



TOWN OF ELIZABETH

**TOWN OF ELIZABETH
Main Street Board of Directors
Thursday, April 21, 2022 at 8:30 AM
Town Hall, 151 S. Banner Street**

CALL TO ORDER

ROLL CALL

AGENDA CHANGES

MINUTES

- [1.](#) Regular Minutes of March 10, 2022

NEW BUSINESS

- [2.](#) Discussion and possible action on recommendation of Main Street Board of Directors growing board membership from 5 to 7 to the Board of Trustees
- [3.](#) Discussion regarding Main Street Street-Furniture
4. Discussion regarding 2022 Ornament design
5. Discussion regarding Networking event/meeting with EMMA
- [6.](#) Discussion regarding Historic Preservation code update proposal
7. Discussion regarding Flower Plantings on Main Street

REPORTS

- [8.](#) Staff Report
9. Board Reports

ADJOURNMENT



TOWN OF ELIZABETH

MAIN STREET BOARD OF DIRECTORS – RECORD OF PROCEEDINGS MARCH 10, 2022

CALL TO ORDER

The Regular Meeting of the Main Street Board of Directors was called to order on Thursday, March 10, 2022, at 8:29 AM by President Tedd Lipka.

ROLL CALL

Present were President Tedd Lipka, Vice President Linda Bulmer, and Board Member Jeff Struthers by phone. Michael Hussey was not present. There was a quorum to conduct business.

Also present were Planner/Project Manager Zach Higgins and Deputy Town Clerk Harmony Malakowski.

AGENDA CHANGES

No changes to the agenda as presented.

MINUTES

Regular Minutes of February 10, 2022

Motion by Vice President Bulmer, seconded by Mr. Struthers, to approve the minutes from February 10, 2022.

The vote of those Board Members present was unanimously in favor. Motion carried.

NEW BUSINESS

Discussion and possible action on recommendation of Main Street Board of Directors Candidates to the Board of Trustees

Motion by Vice President Bulmer, seconded by Mr. Struthers, to recommend to the Board of Trustees appointing Kurt Prinslow or Brandon Jeffress and to reappoint Michael Hussey to the Main Street Board of Directors.

The vote of those Board Members present was unanimously in favor. Motion carried.

Discussion and possible action on 2022 Elizabeth Farmers' Market Agreement



TOWN OF ELIZABETH

Motion by Vice President Bulmer, seconded by Mr. Struthers, to recommend to the Board of Trustees the 2022 Elizabeth Farmers' Market Agreement.

The vote of those Board Members present was unanimously in favor. Motion carried.

Discussion regarding Main Street Street-Furniture

Staff provided the Board with different types of benches to discuss. More information will be forthcoming at the next meeting.

Discussion regarding 2023 Ornament Design

Item tabled until the next meeting.

Discussion regarding the Main Street Streetscape Design Public Meeting

Mr. Higgins provided an outline of the Kickoff Meeting for the Streetscape Design scheduled for March 10, 2022, at 6:00 PM.

STAFF REPORTS

- Discussion regarding Board vacancies.
- Mr. Higgins confirmed everyone had their upcoming training information.
- Mr. Higgins provided an update regarding the Main Street Directional sign.
- Mr. Higgins provided an update regarding the Gesin lot centerline.

BOARD REPORTS

- Vice President Bulmer provided an update that the Running Creek Shops had been sold.
- Discussion regarding Frontier High School.

ADJOURNMENT

Motion by President Lipka, seconded by Vice President Bulmer, to adjourn meeting at 9:58 AM. The vote of those Board Members present was unanimously in favor. Motion carried.

President Tedd Lipka

Deputy Town Clerk Harmony Malakowski



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Main Street Board of Directors
FROM: Zach Higgins, AICP Planner/Project Manager
DATE: April 21, 2022
SUBJECT: MSBOD Bylaws

SUMMARY

The Main Street Board of Directors recommended the appointment of two applicants to join the MSBOD at the March 2022 meeting. The Board of Trustees interviewed both candidates and made the suggestion that the MSBOD grow their membership to include both new candidates.

The MSBOD Bylaws state: The Board of Directors shall recommend to the Board of Trustees to amend or repeal bylaws or adopt new bylaws. The recommendation by the Board of Directors to the Board of Trustees requires a two thirds vote of members present at any duly called meeting of the Board of Directors.

The Board Member Information is located in the Bylaws under Article IV: Board of Directors, Section 1: Board Member Information, A. Number and Tenure: The Main Street Board of Directors shall consist of five (5) members representing a breadth of knowledge and experience.

If the Main Street Board of Directors want to move forward with this amendment, they would need to recommend to the Board of Trustees to amend Article IV, Section 1, A to read: The Main Street Board of Directors shall consist of seven (7) members representing a breadth of knowledge and experience.

STAFF RECOMMENDATION

Staff has no recommendation regarding the MSBOD Bylaws at this time.

ATTACHMENT(S)

Exhibit A – MSBOD Bylaws

▪ PO Box 159, 151 S. Banner Street ▪ Elizabeth, Colorado 80107 ▪ (303) 646-4166 ▪ Fax: (303) 646-9434 ▪
www.townofelizabeth.org



TOWN OF ELIZABETH

MAIN STREET BOARD OF DIRECTORS

Bylaws of the Elizabeth Main Street Program

ARTICLE I: Name and Term

The name of this organization shall be the Elizabeth Main Street Program (herein referred to as “EMS”). Its duration shall be perpetual, unless dissolved by resolution of the Board of Directors, as per Article III, Section 2.

ARTICLE II: Purpose

Vision Statement:

“It is our vision to revitalize Main Street Elizabeth through the preservation of its character and history, the promotion of local creativity and economic development, and the enhancement of quality of life in both the lives and workplaces of residents and visitors of the community at large.”

Mission Statement:

“To create and sustain a community gathering space that fosters a dynamic and prosperous business environment while preserving Elizabeth’s historical and cultural values on Main Street.”

ARTICLE III: Administration

Section 1: Prohibition of Private Inurement

No part of the net earnings or budget allotted to this organization shall inure to the benefit of or be distributable to its members, directors, or trustees, officers or other private persons.

Section 2: Dissolution

The EMS may only be dissolved by action of the Board of Trustees.

Section 3: Under Umbrella of Town

The Main Street Program shall exist as a division of the Town of Elizabeth and receive its budget and funding therefrom.

Section 4: Amendments



TOWN OF ELIZABETH

MAIN STREET BOARD OF DIRECTORS

The Board of Directors shall recommend to the Board of Trustees to amend or repeal bylaws or adopt new bylaws. The recommendation by the Board of Directors to the Board of Trustees requires a two thirds vote of members present at any duly called meeting of the Board of Directors.

Article IV: Board of Directors

Section 1: Board Member Information

- A. Number and Tenure: The Main Street Board of Directors shall consist of five (5) members representing a breadth of knowledge and experience. The initial terms or tenure of office for each director shall be as follows; three (3) members are appointed for two (2) year terms, two (2) members are appointed for three (3) year terms. Upon expiration of initial terms, all subsequent terms shall consist of three (3) years.
- B. Duties: The duties of the Board members are as referenced in the Board Member Job Description.
- C. Appointments: New candidates seeking appointment shall complete an application for the position. Existing members seeking reappointment shall submit a letter of intent to the Board of Directors. The Board of Directors shall review and choose to either recommend or not recommend the appointment to the Board of Trustees. The Board of Trustees shall approve or deny the appointment.
- D. Removal: A member can be removed from his or her term as a Director, based on the violation of the Main Street Program protocol. The Board of Directors shall choose to either recommend or not recommend the removal to the Board of Trustees. The Board of Trustees shall approve or deny the removal following a hearing that includes a basis for the proposed removal.
- E. Vacancies: Any vacancy occurring on the Board of Directors shall be filled no more than 60 days after the vacancy. Three (3) months prior to the expiration of a member's term, the position shall be made open to the public. One month prior to the expiration of the member's term, the Board of Directors shall vote on recommending an appointment to the Board of Trustees for approval. A member appointed to fill a



TOWN OF ELIZABETH

MAIN STREET BOARD OF DIRECTORS

vacancy shall fulfill the unexpired term of his or her predecessor in office.

