



337 E. Bennett Ave., POB 430, Cripple Creek, CO 80813 – Phone (719) 689-3905

BENNETT AVENUE HISTORIC DISTRICT

ORDINANCE NO. 1991-3

“AN ORDINANCE FOR THE CREATION OF THE BENNETT AVENUE HISTORIC DISTRICT WITHIN THE CITY OF CRIPPLE CREEK, COLORADO, FOR THE PROTECTION, ENHANCEMENT, PERPETUATION AND USE OF THOSE STRUCTURES LOCATED WITHIN THAT DISTRICT.”

WHEREAS, the City Council of the City of Cripple Creek has determined that the Historical District as defined in the City of Cripple Creek Zoning Ordinance effective December 3, 1973, is an area of Historic Importance, as defined in the Historic Preservation Ordinance, due to the architectural style and history of present and past structures located within the Bennett Avenue area.

WHEREAS, it is determined that it is in the best interest of the people of the City of Cripple Creek that the City establish reasonable rules, regulations and guidelines for the enhancement, protection and preservation of the sites, structures, objects and areas of historical, cultural, geographical or geological significance located within the Bennett Avenue area; and

WHEREAS, pursuant to Colorado Revised Statute § 29-20-101, et seq., § 31-23-101, et seq., § 31-23-201, et seq., and § 31-23-301, et seq., the City Council has the authority to regulate land use for the purposes of preserving areas of historical and archeological importance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO THAT:

SECTION 1: PURPOSE

The purpose of this Ordinance is to establish the Bennett Avenue Historic District and promote the educational, cultural, economic and general welfare of the City.

SECTION 2: DEFINITIONS

Architectural Importance: Any site, structure or object within the Bennett Avenue Historic District which portrays the environment of a group of people (in the era of history characterized) by a distinctive architectural style; embodies those distinguishing characteristics of an

architectural type specimen; or is the work of an architect or builder whose individual work has influenced the development of the City or contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

Bennett Avenue Historic District: That area set forth as the Bennett Avenue Historic District Map, as amended, currently on file with the City Clerk and comprising the area zoned as the Historical District (H Zone) pursuant to the Zoning Ordinance and map of the City of Cripple Creek effective December 3, 1973, as amended.

Design Guidelines: The Commission shall use as design guidelines for their decisions The Architectural Guidelines for Cripple Creek, Colo., prepared by the Center For Built Environment Studies, School of Architecture and Planning, University of Colorado at Denver, August, 1988. These Design Guidelines shall specify the basic architectural principles for existing buildings, alterations and new construction. These Design Guidelines may be amended by a majority vote of the Commission when significant historical material is presented to justify a proposed amendment. These Design Guidelines will also be supported by a Photographic Catalogue of City Buildings, past and present. In order for a proprietor or owner of a building or site in the Bennett Avenue Historic District to obtain a Certificate of Appropriateness, the plans for preservation, restoration, renovation, alteration or new construction of a building or site must comply with these Design Guidelines. The Commission shall have the right to update, revise, amend, supplement and/or replace The Architectural Guidelines for Cripple Creek, Colorado as it determines, in its discretion, would be necessary or appropriate in the future.

Exemption: Development, alteration or new construction which is not subject to the provisions of this Ordinance shall include private residences located within the Bennett Avenue Historic District, which in no part or manner are used for any commercial purposes. Also exempted from this Ordinance is interior remodeling of a structure and repainting of the exterior of a structure with a Certificate of Appropriateness when the structure is repainted in previously approved colors.

Historic Preservation Ordinance: Ordinance No. 1991-2 passed by the City Council of the City of Cripple Creek.

Photographic Catalogue: This catalogue will support the Design Guidelines with actual photographic representation of brick structures currently existing in the Bennett Avenue Historic District, as well as photographic representation of brick structures that existed in the Historic and Business districts in the period from 1896 through 1910. It will be the responsibility of the Commission to establish this catalogue, and update it as necessary.

NOTE: The capitalized terms contained in this Ordinance shall have the defined meaning as specifically set forth herein or as set forth in the Historic Preservation Ordinance. The definitions set forth in the Historic Preservation Ordinance (Ordinance No. 1991-2) shall apply herein.

SECTION 3: JURISDICTION AND ASPECTS OF HISTORIC PRESERVATION COMMISSION REVIEW PROCEDURE

- (1) The Commission shall review all applications for the Certificate of Appropriateness required by the Historic Preservation Ordinance for the Bennett Avenue Historic District.
- (2) In preparing all Applications for a Certificate of Appropriateness, the Applicant shall follow the procedures set forth in the Historic Preservation Ordinance and shall apply the Design Guidelines and Photographic Catalogue.
- (3) In reviewing all Applications for a Certificate of Appropriateness, the Commission shall follow the procedures set forth in the Historic Preservation Ordinance and shall apply the Design Guidelines and Photographic Catalogue. In reviewing all Applications for a Certificate of Appropriateness, the Commission shall consider the following criteria:

(a) Scale and Form.

