation of local historic resources;

**WHEREAS**, the Board of Trustees finds that the economic, cultural, and aesthetic standing of this Town cannot be maintained by disregarding the heritage of the Town and failing to prevent the destruction, defacement, or alteration of such cultural assets;

**WHEREAS**, the Board of Trustees finds the designation and protection of Historic Landmarks will protect the health, safety and welfare of the Rico community;

**WHEREAS**, a public hearing was held before the Town of Rico Planning Commission on June 28th, and the Planning Commission determined subsequent to the public hearing to recommend to the Board of Trustees to adopt this Ordinance; and,

**WHEREAS**, a public hearing was held before the Board of Trustees of the Town of Rico on August 8th, 1994, and the Board of Trustees determined subsequent to the public hearing that the adoption of this Ordinance would be in the best interests of the citizens of the Town of Rico;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:**

**SECTION 1:           PURPOSE OF HISTORIC PRESERVATION**

The purpose of this ordinance is to promote the public health, safety, and general welfare of the Rico community through:

- (a) the protection and preservation of the Town's historical and cultural resources, as embodied in designated historic landmarks, by appropriate regulations;

- (b) the enhancement of property values;
- (c) the increase of economic and financial benefits to the Town by preserving and enhancing the attraction of this historic Colorado mining town to tourists, visitors, and persons interested in residing in the Town of Rico; and,
- (e) the provision of education opportunities to increase public appreciation of Rico's unique heritage.

**SECTION 2: HISTORIC PRESERVATION COMMITTEE POWERS AND DUTIES**

The Historic Preservation Committee shall have the shall have the following powers and duties in addition to its existing powers and duties:

- (a) Prepare, and recommend the adoption of, criteria for review of historic resources and criteria for review of proposals to alter, demolish, or move designated resources.
- (b) Review structures and buildings nominated for designation as a Historic Landmark and recommend that the Board of Trustees designate by ordinance those structures and buildings qualifying for such designation.
- (3) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
- (4) Develop and assist in public education programs including but not limited to walking tours, brochures, a marker program for historic properties, lectures, and conferences.
- (5) Conduct surveys of historic buildings and structures for the purpose of defining those buildings and structures of historic significance.
- (6) Advise the Board of Trustees and the Planning Commission of the Town of Rico on matters relating to the historic character of the Town.
- (7) Actively pursue financial assistance for historic preservation related programs.

**SECTION 3: DESIGNATION OF HISTORIC LANDMARKS BY THE HISTORIC PRESERVATION COMMITTEE**

(a) **Procedure.** A nomination for designation, or revocation of designation, of a Historic Landmark may be made by motion of the Historic Preservation Committee or by any citizen or property owner in the Town of Rico. The Historic Preservation

Committee shall contact the owner, or owners, of such potential Historic Landmark and outline the reasons for nomination, effects of designation, and property owner's procedural rights listed in this Ordinance. The Historic Preservation Committee shall strive to obtain consent to Historic Landmark designation.

(b) **Public Hearing and Notice.** The Historic Preservation Committee shall set and hold a public hearing on the nomination for Historic Landmark designation not more than sixty-five (65) days after making the nomination motion or receiving a nomination. Notice of the time, date, place, of the hearing and a description of the affected property, and a summary describing the subject matter of the public hearing shall be given at least fifteen (15) days prior to the date of the hearing. Notice shall also be posted on the affected property and mailed to the record owners of the affected property, as reflected by the records of the county assessor, unless the property owner consents to designation. Failure to send notice by mail to any such property owner where the address of such property owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

(c) **Review.** The Historic Preservation Committee shall make a motion to recommend, or not recommend, designation, or revocation of designation, of property, or properties, as a Historic Landmark after holding the public hearing, on the basis of compliance with adopted criteria and guidelines for designation.

#### **SECTION 4: DESIGNATION OF HISTORIC LANDMARKS BY THE BOARD OF TRUSTEES**

(a) **Procedure.** The Board of Trustees of the Town of Rico shall hold a public hearing within sixty (60) days of a motion to recommend designation of a property, or properties, as a Historic Landmark by the Historic Preservation Committee.

(b) **Public Hearing and Notice.** The Board of Trustees shall provide notice of the time, date, place, of the hearing and a description of the affected property, and a summary describing the subject matter of the public hearing at least fifteen (15) days prior to the date of the hearing. Notice shall also be posted on the affected property and mailed to the record owners of the affected property fifteen (15) days prior to the hearing, as reflected by the records of the county assessor, unless the property owner consents to designation. Failure to send notice by mail to any such property owner where the address of such property owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

(c) **Owner's Consent.** Written consent by the property owner shall be obtained prior to Historic Landmark designation of a residence in the R-1 Single Family Residential District by the Board of Trustees. A property owner's consent shall not otherwise be required for Historic Landmark designation of a structure or building by the Board of Trustees.