- F. Nepotism: The Board of Directors shall abide by the Nepotism policy outlined in Elizabeth Municipal Code, Sec. 2-3-70.
- G. Compensation: Directors shall not receive any salary for their services, but nothing herein shall preclude and Director from serving the organization in any other capacity and receiving reasonable compensation therefor. The Board may authorize Directors to be paid actual and necessary expenses incurred while conducting organization business.

Section 2: Meetings, Voting, and Conduct

- A. Regular Meetings: The Board of Directors shall hold monthly regular meetings at the Town Hall in Elizabeth, Colorado, or at a different location that shall be designated by a motion and majority vote of the Board of Directors recorded in the meeting minutes. The Board of Directors may also provide, by motion and majority vote recorded in the meeting minutes, a time and a place for holding additional regular meetings with twenty four (24) hour public notice in a designated place in compliance with the Colorado Open Meetings Law. Additional regular meetings shall be held at the same location(s) in the absence of any other designated by motion and majority vote recorded in the meeting minutes.
- B. Special Meetings: Special meetings of the Board of Directors may be called by any member with twenty four (24) hours written notice to each member and public notice in compliance with the Colorado Open Meetings Law. Special meetings may also be called during any duly convened meeting for a future date by vote of the Board of Directors.
- C. Executive Sessions: The Board of Directors may meet in an Executive Session if permitted by conditions outlined in the Colorado Open Meetings Law.
- D. Notice Posting: For each meeting of the Board of Directors, the meeting agenda shall be posted for the public in a designated place no less than twenty four (24) hours prior to the commencement of the said meeting per the Colorado Open Meetings Law. The



TOWN OF ELIZABETH

MAIN STREET BOARD OF DIRECTORS

Board of Directors shall, at the first meeting of the calendar year, determine method and place of public notice posting.

- E. Quorum: A quorum for conducting business shall be considered a majority of the number of seats on the Board of Directors. The action of a majority of the members present during a quorum shall be the action of the Board of Directors.
- F. Records and Minutes: Minutes and records of proceedings will be recorded and retained in compliance with the Colorado Open Meetings Law.

Article V: Officers

The election of officers shall take place at the first meeting of each calendar year. In the case of vacancies of officers, an election shall be held at the meeting following the vacancy of any officer.

Section 1: President

The President of the Board of Directors shall run meetings.

Section 2: Vice President

The Vice President of the Board of Directors shall run meetings in the absence of the President. The Vice President shall assume the position of President of the Board of Directors in the instance that the President's seat is vacated or the President is removed.

Article VI: Finances

All finances shall be managed by the Town of Elizabeth.

Article VII: Indemnification

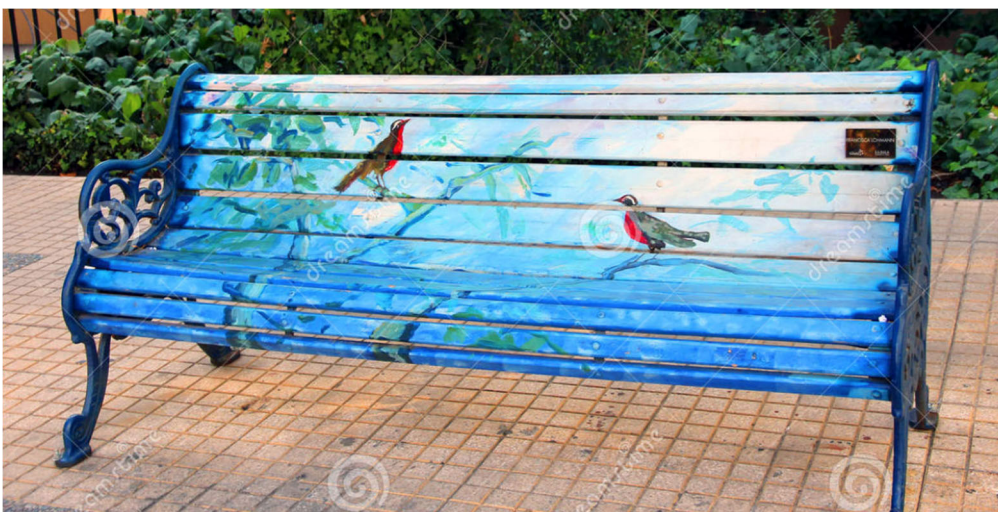
Directors are covered by the Town's insurance as volunteers so long as they act within the scope of their authority.

STREET FURNITURE DISCUSSION

Benches – Commercial benches range from \$600 to \$2,000+ depending on material and customization. Powder coated steel and recycled plastic were the most common materials that I found with some wood options still available as well. To decorate the benches, they could be painted on directly, custom etched, or welded onto.


The possibility was discussed of having eight benches total with four being painted. Every year the MSBOD could auction off one to four of the painted benches and have one to four commissioned to be painted again.

Photos and additional information:









Your Outdoor Superstore 1-800-323-5664
M-F 8:00am - 4:30pm CT

Home | Free Catalog | About Us | Contact Us | FAQs | Site Map

Search


Browse

Renaissance Style | Wooden Park Bench

Beautiful Oak Wooden Bench with Powder-Coated Cast Aluminum Frame


This Renaissance Style wooden bench is constructed with a cast aluminum frame and the seat and back are crafted with 2-1/2" x 3/4" white oak planks. The electro static powder-coated frame is available in the color options shown.

The intricate detailed design of the cast aluminum frame and the gorgeous white oak is sure to look sharp anywhere. Wood rails are finished with Duckback Superdeck® finishing oil which can reduce maintenance time, protects from UV rays and extends the life of the wood. Bench measures 32"H x 26"W with a 15-3/4" seat height.




- Weekly Specials
- Featured Products
- QuickShip Products
- Buying Guides
- ▼ Browse by Category
- Barbecue Grills
- Barbecue Smoker Grill
- Banquet Tables
- Benches
- Bike Racks
- Bleachers | Grandstands
- Bus Stop Shelters
- Canopy Tents
- Cigarette Receptacles
- Drinking Fountains
- Exercise Equipment
- Fire Rings
- Flags
- Floor Matting
- Food Service Equipment
- Message Centers
- Park Benches
- Park Grills | Camp Stoves
- Parking Lot Equipment
- Patio | Café Furniture
- Pet Products
- Picnic Tables
- Planters

