

**ORDINANCE NO. 15, SERIES 2014
INTRODUCED BY: COUNCILOR STACI LUPBERGER**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, AMENDING SECTION 47-2 OF THE CODE OF ORDINANCES OF
LAFAYETTE, COLORADO PERTAINING TO THE DEFINITION OF DEMOLITION**

WHEREAS, the City of Lafayette Historic Preservation Board (the “Board”) has expressed concern about the remodeling of buildings 50 years old and older that results in the demolition of a significant portion of building; and

WHEREAS, the Code does not currently define demolition which makes it difficult to determine that the demolition of a significant portion of the building is subject to the review process in Section 47-22; and

WHEREAS, on May 5, 2014 the Board considered an amendment to the Section 47 of the Code of Ordinances of the City of Lafayette, Colorado to define demolition; and

WHEREAS, after carefully studying the proposed amendment to Chapter 47 of the Code of Ordinances, the Board recommended approval of the following amendment; and

WHEREAS, the City Council desires to adopt the Board’s recommendation.

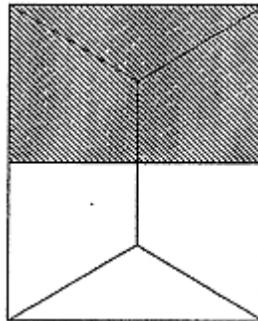
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LAFAYETTE, COLORADO:**

SECTION 1. That Section 47-2 of the Code of Ordinances of the City of Lafayette, Colorado, is hereby amended by adding a defined term, to read as follows:

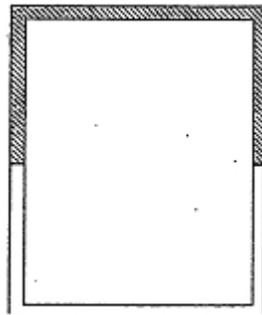
Section 47-2 Definitions

Demolition or demolish means an act or process that removes one or more of the following: -
(The shaded area illustrates the maximum amount that may be removed without constituting demolition)

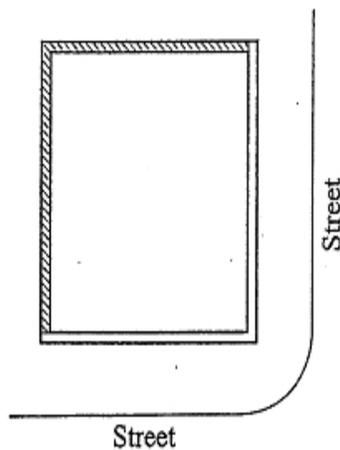
- (1) Fifty percent or more of the roof area, as measured in plan view;
(See example.)



- (2) Fifty percent or more of the exterior walls of a building as measured contiguously around the building envelope (See example); or



(3) Any portion of an exterior wall facing a public street, but not an alley (See example).



In order for a wall not to be considered a demolished wall, the wall shall meet the following minimum standards:

- A. The wall shall retain studs or other structural elements, the exterior wall finish and fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;
 - B. The wall shall not be covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- Each part of the retained exterior walls shall be connected contiguously and without interruption to every other part of the retained exterior walls.

Work on an affected structure may not be divided into two or more separate projects for the purpose of evading or attempting to evade the requirements of this definition. Any two or more projects on an affected structure, undertaken within any 24 consecutive month period shall be treated as a single project for the purpose of determining whether a project constitutes a demolition.

SECTION 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

SECTION 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

SECTION 6. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 20TH DAY OF MAY, 2014.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 3RD DAY OF JUNE, 2014.

ATTEST:

Susan Koster, CMC
City Clerk

CITY OF LAFAYETTE, COLORADO

Christine Berg, Mayor

APPROVED AS TO FORM:

David S. Williamson, City Attorney