- (1) Height. The proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and be in compliance with any City ordinances. In the case of the existing structures, no construction will be permitted that will extend the structure above its original height.
- (2) Width. The width and depth of a building shall be visually compatible with surrounding structures when viewed from any street or open space and be in compliance with any City ordinances. Except for currently existing structures, the width of all structures located within the Bennett Avenue Historic District shall not exceed fifty (50) feet and the depth shall not exceed one hundred twenty-five (125) feet. Notwithstanding the foregoing, in the event an individual owner owns three (3) contiguous lots, a building seventy-five (75) feet in width may be considered by the Commission. In the case of the existing structure, no constructions will be permitted that will extend the structure beyond its original width.
- (3) Proportion of principal facades. The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.
- (4) Roof Space. The roof space of a structure shall be visually compatible with the structures to which it is visually related.
- (5) Scale of a Structure. The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.

- (6) Existing Structures. Existing structures shall conform to all of the above scales and forms as further described in the Design Guidelines and further depicted in the Photographic Catalogue.
- (7) New Structures. In addition to the criteria set forth above, the Design Guidelines and in the Photographic Catalogue, any new structures shall be designed to use the general building sizes, forms, rhythm, colors and features found in historic buildings. Replicas or fake historic buildings will be discouraged. Compatibility and sympathetic design which does not detract from the historic scale and character of Cripple Creek will be encouraged.

(b) Composition of Principal Facades.

- (1) Proportion of Openings. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related.
- (2) Rhythm of Solids to Voids in Facades. The relationship of solids to voids in the facades of a structure shall be visually compatible with structures, public ways and places to which the building is visually related.
- (3) Rhythm of Entrance Porch and Other Projections. The relationship of entrance and other projections to sidewalks shall be visually compatible with structures, public ways and places to which the building is visually related.
- (4) Relationship of Materials. The relationship of the color and texture of materials (other than paint color) of the façade shall be visually compatible with predominant materials used in the structures to which they are visually related.
- (5) Signs. Any new sign, and any change in the appearance of any existing sign located on a landmark, within the Bennett Avenue Historic District, shall not be incongruous to the historic character of the district, and shall comply with the criteria and guidelines specified in the Design Guidelines, the Photographic Catalogue and the City's Sign Ordinance.
- (6) Existing Façade. Existing facades shall conform to all of the above scales and forms as further described in the Design Guidelines and further depicted in the Photographic Catalogue.
- (7) New Facades. New facades, in addition to the criteria set forth above, the Design Guidelines and in the Photographic Catalogue shall be similar in proportion, rhythm and materials to those facades to which it is visually related.

(c) Relationship to Street.

- (1) Walls of Continuity. Facades and site structures, such as masonry walls, fences, landscape masses, shall, when it is characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.
- (2) Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually compatible.
- (3) Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directions character, whether this is vertical character, horizontal character or nondirectional character.
- (4) Streetscape, Pedestrian Improvements. Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a landmark, within the Bennett Avenue Historic District, shall not be incongruous to the historic character of the district, and shall comply with the criteria and guidelines specified in the Design Guidelines and Photographic Catalogue.

SECTION 4: APPLICATION PROCEDURE AND APPEAL

- (1) All Applications shall conform with the requirements of the Historic Preservation Ordinance, Cripple Creek Ordinance No. 1991-2, as amended.
- (2) In the event any construction, including new construction, is proposed by an Applicant which construction is denied a Certificate of Appropriateness, the Applicant shall be entitled to appeal the decision of the Commission to the City Council, pursuant to the Historic Preservation Ordinance, Ordinance No. 1991-2, as amended.
- (3) In the event any Applicant wishes to vary from the provisions of the Ordinance regarding Scale and Form, Composition of Principal Facades or Relationship to Street, the Applicant may request that the proposed construction of alteration be considered by the Commission as a Project of Special Merit, or, if applicable, the Applicant may apply for a Certificate of Economic Hardship, all as provided in Cripple Creek Ordinance No. 1991-2.

Passed on first reading and order published this 2nd day of January, 1991.

Cathy Mills Hern

City Clerk

Passed on second reading and adopted by the City Council this 23rd day of January, 1991.

Approved: Henry Hack

Attest: Cathy Mills Hern

Approved as to form: _____

Published: Gold Rush

City Attorney