Matching Products




32 Gallon Wood Township Trash Can




Renaissance Style Backless Wood Park Benches

Model RBP-60-W


Frame Color Options



red




blue




dark green




evergreen









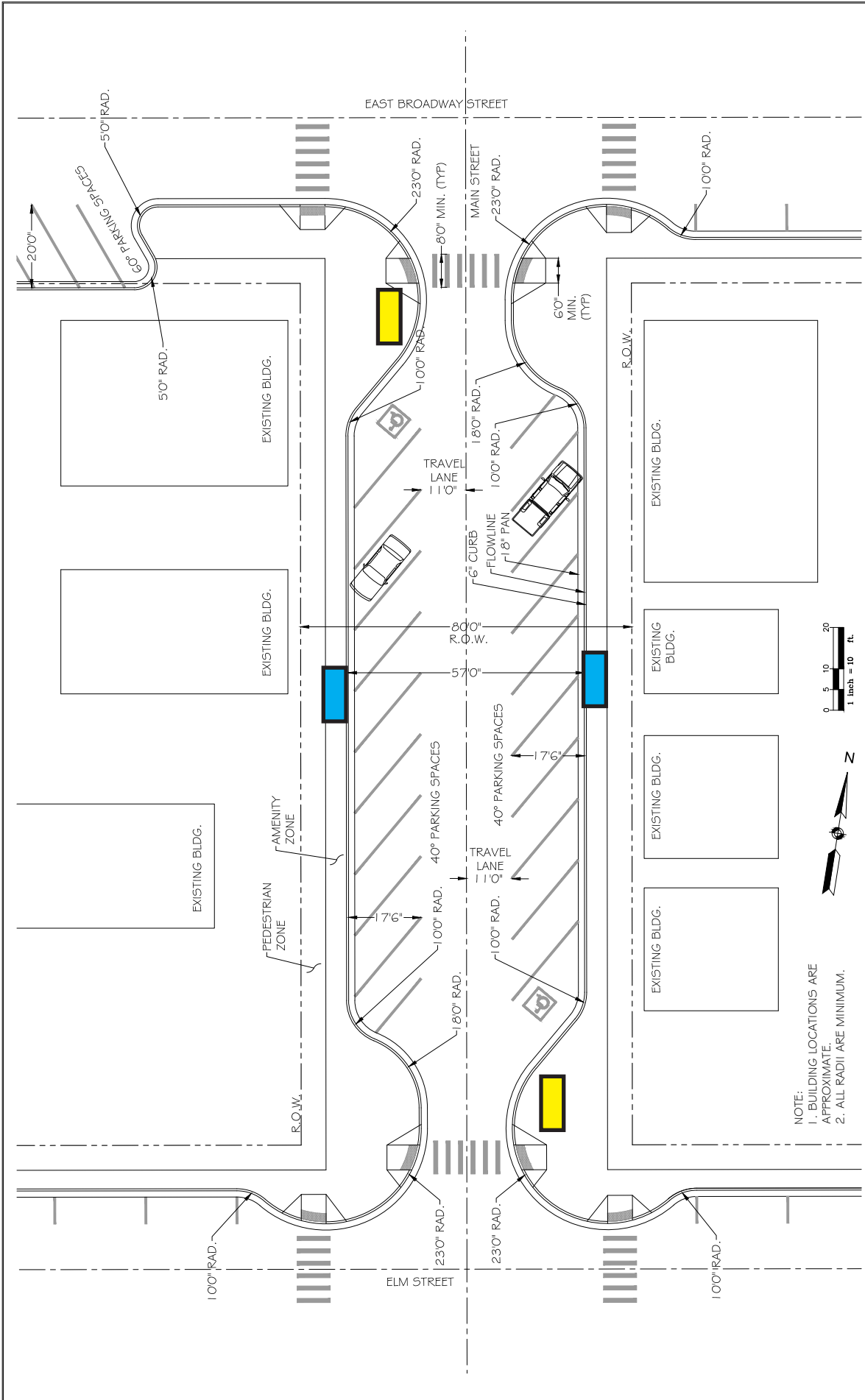


Renaissance Style Wood Chair White Oak						Qty
RGC-23-W	23" Length	2 Legs	Frame Color	(50 lbs)	\$480.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
Renaissance Style Wood Park Bench White Oak						Qty
RBS-48-W	48" Length	2 Legs	Frame Color	(60 lbs)	\$581.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
RBP-60-W	60" Length	3 Legs	Frame Color	(80 lbs)	\$724.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
RBLF-80-W	80" Length	3 Legs	Frame Color	(90 lbs)	\$780.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
Renaissance Style Wood Chair IPE						Qty
RGC-23-IPE	23" Length	2 Legs	Frame Color	(50 lbs)	\$594.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
Renaissance Style Wood Park Bench IPE						Qty
RBS-48-IPE	48" Length	2 Legs	Frame Color	(60 lbs)	\$866.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
RBP-60-IPE	60" Length	3 Legs	Frame Color	(80 lbs)	\$941.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>
RBLF-80-IPE	80" Length	3 Legs	Frame Color	(90 lbs)	\$1,249.00	<input type="text"/>
Optional Pilot Holes for Surface Mount (Complementary)						<input type="checkbox"/>

(Prices F.O.B. Origin)

PO Box 159, 151 S. Banner Street • Elizabeth, Colorado 80107 • (303) 646-4166 • Fax: (303) 646-9434 • www.townofelizabeth.org

Page 12



DATE: 8/24/17	TIME: 11:56:32 AM	NO.:	BY:	DATE:	PERSON:
SHEET NO. 1	OF 9 SHEETS				
<p>ELIZABETH MAIN STREET PARKING SPACING</p> <p>PREPARED FOR TOWN OF ELIZABETH</p> <p>DATE SUBMITTED: 8/24/17</p>					
<p>NV5 NORTH VALLEY ENGINEERING</p> <p>1000 MAIN STREET, SUITE 100 ELIZABETH, NJ 07208</p> <p>TEL: 908.527.1100 WWW.NV5ENGINEERING.COM</p>					
<p>NOTE: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or use of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.</p>					

Chapter 2 – Article VIII - Historic Advisory Board

Section 1. General

1. Purpose. The purpose of this ordinance is to enhance our community's local resources and to promote the public health, safety, and welfare through:
 - a. The protection and preservation of the Town's architecture, culture, and heritage as embodied in Historic Properties and Historic Districts, by appropriate regulations and incentives;
 - b. The enhancement of Property values and the stabilization of historic neighborhoods;
 - c. The establishment of the Town's Historic Register listing Historic Properties and Historic Districts;
 - d. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
 - e. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
 - f. The promotion of thoughtful community planning and design;
 - g. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the Town; and
 - h. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.
2. Intent. The intention of this ordinance is to create a reasonable balance between private property rights and the public interest in preserving the City's unique historic character through the nomination of Buildings, Structures, Sites, Objects, and districts for preservation.
3. Definitions. For purposes of this ordinance, the following terms are to be defined as follows:
 - a. **Alteration or Alter** – Any act or process that changes one (1) or more of the exterior architectural or landscape features of a Building, Structure, Site, Object, or district.
 - b. **Applicant** – Person or persons submitting nomination or Alteration paperwork.
 - c. **Board of Trustees** – The board of trustees of the Town.
 - d. **Building** – A shelter or enclosure Constructed for persons, animals, or chattels.
 - e. **Building Code** – The [The current Town Building Code].
 - f. **Building Official** – The officer or other designated authority charged with the administration and enforcement of the Building Code, or that person's authorized representative.
 - g. **Certificate of Appropriateness** – Certificate issued by the Historic Advisory Board authorizing any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property or element within a Historic District pursuant to this ordinance.
 - h. **Certificate of Economic Hardship** – A certificate issued by the Commission authorizing the repair, restoration, Alteration, Construction, Relocation, or Demolition of a designated Building,

Structure, Object, Site, or element within a designated Historic District in accordance with the provisions of this ordinance, even though a Certificate of Appropriateness has previously been denied.

- i. **City's Historic Register** – The register established pursuant to Section 3 of this ordinance.
- j. **Code** – The [City Code/Municipal Code].
- k. **Colorado State Register of Historic Properties** – The official listing of state designated cultural resources.
- l. **Commission** – The Historic Preservation Commission established pursuant to Section 2 of this ordinance.
- m. **Compatible** or **Compatibility** – Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual Building, Structure, Object, or Site or of surrounding Properties.
- n. **Construction** or **Construct** – Act of erecting an addition to an existing Building, Structure, or Object or the erection of a new principal or accessory Building, Structure, or Object on a lot or Property.
- o. **Contributing Property** – A Building, Structure, Site, or Object that reflects the historic or architectural character within a Historic District.
- p. **Demolition** or **Demolish** – Any act or process that destroys in part or in whole a Building, Structure, Object, or Site.
- q. **Design Guidelines** – A standard of appropriate activity that will preserve the historic and architectural character of a Historic Property, Property, or Historic District.
- r. **Historic District** – Meaning as set forth in Section 3 of this ordinance.
- s. **Historic Property** – A Building, Structure, Site, or Object which is designated by the City Council pursuant to this ordinance.
- t. **Historic Significance** – The meaning or value ascribed to a Building, Structure, Object, Site, or district based on criteria for evaluation as defined by Section 3 below.
- u. **Infill** – Construction on vacant or under-used parcels within existing areas that are largely developed.
- v. **Integrity** – The ability of a property to convey its Historic Significance through its physical features.
- w. **Inventory** – Catalog of Buildings, Structures, Objects, and Sites within the City, listed, eligible for listing, or non-eligible for listing in the City's Historic Register.
- x. **Maintenance** – All activities necessary to prolong the useful life and aesthetic appearance of a Property.
- y. **National Register of Historic Places** – The list of significant Buildings, Structures, Sites, Objects, or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.
- aa. **Non-Contributing Property** – A Building, Structure, Object, or Site that does not reflect the historic or architectural character within a Historic District because of age or lack of Integrity.

