

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO.15-0585
COMMITTEE OF REFERENCE:
Neighborhoods and Planning

6 **A BILL**

7 **For an ordinance amending Article I of Chapter 30 (Landmark Preservation) of**
8 **the Revised Municipal Code.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That Section 30-9, "Enforcement", of Article I of Chapter 30 of the Revised
11 Municipal Code is hereby amended by adding the language underlined and deleting the language
12 stricken as follows:

13 **Sec. 30-9. Enforcement.**

14 (1) It shall be unlawful to violate any provision of this chapter, or to disobey or fail to
15 follow any order, decision or ruling of the ~~landmark preservation~~ commission or the Lower
16 Downtown Design Review Board. Any person violating any provision of this chapter shall be
17 subject to the penalties provided by this Code.

18 (2) In case any building or structure is erected, constructed, externally reconstructed,
19 externally altered, added to or demolished in violation of this chapter, the ~~preservation~~
20 commission, or if the building or structure is in the (LDHD), the Lower Downtown Design
21 Review Board (LDDRB), may order any such building or structure to be returned to its
22 condition prior to such unlawful erection, construction, reconstruction, exterior alteration,
23 addition or demolition. This may specifically include ordering the reconstruction of a
24 structure that was demolished to replicate as closely as possible the original structure.
25 Furthermore, the city or any proper person may institute an appropriate action or
26 proceedings to prevent such an unlawful erection, construction, reconstruction, exterior
27 alteration, addition or demolition.

28 (3) The imposition of any penalty hereunder, or pursuant to Chapter 2, Article XII,
29 Administrative Citations, shall not preclude the city or any proper person from instituting any
30 proper action or proceeding to require compliance with the provisions of this chapter and
31 with administrative orders and determinations made hereunder.

32 (4) Any person interested in or aggrieved by a decision or action of the ~~preservation~~
33 commission may obtain judicial review in accordance with the Colorado Rules of Civil

1 Procedure Rule 106(a)(4). ~~Such action to obtain review must be brought no later than thirty~~
2 ~~(30) days after the action or decision from which review is sought.~~”

3 **Section 2.** That Section 30-10, “Reviewing entity for historic rehabilitation tax credit
4 projects”, of Article I of Chapter 30 of the Revised Municipal Code is hereby amended by adding
5 the language underlined and deleting the language stricken as follows:

6 **“Section 30-10. Reviewing entity for historic rehabilitation tax credit projects.**

7 (1) The ~~preservation~~ commission shall act as a reviewing entity for the Colorado historic
8 rehabilitation tax credits. ~~The commission shall adopt a resolution each year stating its intent~~
9 ~~to act as reviewing entity,~~ as set forth in Sections 39-22-514 and 39-22-514.5.

10 (2) The amount of the fee required to be paid by the taxpayer for such review shall be as
11 set forth in Section 39-22-514, C.R.S., or as set forth in section 30-13 of this chapter, as
12 applicable.”

13 **Section 3.** The City and County of Denver, through the Denver Landmark Preservation
14 Commission, shall act as a reviewing entity for the purposes of subsection (10) of Section 39-22-
15 514.5, C.R.S., after the effective date of this ordinance.

16 COMMITTEE APPROVAL DATE: August 19, 2015

17 MAYOR-COUNCIL DATE: August 25, 2015

18 PASSED BY THE COUNCIL: _____, 2015

19 _____ - PRESIDENT

20 APPROVED: _____ - MAYOR _____, 2015

21 ATTEST: _____ - CLERK AND RECORDER,

22 EX-OFFICIO CLERK OF THE

23 CITY AND COUNTY OF DENVER

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

25 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: August 27, 2015

26 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
27 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance IS NOT submitted to the City Council for approval pursuant to
29 § 3.2.6 of the Charter.

30
31 D. Scott Martinez, City Attorney,

32 BY: _____, Assistant City Attorney DATE: _____, 2015