(d) **Designation by Ordinance.** The Board of Trustees may designate, or revoke designation of, a building or structure as a Historic Landmark by ordinance after holding a public hearing as provided in this section.

**SECTION 5: HISTORIC LANDMARK ALTERATION CERTIFICATE**

(a) **Historic Landmark Alteration Certificate Required.** No property owner shall carry out or permit to be carried out on a designated Historic Landmark any new construction, alteration, removal, or demolition of a building, structure, or other designated feature without first obtaining a Historical Landmark Alteration Certificate from the Planning Commission as well as obtaining any other permits required by the Town of Rico.

(b) **Pending Historic Landmark Designations.** No property owner shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed Historic Landmark site after the date the Historic Preservation Committee has nominate the site for designation and before the date the Board of Trustees acts on a referral by the Historic Preservation Committee or the date the Historic Preservation Committee rejects the nomination.

(c) **Requirements for a Historic Landmark Alteration Certificate.** The following requirements must be satisfied by the property owner prior to receiving a Historic Landmark Alteration Certificate:

(1) Seven copies of an application for a Historic Landmark Alteration Certificate must be submitted to the Planning Commission and must include the name of the property owner and a description of the subject property; plans, specifications, and architectural designs showing the proposed exterior appearance of the building or structure, such plans and specifications must be at least a scale of one (1) inch equals two (2) feet; a description of proposed exterior material and textures; and any available historic information relevant to the application and supporting the application.

(2) The Planning Commission shall review applications for Historic Landmark Alteration Certificates within sixty (60) days after the application is received by the Town Clerk. The Planning Commission shall hold a public hearing on the application and provide fifteen (15) days notice of the hearing prior to the date of the hearing. Notice shall include posting of the notice on the building or structure which is the subject of the application.

(3) The Planning Commission shall approve the application, or approve with conditions, only if the Commission finds that the proposed alteration meets the following conditions:

A. The alteration would not physically alter the exterior appearance of historic architectural features not including: repair or restoration of historic architectural features, the reconstruction of missing portions of

the building or structure which historically existed, or removal of non-historic architectural features; and the alteration would not create an addition which visually detracts from the historic building or structure; or,

B. The alteration is necessary to correct unsafe or dangerous conditions of any building, structure, or feature, or parts thereof where such condition is declared unsafe or dangerous by the Town building inspector or the Rico Fire District.

(4) The Planning Commission may continue review of an application under this section for sixty (60) days, or longer with the consent of the applicant, to allow for additional information which is necessary to review the application or to allow the Planning Commission and the applicant to explore acceptable alternative solutions to the original application.

(d) **Appeal to Board of Trustees.** The decision of the Planning Commission is final unless the applicant, or any registered voter in the Town, files a written appeal to the Board of Trustees with the Town Clerk to review the decision of the Planning and Zoning Commission within twenty one (21) days of the Planning Commission decision.

(e) **Review by the Board of Trustees.** The Board of Trustees shall hold a public hearing within sixty (60) days on the subject of reviewing the decision of the Planning Commission. Notice of the public hearing shall be provided fifteen (15) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant fifteen (15) days prior to the hearing. The Board of Trustees shall approve, approve with conditions, or deny the application for alteration of a Historic Landmark on the basis of the criteria in paragraph (c) of this section and shall adopt a written statement of findings and conclusions with respect to the decision.

## **SECTION 6: ENFORCEMENT AND PENALTIES**

(a) No property owner shall violate or permit to be violated any of the requirements of this ordinance or terms of a Historic Landmark Alteration Certificate.

(b) In addition to other penalties for violation of an ordinance, violations are punishable by the following additional penalties:

(1) Alterations to a designated Historic Landmark without an approved Historic Landmark Alteration Certificate will result in a one-year moratorium on all building permits for the subject property.

(2) Moving or demolition of a designated Historic Landmark without an approved Historic Landmark Alteration Certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

**SECTION 7: SEVERABILITY**

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

**SECTION 8: PUBLICATION**

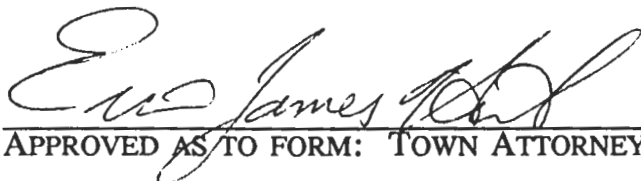
After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado.

**FIRST READING INTRODUCED, READ, ADOPTED, and Referred to a Public Hearing on the 12th day of July, 1994.**

**SECOND READING READ AND ADOPTED on the 8th day of August, 1994.**

  
BY: MAYOR OF THE TOWN OF RICO

819 194

  
APPROVED AS TO FORM: TOWN ATTORNEY

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ATTEST: TOWN CLERK

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(Town Seal)