- bb. **Object** – A material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- cc. **Period of Significance** – Span of time during which significant events and activities occurred.
- dd. **Owner** – The person, corporation, government, or other legal entity who owns or who has any legal or equitable interest in Property and who is so listed as Owner on the records of the Elbert County Assessor's Office.
- ee. **Property** – A Building, Structure, Site, or Object.
- ff. **Relocate or Relocate** – Moving a Building, Structure, or Object to a different location, either temporarily or permanently.
- gg. **Secretary** – The secretary of the Commission.
- hh. **Secretary of the Interior's Standards for the Treatment of Historic Properties** – The preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.
- ii. **Section 106 Review** – Process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of projects carried out, permitted, licensed, or funded by that agency on properties listed in the National Register of Historic Places.
- jj. **Site** – Location of a significant event; a prehistoric or historic occupation or activity; or a Building, Structure, or Object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing Building, Structure, or Object.
- kk. **Structure** – A Construction for purposes other than shelter for humans, animals, or chattel (such as a road, bridge, canal, or fence).
- ll. **Town** – Town of Elizabeth, Colorado

Section 2. Historic Advisory Board

1. Creation. There is hereby established a Historic Advisory Board, which shall be appointed by the Board of Trustees, and hereinafter referred to as the "HAB."
2. Composition
 - a. The HAB shall be composed of seven (7) voting members, all of whom have demonstrated interest in, competence with or knowledge of preservation.
 - b. At least 40% of the members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to History, Architecture, Landscape Architecture, American Studies, American Civilization, Cultural Geography, Cultural Anthropology, Planning, or Archaeology.
3. Term of Office
 - a. Members shall serve three-year staggered terms from the date of their appointment; provided, however, that the initial appointment to the Commission shall consist of one appointment of a term of one year, two appointments of a term of two years, and two

appointments of a term of three years.

- b. Members may continue to serve until their successors have been appointed.
4. Officers. The HAB shall, by majority vote, elect one of its members to serve as chairperson to preside over the HAB's meetings, one member to serve as the vice-chairperson and one member to serve as Secretary. The members so designated shall serve in these capacities for terms of one year.
5. Quorum and Voting. A quorum for the HAB shall consist of a majority or 51% of the members. A quorum is necessary for the HAB to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.
6. Compensation. All members of the HAB shall serve without compensation except for such amounts determined appropriate, in advance, by the Board of Trustees to offset expenses incurred in the performance of their duties.
7. Powers and Duties. The HAB shall:
 - a. Conduct surveys and create Inventories of Properties and areas for the purpose of defining those of Historic Significance.
 - b. Review and determine qualifications of Buildings, Structures, Objects, Sites, and districts nominated for designation and recommend that the Board of Trustees designate by ordinance such Buildings, Structures, Objects, Sites, or districts qualifying for such designation.
 - c. Recommend to the Board of trustees the establishment of Construction and Design Guidelines, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, for review of proposals to Alter, Relocate, or Demolish Historic Properties.
 - d. Review and make recommendations on any application for Alteration, Relocation, or Demolition of a Historic Property or Historic District or planning and design project that may affect the character or Integrity of the Historic Property or Historic District.
 - e. Participate in review of National Register of Historic Places nominations.
 - f. Advise and assist Owners on physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the Town's Historic Register, the Colorado State Register of Historic Properties, and the National Register of Historic Places.
 - g. Develop and assist in public education programs on history, archaeology, and historic preservation.
 - h. Advise the Board of Trustees on matters related to preserving the historic character and substance of the Town and recommend easements, covenants, licenses, and other methods which will implement the completion of the purposes of this ordinance.
 - i. Participate in Federal Section 106 Review as requested by Board of Trustees or Staff.
 - j. Actively pursue financial assistance for preservation-related programs.

- k. Draft and recommend for adoption by the Board of Trustees such by-laws, operating policies and other rules of procedure as the HAB may deem appropriate.
- 8. Meetings
 - a. The HAB shall establish a regular meeting schedule with no less than four scheduled meetings per fiscal year.
 - b. Minutes shall be kept of all HAB proceedings.
 - c. All meetings of the HAB shall be open to the public.
- 9. Vacancies. Appointments to fill vacancies on the HAB shall be made by the Board of Trustees in the same manner as regular appointments.
- 10. Removal. Members of the HAB may be removed by the Board of Trustees with just cause.

Section 3. Establishment of Town Register and Designation Criteria

- 1. The Board of Trustees hereby establishes Elizabeth, Colorado Register of Historic Places.
 - a. Properties or districts may be listed in the Town's Historic Register only if such Property or district has been so designated pursuant to this ordinance.
 - b. All Properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town's Historic Register but are not designated until approval, pursuant to this ordinance, is obtained.
- 2. Eligibility Criteria
 - a. Properties or districts shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
 - i. Association with events that have made a significant contribution to history;
 - ii. Connection with persons significant in history;
 - iii. Distinctive characteristics of a type, period, method of Construction, or artisan;
 - iv. Geographic importance; and/or
 - v. Possibility to yield important information related to prehistory or history.
 - b. A Property or district may be exempted from the age standard if the City Council finds it to be exceptionally important in other criteria.
- 3. Integrity Criteria

All Properties and districts shall be evaluated for their physical Integrity using the following criteria:

 - a. Location
 - b. Design
 - c. Setting
 - d. Materials
 - e. Workmanship
 - f. Association (with prominent historical person or purpose)
- 4. Historic Districts
 - a. A "Historic District" is a geographically definable area including a concentration, linkage, or continuity of Properties within a specified

Period of Significance and may include within its geographic boundaries one or more Contributing Properties, which has been designated by the City Council pursuant to this ordinance.

- b. A Historic District is related by a pattern of either physical elements or social activities. Historic Significance is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).
- c. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in Property type, density, or Integrity.
- d. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.

Section 4. Designation Procedure

1. Nomination and Application

- a. Applications shall be submitted to the Town Clerk for consideration on a form provided by the Commission.
- b. A nomination for listing in the Town's Historic Register may be made:
 - i. By the Owner or Owners of the Property or Properties to be designated;
 - ii. By a member or members of the HAB;
 - iii. By a member or members of Board of Trustees; and/or
- c. Where nominated by someone other than the Property Owner or less than all of the Property Owners in a district nominated for designation, the Town or at least one member of the HAB shall contact the Owner or Owners of such Property or Properties nominated for designation in writing, outlining the reasons and effects of listing in the Town's Historic Register within 30 days of receipt of nomination.
- d. Applications determined incomplete shall be returned to the Applicant within 30 days with a request for additional information.
- e. Applications for a district nomination shall not be complete if more than 25% of the Property Owners within the proposed district oppose the nomination in writing or through ballot prepared and administered by the Town.

2. Designation Hearing

- a. Within 45 days after an application is determined complete, or within a time frame agreed upon by the Applicant and the Town, a public hearing shall be held by the HAB.
 - i. The Secretary shall provide notice of the date, time, and location of the public hearing to the Applicant, the Owner or Owners of record, the Owners of adjacent properties and, if known, to other persons having a legal or equitable interest in the Properties or district nominated for designation at least 10 days prior to the hearing.
 - ii. A legal notice indicating the nature of the hearing, the Property involved, and the time, date, and place of the scheduled public hearing, shall be published in the Town's

publication of record at least 10 days prior to the hearing.

- iii. The notice shall be posted at the Property's physical location at least 10 days prior to the hearing.
 - b. A hearing may be continued. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 30 days without the express consent of the Applicant.
 - c. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent the HAB from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
 - d. Transcripts of the hearings are not required; however, the HAB's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an Owner or holder of some interest in the Property or district nominated for designation, or represents such Owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing.
- 3. HAB Review
 - a. The HAB shall review the application for conformance with the established criteria for designation and with the purposes of this ordinance.
 - b. The HAB shall recommend:
 - i. Approval;
 - ii. Approval with conditions; or
 - iii. Denial of the application.

The HAB shall set forth in writing its findings of fact which constitute the basis of its recommendation.
 - c. If the HAB approves an application or approves an application with conditions, the HAB shall forward the application with a copy of its report and findings of approval to the Board of Trustees.
 - d. If the HAB denies the application, the Commission must notify, in writing, the Board of Trustees and the Applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the Board of Trustees.
 - e. The HAB may issue an order continuing the nomination process if the HAB finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 30 days without the express consent of the Applicant.
- 4. Board of Trustees Proceedings
 - a. Within 30 days after receipt of the HAB's approval of an application,

the Board of Trustees shall hold a public hearing to consider adopting by ordinance those properties qualifying for designation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 4, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities assigned therein to the Secretary.

- b. The Board of Trustees shall review the application for conformance with this ordinance.
 - c. The Board of Trustees shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the HAB's recommendations.
 - d. The Town shall provide a copy of the results of the Board of Trustees' final action to the Applicant/Applicants, all Owners of record, the Planning Director, the Building Official, and any other person who has requested in writing to receive the same.
5. Recording of Designation. Within 30 days of the effective date of an ordinance designating a Historic Property or Historic District for preservation, the Town shall record the ordinance with the clerk and recorder of Elbert County.
 6. Records. The Town shall maintain a current record of all Historic Properties and Historic Districts and pending designations.
 7. Limitation on Resubmission and Reconsideration of Proposed Designation. Whenever the HAB or the Board of Trustees denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application unless the HAB or Board of trustees has denied based on a request for additional information.
 8. Appeal of HABs Denial of Application
 - a. Applicant(s) and/or Owner(s) shall have the right to appeal such decision to the Board of Trustees by filing a written notice within 15 days after the date of receipt of the HAB's denial. Such written notice shall specify the factual and legal basis for the appeal.
 - b. Within 45 days after an appeal is received by the Town Clerk, or within a time frame agreed upon by the Applicant(s) and/or Owner(s) and the Town, a public hearing shall be held by the Board of Trustees. Notice of the Board of trustees' consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the Secretary.
 - c. The Board of Trustees may consider only the notice of appeal, the HAB's reasons for denial of the application, and the comments related thereto made during the HAB hearing.
 - d. If the Board of Trustees finds the HAB's denial of the application was based on incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Commission, and if the correct or newly discovered information could, in the opinion of the Board of Trustees, change the HAB's denial of said application, then the entire matter shall be remanded by the Board of Trustees to the HAB for its consideration.

- e. The decision of the Board of Trustees shall be final.
9. Amendment of Designation
- a. Designation of a Historic Property or Historic District may be amended to add features or Properties to such Historic Property or Historic District under the procedures prescribed hereinabove.
 - b. Upon the Commission's decision to amend a designation, the Commission shall promptly notify the Owners of the Historic Property and the City shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the amendment, and schedule the resolution for City Council review. Upon adoption by the City Council, the resolution shall be recorded.
10. Revocation of Designation
- a. If a Historic Property or Historic District has been Altered to a degree that it no longer retains its historic Integrity, the Owner may apply to the HAB for a revocation of the designation or the HAB shall recommend revocation of the designation to the Board of Trustees in the absence of the Owner's application to do so. The revocation application shall be reviewed under the same procedures described hereinabove.
 - b. Upon the HAB's decision to revoke a designation, the HAB shall promptly notify the Owners of the Historic Property or Historic District and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the revocation, and schedule the resolution for Board of Trustees review. Upon adoption by the Board of Trustees, the resolution shall be recorded.

End of Article VIII draft

Chapter 16 – Article XI – Historic Preservation

(Provide link to Article VIII – Historic Advisory Board here)

Section 1. General

1. Purpose. The purpose of this ordinance is to enhance our community's local resources and to promote the public health, safety, and welfare through:
 - a. The protection and preservation of the Town's architecture, culture, and heritage as embodied in Historic Properties and Historic Districts, by appropriate regulations and incentives;
 - b. The enhancement of Property values and the stabilization of historic neighborhoods;
 - c. The establishment of the Town's Historic Register listing Historic Properties and Historic Districts;
 - d. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
 - e. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
 - f. The promotion of thoughtful community planning and design;
 - g. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the Town; and
 - h. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.
2. Intent. The intention of this ordinance is to create a reasonable balance between private property rights and the public interest in preserving the City's unique historic character through the nomination of Buildings, Structures, Sites, Objects, and districts for preservation.
3. Definitions. For purposes of this ordinance, the following terms are to be defined as follows:
 - a. **Alteration or Alter** – Any act or process that changes one (1) or more of the exterior architectural or landscape features of a Building, Structure, Site, Object, or district.
 - b. **Applicant** – Person or persons submitting nomination or Alteration paperwork.
 - c. **Board of Trustees** – The board of trustees of the Town.
 - d. **Building** – A shelter or enclosure Constructed for persons, animals, or chattels.
 - e. **Building Code** – The [The current Town Building Code].
 - f. **Building Official** – The officer or other designated authority charged with the administration and enforcement of the Building Code, or that person's authorized representative.
 - g. **Certificate of Appropriateness** – Certificate issued by the Historic Advisory Board authorizing any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property or element within a Historic District pursuant to this ordinance.

- h. **Certificate of Economic Hardship** – A certificate issued by the Commission authorizing the repair, restoration, Alteration, Construction, Relocation, or Demolition of a designated Building, Structure, Object, Site, or element within a designated Historic District in accordance with the provisions of this ordinance, even though a Certificate of Appropriateness has previously been denied.
- i. **City’s Historic Register** – The register established pursuant to Section 3 of this ordinance.
- j. **Code** – The [City Code/Municipal Code].
- k. **Colorado State Register of Historic Properties** – The official listing of state designated cultural resources.
- l. **Commission** – The Historic Preservation Commission established pursuant to Section 2 of this ordinance.
- m. **Compatible or Compatibility** – Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual Building, Structure, Object, or Site or of surrounding Properties.
- n. **Construction or Construct** – Act of erecting an addition to an existing Building, Structure, or Object or the erection of a new principal or accessory Building, Structure, or Object on a lot or Property.
- o. **Contributing Property** – A Building, Structure, Site, or Object that reflects the historic or architectural character within a Historic District.
- p. **Demolition or Demolish** – Any act or process that destroys in part or in whole a Building, Structure, Object, or Site.
- q. **Design Guidelines** – A standard of appropriate activity that will preserve the historic and architectural character of a Historic Property, Property, or Historic District.
- r. **Historic District** – Meaning as set forth in Section 3 of this ordinance.
- s. **Historic Property** – A Building, Structure, Site, or Object which is designated by the City Council pursuant to this ordinance.
- t. **Historic Significance** – The meaning or value ascribed to a Building, Structure, Object, Site, or district based on criteria for evaluation as defined by Section 3 below.
- u. **Infill** – Construction on vacant or under-used parcels within existing areas that are largely developed.
- v. **Integrity** – The ability of a property to convey its Historic Significance through its physical features.
- w. **Inventory** – Catalog of Buildings, Structures, Objects, and Sites within the City, listed, eligible for listing, or non-eligible for listing in the City’s Historic Register.
- x. **Maintenance** – All activities necessary to prolong the useful life and aesthetic appearance of a property.
- y. **National Register of Historic Places** – The list of significant Buildings, Structures, Sites, Objects, or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

- aa. **Non-Contributing Property** – A Building, Structure, Object, or Site that does not reflect the historic or architectural character within a Historic District because of age or lack of Integrity.
- bb. **Object** – A material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- cc. **Period of Significance** – Span of time during which significant events and activities occurred.
- dd. **Owner** – The person, corporation, government, or other legal entity who owns or who has any legal or equitable interest in Property and who is so listed as Owner on the records of the Elbert County Assessor's Office.
- ee. **Property** – A Building, Structure, Site, or Object.
- ff. **Relocation or Relocate** – Moving a Building, Structure, or Object to a different location, either temporarily or permanently.
- gg. **Secretary** – The secretary of the Commission.
- hh. **Secretary of the Interior's Standards for the Treatment of Historic Properties** – The preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.
- ii. **Section 106 Review** – Process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of projects carried out, permitted, licensed, or funded by that agency on properties listed in the National Register of Historic Places.
- jj. **Site** – Location of a significant event; a prehistoric or historic occupation or activity; or a Building, Structure, or Object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing Building, Structure, or Object.
- kk. **Structure** – A Construction for purposes other than shelter for humans, animals, or chattel (such as a road, bridge, canal, or fence).
- ll. **Town** – Town of Elizabeth, Colorado

Section 2. Alterations to Listed Properties and Historic Districts

1. Requirements

- a. Before carrying out any new Construction, Alteration, Relocation, or Demolition involving the exterior of any Historic Property or Property within a Historic District (including Non-Contributing Properties) such Owner(s) must first submit the proposed work to the HAB under this Section, as well as apply for any other permits required by Code.
- b. The Town shall review any building permit application received to determine whether the Property is a listed Historic Property or located in a Historic District and if so, if the Applicant has completed review by the HAB as required by this Section. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the Town shall process it without further action. If no Certificate of Appropriateness has been issued or if the Town

determines that the permit application does not conform to such, the Town shall not approve the permit application and shall not issue a permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.

- c. No person shall receive a building permit to Construct, Alter, remove, or Demolish any Building, Structure, Object, or other feature on a Site or element of a district nominated for designation after an application has been filed to initiate the designation of such Property or district. No such building permit shall be approved while proceedings are pending on such designation.
2. Application
 - a. A request for Alteration shall be initiated by the Owner(s). Such application shall be submitted to the Town for consideration on a form provided by the Hab. The application shall include anything the Town deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the Historic Property or Historic District and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail.
 - b. If the Town determines the application is complete, the Town shall promptly refer the application to the HAB. If the Town determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
 3. Alteration Hearing. Within 45 days after an application is determined complete by the Town, or within a time frame agreed upon by the Applicant and the Town, a public hearing shall be held by the HAB. Such notice and hearing shall be conducted in conformance with the procedures set forth in **Section 4, Subsections 2(a) – (d)**.
 4. Review Criteria
 - a. Compliance with any Design Guidelines adopted by the Town and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - b. For Non-Contributing Properties within a Historic District:
 - i. Compatibility with the Property's current design, materials, features, size, scale and proportion, and massing; or
 - ii. Compatibility with the Historic District's design, materials, features, size, scale and proportion, and massing.
 - c. Infill Construction within Historic Districts shall be differentiated from the Historic Properties but be Compatible with the historic materials, features, size, scale and proportion, and massing to protect the Integrity of the Historic District and its environment.
 5. HAB Review
 - a. The HAB shall:
 - i. Approve;
 - ii. Approve with conditions; or

iii. Deny the application.

The HAB shall set forth in writing its findings of fact which constitute the basis of its recommendation.

- b. If the HAB approves or approves the application with conditions, the HAB shall issue and send a Certificate of Appropriateness to the Applicant, the Planning Director, the Building Official, and any other person who has requested in writing to receive the same within 30 days. If approved with conditions, such conditions shall be stated in writing in the Certificate of Appropriateness.
 - c. If the HAB denies the application, the HAB shall deny a Certificate of Appropriateness and notify, in writing, the Applicant, the Planning Director, the Building Official, and any other person who has requested in writing to receive the same within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the Board of Trustees.
 - d. The HAB may issue an order continuing the Alteration application process if the HAB finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 30 days without the express consent of the Applicant.
 - e. The Applicant may resubmit an amended application or reapply for a building permit that takes into consideration the recommendations of the HAB or appeal the denial to the Board of Trustees.
 - f. If an application for a Certificate of Appropriateness is denied, no person may submit a subsequent application for the same Alteration or Construction within one year from the date of the final action upon the earlier application.
6. Appeal of Denial of Certificate of Appropriateness
- a. If a Certificate of Appropriateness is denied by the HAB, the Applicant may appeal the denial to the Board of Trustees by filing a written notice with the Town Clerk within 15 days after receipt of the Commission's denial.
 - b. Within 45 days after an appeal is received by the Town Clerk, or within a time frame agreed upon by the Applicant and the Town, a public hearing shall be held by the Board of Trustees.
 - c. Notice of the Board of Trustees consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the Secretary.
 - d. The Board of Trustees shall consider the notice of appeal, the HAB's reasons for denial of the application, the comments related thereto made during the HAB hearing, and any evidence (including new evidence) it deems relevant to the application.
 - e. The Board of Trustees shall apply the criteria in **Section 5, Subsection 4** in making its decision.

- f. The decision of the Board of Trustees shall be final.

Section 3. Relocation of Listed Properties

1. General

- a. In addition to the criteria and procedures in Section 5, the HAB will use the criteria of this Section in considering applications for Relocating a Historic Property or Contributing Property in a Historic District within or outside of a designated Site or Historic District or Relocating a Property onto a designated Site or Historic District.
- b. Applicants for Relocation shall provide:
- i. A professionally prepared estimate of costs of continued Maintenance of the Property in its current condition, of rehabilitation on site, and of Relocation and rehabilitation;
 - ii. An engineer's or architect's report as to structural soundness;
 - iii. A professionally prepared estimate of the Property's market value in its current location and current condition, of the market value of the Property rehabbed on its current site, and of the site after Relocation of the Property; and
 - iv. Professionally prepared site plan and construction documents for the current site.

2. Review Criteria

- a. For consideration of the original Property and site, the HAB will review for the following criteria:
- i. The Property cannot be preserved, restored, rehabbed or reused on its current site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's site or adjacent Properties;
 - ii. And
 1. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the Building, Structure, or Object proposed for Relocation;
 2. If the Property can be Relocated without significant damage to its physical Integrity; and
 3. Whether plans are specifically defined for the site to be vacated, and have been determined to meet all other City codes and ordinances.
- b. For consideration of the new location, the HAB will review for compliance with all of the following criteria:
- i. Whether the Building, Structure, or Object is Compatible with its proposed site and adjacent Properties; and if the receiving site is Compatible in nature with the Building, Structure, or Object proposed to be moved;
 - ii. The Building, Structure, or Object's architectural Integrity and its consistency with the character of the neighborhood of the receiving site;
 - iii. Whether the Relocation of the Building, Structure, or Object

will diminish the Integrity or character of the neighborhood of the receiving site; and

- iv. If a Relocation plan has been submitted and approved by the Town, including posting a bond, to ensure the safe Relocation, preservation, and repair (if required) of the Property and site preparation and infrastructure connections as described in the Code.

Section 4. Demolition of Listed Properties

1. General

- a. In addition to the criteria and procedures in Section 5, the Commission will use the criteria of this Section in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District.
- b. Applicants for Demolition shall provide:
 - i. A professionally prepared estimate of costs of continued Maintenance of the Property in its current condition, of rehabilitation, and of Demolition;
 - ii. An engineer's or architect's report as to structural soundness; and
 - iii. Professionally prepared estimates of the Property's market value in its current condition, as rehabbed and after Demolition.
- c. If a Demolition approval is granted on any basis other than that of an imminent hazard or economic hardship (See Section 8), a Certificate of Appropriateness will not be issued until a replacement/reuse plan for the Property has been approved by the Town.

2. Review Criteria for Total Demolition. Applicants requesting a Certificate of Appropriateness for total Demolition must provide data to clearly demonstrate all of the following criteria:

- a. The Property proposed for Demolition is not structurally sound, despite evidence of the Owner's efforts to properly maintain said Building, Structure, or Object;
- b. The Property cannot be preserved, restored, rehabbed, or reused on site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's site or adjacent Properties;
- c. The Property cannot be practically moved to another site in the Town; and
- d. The Applicant demonstrates that the proposal mitigates, to the greatest extent practical, all the following:
 - i. Any impacts that occur to the visual character of the neighborhood where Demolition is proposed to occur;
 - ii. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties;
 - iii. Any impact to the Integrity of Buildings, Structures, or Objects located on the Property and adjacent Properties; and

- iv. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the Demolition process.
- 3. Review Criteria for Partial Demolition. Applicants requesting a Certificate of Appropriateness for partial Demolition must provide data to clearly demonstrate all of the following criteria:
 - a. The partial Demolition is required for the preservation, restoration, or rehabilitation of the Property; and
 - b. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
 - i. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties; and
 - ii. Any impact on the Integrity of the Buildings, Structures, or Objects located on the Property and adjacent Properties.

Section 5. Alteration Exemptions

- 1. General
 - a. If an application for a Certificate of Appropriateness is denied, the Applicant may request an exemption from such certificate requirement pursuant to this Section.
 - b. A request for exemption shall be initiated by the Owner(s). Such application shall be submitted to the City for consideration on a form provided by the HAB. The Applicant shall have the burden of proof to establish hardship.
 - c. The HAB may request additional information from the Applicant as necessary to make informed decisions according to the applicable criteria for decision-making.
 - d. If the Town determines the application is complete, the Town shall promptly refer the application to the Commission. If the Town determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
 - e. Certificate of Appropriateness exemptions are granted only to the specific Owner and are not transferable.
- 2. Criteria for Exemption
 - a. Economic Hardship. The following factors, evidence, and testimony are to be considered:
 - i. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
 - ii. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
 - iii. For investment or income producing Properties, the ability to obtain a reasonable rate of return on the Property in its present condition, or in a rehabbed condition pursuant to the requirements of this ordinance.
 - iv. For non-income producing Properties consisting of owner-occupied single-family dwellings and/or non-income producing

institutional Properties not solely operating for profit, the ability to maintain or to convert the Property to a reasonable residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this ordinance or the ability to transfer the Property for a reasonable rate of return.

- v. The consideration for economic hardship shall not include any of the following:
 - 1. Willful or negligent acts by the Owner;
 - 2. Purchase of the Property for substantially more than its market value;
 - 3. Failure to perform normal Maintenance and repairs;
 - 4. Failure to diligently solicit and retain tenants;
 - 5. Failure to prescribe a rental amount which is reasonable; or
 - 6. Failure to provide normal tenant improvements.
 - b. Undue Hardship. An Applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation that is substantially inadequate to meet the Applicant's needs because of specific health and/or safety issues.
3. Decision
- a. If the HAB deems the criteria of this Section are met, the HAB shall issue an order of exemption and send a Certificate of Economic Hardship to the Town within 30 days.
 - b. If the HAB deems the criteria of this Section are not met, the HAB shall deny the exemption request and notify, in writing, the Town and the Applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the Board of Trustees.
 - c. The HAB may issue an order continuing the exemption process for a period of not to exceed 90 days from the date of the application if the HAB would like additional information necessary to make a decision.
 - d. The Applicant may resubmit an amended application, reapply for an exemption that takes into consideration the recommendations of the HAB, or appeal the denial to the Board of Trustees.
 - e. If an application for an exemption is denied, no person may submit a subsequent application within one year for the same from the date of the final action upon the earlier application.
4. Appeal for Denial of Exemption
- a. If an exemption is denied by the HAB the Applicant may appeal the denial to the Board of Trustees by filing a written notice with the Town within 15 days of the date of the receipt of the HAB's denial.
 - b. Notice of the Board of Trustees consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the Secretary.
 - c. The Board of Trustees shall hold a public hearing to consider the appeal, and consider any evidence (including new evidence) it

deems relevant to the application.

- d. The Board of Trustees shall apply the criteria in this Section in making its decision.
- e. The decision of the Board of Trustees shall be final.

Section 6. Maintenance

1. The Board of Trustees intends to preserve from deliberate or inadvertent neglect the exterior portions of Historic Properties or Historic Districts and all interior portions thereof whose Maintenance is necessary to prevent deterioration of any exterior portion. No Owner, lessee, or occupant of any Historic Property or Contributing Property within a Historic District shall fail to prevent significant deterioration of the exterior of the Building, Structure, Object, or special feature beyond the condition of such Historic Property or Contributing Property within a Historic District on the effective date of the designating ordinance.
2. No Owner, lessee, or occupant of any Historic Property or Contributing Property within a Historic District shall fail to comply with all applicable provisions of this ordinance and other ordinances of the Town regulating Maintenance.
3. Before the Town's attorney files a complaint in municipal court for failure to maintain the Historic Property or Contributing Property within a Historic District, the Town shall notify the Owner, lessee or occupant of the need to repair, maintain, or restore such Property; shall assist the Owner, lessee, or occupant in determining how to preserve such Property; and shall give the Owner, lessee, or occupant a reasonable time to perform such work.

Section 7. Unsafe or Dangerous Conditions Exempted

Nothing in this ordinance shall be construed to prevent any measures of Construction, Alteration, removal, or Demolition necessary to correct the unsafe or dangerous condition of any Property, other feature, or parts thereof where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the Town to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a Certificate of Appropriateness under this ordinance, but a certificate is required for permanent Construction, Alteration, removal, or Demolition.

Section 8. Enforcement and Penalties

1. No person shall violate or permit to be violated any of the requirements of this ordinance or the terms of a certificate issued pursuant to this ordinance.
2. Violations of this ordinance are punishable as provided in the Code and may be subject to the following additional penalties:
 - a. If any Historic Property or Property within a Historic District is externally reconstructed, externally Altered, added to, Relocated, or Demolished in violation of this ordinance the HAB may order any such Property to be returned to its condition prior to such unlawful Construction, reconstruction, exterior Alteration, addition, Relocation, or Demolition. This may specifically include ordering the

reconstruction of a property that was Demolished to replicate as closely as possible the original Property.

- b. If any Building, Structure, or Object is erected or Constructed on a Historic Property or Property within a Historic District, the Commission may order any such Building, Structure, or Object to be removed or deconstructed.
- c. Alterations to a Historic Property or Historic District without an approved Certificate of Appropriateness will result in a one-year moratorium on all building permits for the subject Property.
- d. Relocating or Demolishing a Historic Property or Property within a Historic District without an approved Certificate of Appropriateness will result in a five-year moratorium on all relocation, Demolition, or building permits for such Property and/or its original location.

Section 9. Incentives

1. Any Owner of a Historic Property or Contributing Property within a Historic District under this ordinance may be eligible for economic incentives for the restoration or rehabilitation of that Property as provided by the State of Colorado and such additional incentives as may be developed by the HAB or the Board of Trustees.
2. The HAB shall identify and advise the Board of Trustees regarding the implementation of economic incentives for Historic Properties. The HAB shall notify the Owners of Historic Properties of economic incentive opportunities available.
3. The HAB shall make the determination for each request regarding economic incentives.

End of Article XI draft



TO: Main Street Board of Directors
FROM: Zach Higgins, AICP Planner/Project Manager
DATE: April 21, 2022
SUBJECT: Staff Report

STAFF REPORT

1. MSBOD Appointment Process

- a. *Appointments: New candidates seeking appointment shall complete an application for the position. Existing members seeking reappointment shall submit a letter of intent to the Board of Directors. The Board of Directors shall review and choose to either recommend or not recommend the appointment to the Board of Trustees. The Board of Trustees shall approve or deny the appointment. Vacancies: Any vacancy occurring on the Board of Directors shall be filled no more than 60 days after the vacancy. Three (3) months prior to the expiration of a member's term, the position shall be made open to the public. One month prior to the expiration of the member's term, the Board of Directors shall vote on recommending an appointment to the Board of Trustees for approval. A member appointed to fill a vacancy shall fulfill the unexpired term of his or her predecessor in office.*
- b. *The MSBOD vacancy will be posted January 18th and close February 18th. Posting will occur on the Town's website as well as the newsletter and Town water bills distributed to all residents.*
- c. *All candidates that apply should attend the MSBOD meeting when appointment is reviewed and recommended as well as the BOT meeting when the appointment is voted on.*
- d. *Two candidates have applied for the one remaining open seat. The MSBOD has the ability to recommend that the MSBOD grows to 7 members if they see fit. The recommendation would be made to the BOT, who would then formally approve the MSBOD growth.*

2. Streetscape Design Update

- a. The Board of Trustees unanimously approved the PSA with CORE Engineering for the Streetscape Design on 01/11/2022.
- b. The certified letter was distributed to property owners and business owners on 01/14/2022.
- c. The Revitalizing Main Street Grant application was completed and sent to CDOT on 02/04/2022 before the deadline.
- d. Second Public Meeting has been tentatively set for June 30th at 6:00pm.
- e. A second certified letter will be distributed to property owners to notify regarding the second public meeting in May.



3. Training Update/Reminder

- a. Main Street Now – Conference Dates are May 16 – May 18.
- b. What specific communities are you interested in touring with DOLA?
- c. Joint training including Board of Trustees, Main Street Board of Directors, Planning Commission, and Historic Advisory Board scheduled for 04/26/2022 at 5pm. Please be in attendance.

4. SH 86 Main Street Directional Sign

- a. Staff has spoken with Town of Elizabeth Public Works and subsequently Colorado Department of Transportation regarding the removed sign on Kiowa Ave/SH 86. Mike DeVol removed the sign at request of the installation team from CDOT when the crosswalk was installed to the West of Main Street on SH 86. After reaching out to CDOT they said it was removed due to sight distancing issues with the new crosswalk. CDOT has offered a new location.
- b. Staff is continuing to work with CDOT regarding the new location and will provide updates as they become available.

5. Provide Quarterly Board of Trustees Update

6. First quarter stats have been submitted to DOLA.

7. DOLA Main Street Program StoryMap

- a. DOLA has provided a link to access the StoryMap
- b. <https://storymaps.arcgis.com/stories/2dfa10abd3734f7fa71c7b5be3bd839e>



ELIZABETH MAIN STREET PROGRAM WORK PLAN 2022

Projects	Tasks to achieve project	Start Date	Date to be completed	Status	Budget/ Funding source	Main Street Point
Training	Attend two of the four quarterly trainings provided by DOLA	Quarterly	Quarterly	Staff send training opportunities to MS BOD	\$4,000: DOLA Scholarship; MS BOD; DOLA technical assistance	Organization
	Main Street Manager's Summit	November	November	Pending DOLA		Organization
	Main Street NOW Conference	May	May	Register and make reservations for Board and Staff in January		Organization
	Downtown Colorado Inc. In the Game Conference	April	April	Register and make reservations for Board and Staff		Organization
	Main Street Communities Field Trip	April	TBD	Schedule with DOLA		Organization
Planning	Maintain a multi-year strategic plan	Ongoing	Ongoing	-	N/A	Organization
	Annual budget preparation and submission to BOT	August	December	-	N/A	Organization
	Submit annual workplan to DOLA and BOT	December	December	Send in December after adoption by MS BOD	N/A	Organization
Move up to Graduate Status	Have a succession/transition plan for your staff, board, and volunteers as applicable	TBD	TBD	-	N/A	Organization
	Update your building/property inventory of your Main Street district (including ownerships patterns, building conditions, vacancies, building square footage, use, average rents, and more)	TBD	TBD	-	TBD	Organization
	Solidify your volunteer management program and develop a volunteer recognition/award program	TBD	TBD	-	\$1,000: Main Street Board of Directors	Organization
	Update your business inventory of your Main Street district (including business types, contact information, number of employees, and more)	TBD	TBD	-	N/A	Organization
Operational/Administrative	Quarterly reporting to BOT	January, April, July, October	January, April, July, October	-	N/A	Organization
	Election of officers	December	December	December meeting agenda	N/A	Organization
	Designated meeting posting place	1st meeting in January	January	January meeting agenda	N/A	Organization
	Submit annual mini-grant application	As needed	As needed	-	N/A	Organization
	Redeem annual scholarship from DOLA system	As needed	As needed	-	N/A	Organization
	Redeem annual mini grant from DOLA system	As needed	As needed	-	N/A	Organization
	Host DOLA site visit	November	November	Schedule work session pending DOLA	N/A	Organization
	Report quarterly business stats to Main Street Board	Quarterly	Quarterly	-	N/A	Organization
	Submit quarterly reports to DOLA	January 15th, April 15th, July 15th, October 15th	January, April, July, October	-	N/A	Organization
	Submit annual report to BOT	January	February	-	N/A	Organization; Promotion
	Retain membership of National Main Street Center	January	February	-	\$375; MS BOD	Organization
	Storymap	April	October	Pending DOLA	N/A	Organization; Promotion
	Webpage/ social media maintenance	Ongoing	Ongoing	-	N/A	Organization; Promotion
	Coordination with local stakeholders (SBDC, Parks and Recreation, ENG, ECC, EACC, Elizabeth area business owners and residents)	Ongoing	Ongoing	-	N/A	Organization; Promotion
	Coordination with local, state, and federal agencies (BOT, ToE advisory boards, Elbert County, CTO, DOLA)	Ongoing	Ongoing	-	N/A	Organization; Promotion
	Maintain business inventory	Ongoing	Ongoing	-	N/A	Organization
	Maintain property inventory	Ongoing	Ongoing	-	N/A	Organization
Networking event/ meeting with EMMA	February	May	Book Thursday evening, 1st or 2nd week of May, at EBC; Book Legion to cater	\$500: MS BOD	Organization; Promotion	



ELIZABETH MAIN STREET PROGRAM WORK PLAN 2022

Foster small town charm through retaining and preserving the historical character of buildings and the environment.

Projects	Tasks to achieve project	Start Date	Date to be completed	Status	Budget/ Funding source	Main Street Point
Streetscape	Complete design	January	October	PSA pending	\$269,000: \$75k Legacy Village, \$194,000 Street Capital;	Design
	Artist Design of Streetscape Features	January	TBD	-	-	Design
	Apply for streetscape construction grant	October	November	-	N/A	Design
	Apply for art/creative district grant	October	November	-	N/A	Design
	Start streetscape construction	Decemeber	TBD	-	TBD	Design
Downtown zoning	Increase maximum under-roof lot coverage	TBD	TBD	Pending staff	N/A	Design; Economic Vitality
	Increase maximum principal building height to allow for 3 stories	TBD	TBD	Pending staff	N/A	Design; Economic Vitality
Main Street Station	Site Plan	-	Jul-22	Pending submittal of complete application	N/A	Design; Economic Vitality
	Discuss public parking (if provided parking exceeds requirement) and/or EV charging station	-	Jul-22	-	TBD	Economic Vitality
Historic Preservation	Support HAB with Historic Preservation Ordinance	January-22	Jun-23	Pending CLG Grant	-	Design; Economic Vitality
Main Street Improvements	Flower plantings	April	May	-	\$450: MS BOD	Design



ELIZABETH MAIN STREET PROGRAM WORK PLAN 2022

Create a friendly and diverse atmosphere that is welcoming to a wide range of ages and interests.

Projects	Tasks to achieve project	Start Date	Date to be completed	Status	Budget/ Funding source	Main Street Point
Promote Main Street	Update and distribute promotional maps and materials	Ongoing	Ongoing	-	\$200: MS BOD	Economic Vitality; Promotion
	Ornament Program	January	October	Survey businesses in January to follow up on 2021 sales	\$2,000: MS BOD	Economic Vitality; Promotion
Gesin Lot (165 South Main Street) use and development	Provide food trucks and seating during summer and events	Spring	Fall	Register additional food trucks	N/A	Economic Vitality; Promotion
	Development	Ongoing	Ongoing	Active ENA for development	N/A	Design; Economic Vitality
Mayor's Tree Lighting	Event coordination	January	December	Appoint leads; Budget; Explore contract	\$15,000: Community Development Department	Economic Vitality; Promotion
Elizabeth Farmers Market	Event contract w/ EBC	January	February	Discuss partnership and decide on each party's obligations	N/A	Economic Vitality; Promotion; Design
	Music Licenses	Fall	Fall	Purchased for 2022	Town Clerk	
	Book bands	January	February	Pending cost information from EBC	TBD	
	Interns/Volunteer program to facilitate market on behalf of Town	April	September	Create volunteer position description; Decide on stipend	TBD/MS BOD	
	Little Dumpster Trash Service	April	September	Book trash service	TBD/MS BOD	
	Schedule Town MCs	April	September	Assign various Town MC's to market dates	-	
	ADA Accommodations	TBD	TBD	TBD	TBD	
	Marketing	April	September	Create graphic for postcards, website, Our Community	\$650: Community Development Department	
	Entrance/Exit/Stage lighting	April	June	Order lighting and plan installation	\$500: Community Development Department	
	Vendors	January	June	Book produce and food trucks	N/A	
	Porta potties and sanitization stations	April	September	Reserve	\$4,000: Community Development Department	
Recreation	CIP Plan for new Running Creek Park	TBD	TBD	TBD	TBD	Design, Economic Vitality
	Start capital improvements for Running Creek Park	TBD	TBD	TBD	TBD	Design, Economic Vitality