



TOWN OF ELIZABETH

**TOWN OF ELIZABETH
Historic Advisory Board Special Meeting
Monday, June 20, 2022 at 4:30 PM
Town Hall, 151 S. Banner Street**

CALL TO ORDER

ROLL CALL

AGENDA CHANGES

MINUTES

1. Regular Minutes of May 2, 2022
2. Regular Minutes of June 6, 2022

NEW BUSINESS

3. Discussion and possible action of recommendation of the Historic Preservation Code Update including both Chapter Two Article VIII and Chapter Sixteen Article XI to the Planning Commission and Board of Trustees

REPORTS

ADJOURNMENT



TOWN OF ELIZABETH

HISTORIC ADVISORY BOARD – RECORD OF PROCEEDINGS MAY 02, 2022

CALL TO ORDER

The Regular Meeting of the Historic Advisory Board was called to order on Monday, May 02, 2022, at 4:32 PM by Chair John Quest.

ROLL CALL

Present were Chair John Quest, Board Members Jerry Garland, Brandi Wilson, and Denny Boehler. Vice Chair Cecilia Farin and Board Member Aimee Woodall were not present. There was a quorum to conduct business.

Also present were Town Administrator Patrick Davidson, Community Development Director Pam Cherry, Planner/Project Manager Zach Higgins, Deputy Town Clerk Harmony Malakowski, and Community Development Administrative Assistant Pat Gonzales.

AGENDA CHANGES

There were no changes to the agenda as presented.

MINUTES

Regular Minutes of March 7, 2022

Motion by Ms. Wilson, seconded by Mr. Garland, to approve the minutes from April 18, 2022. The vote of those Board Members present was unanimously in favor. Motion carried.

NEW BUSINESS

Discussion regarding second Public Meeting for possible Preservation Code Update and next steps

Staff and the Board discussed the Public Meeting held April 18, 2022.

Discussion regarding History Colorado Basic Model CLG Preservation Ordinance

Mr. Higgins provided the Board with the current changes to the Preservation Ordinance and



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discussed with the Board further possible changes before the final draft presented at the next meeting.

Discussion regarding 2022 workplan

Chair Quest wants to add a section to the workplan titled Public Awareness and Communication. Discussion followed regarding the workplan and Board member assignments.

Discussion regarding Town of Elizabeth Designated Historic Properties list and map

Chair Quest discussed the property list provided by Mr. Higgins and the property lists found in previous Historic studies. A spreadsheet will be provided consolidating the information into one resource.

STAFF REPORTS

- Discussion regarding the next Board update to the Board of Trustees.
- Mr. Higgins provided a couple more suggestions of items to add to the workplan including historical railroad signage and funding for Historic façade improvements.
- If you missed the Joint training session, reach out to Mr. Higgins for an update on what was discussed.

BOARD REPORTS

There were no further reports from the Board.

ADJOURNMENT

Motion by Mr. Garland, seconded by Mr. Boehler, to adjourn meeting at 5:49 PM. The vote of those Board Members present was unanimously in favor. Motion carried.

Chair John Quest

Town Clerk Michelle Oeser



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HISTORIC ADVISORY BOARD – RECORD OF PROCEEDINGS JUNE 06, 2022

CALL TO ORDER

The Regular Meeting of the Historic Advisory Board was called to order on Monday, June 06, 2022, at 4:37 PM by Acting Chair Aimee Woodall.

ROLL CALL

Present were Board Members Aimee Woodall and Denny Boehler. Chair John Quest, Vice Chair Cecilia Farin, and Board Members Jerry Garland and Brandi Wilson were not present. There was not a quorum to conduct business.

Also present were Town Administrator Patrick Davidson, Community Development Director Pam Cherry, Planner/Project Manager Zach Higgins, Deputy Town Clerk Harmony Malakowski, and Community Development Administrative Assistant Pat Gonzales.

AGENDA CHANGES

Agenda Item 2 will be postponed to the next meeting.

Minutes of May 2, 2022 will be presented at the next meeting due to lack of quorum.

NEW BUSINESS

Discussion regarding 2022 Workplan and Assignments

Ms. Woodall and Mr. Boehler discussed items they would like to be a part of on the work plan.

Discussion regarding the formal release of the Historic Preservation Survey results

Mr. Higgins asked the Board for their opinions on where the Historic Preservation Survey results should be released.

Discussion regarding a possible special meeting on June 20th, 2022.

STAFF REPORTS

- Mr. Higgins told the Board that the application for 188 S Main St. historical designation has been submitted.



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- The Workplan will be updated with the items discussed.
- An update on the Intensive Surveys being done by HistoryMatters will most likely be available at the August meeting.

BOARD REPORTS

There were no further reports from the Board.

ADJOURNMENT

Meeting was adjourned at 5:00 PM by Acting Chair Aimee Woodall.

Chair John Quest

Town Clerk Michelle Oeser

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 Town'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. **Town's Historic Register** – The register established pursuant to Section 3 of this ordinance.
- j. **Code** – The [Town Code/Municipal Code].
- k. **Colorado State Register of Historic Properties** – The official listing of state designated cultural resources.
- l. **Commission** – The Historic Advisory Board 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 Town 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 Town, listed, eligible for listing, or non-eligible for listing in the Town'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. The Board of Trustees hereby creates the Historic Advisory Board which shall have principal responsibility for matters of historic preservation, 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. It is preferred that 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. Appointments and terms of office.
 - a. Members of the Historic Advisory Board shall be appointed by the Board of Trustees and shall serve three-year staggered terms from the date of the appointment. Members may continue to serve until their successors have been

appointed. Appointments to fill the vacancies on the Historic Advisory Board shall be made by the Board of Trustees. All members of the Historic Advisory Board 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. Members of the Historic Advisory Board may be removed by the Board of Trustees without cause being stated.

4. Officers. At the first regular meeting of each calendar year, the HAB shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the HAB's meetings, one (1) member to serve as the vice-chairperson and one (1) member to serve as Historian. The members so designated shall serve in these capacities for terms of one year.
5. Quorum and Voting. A quorum for the Historic Advisory Board to conduct business shall consist of at least a majority of its sitting members. A quorum is necessary for the Historic Advisory Board 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.

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- 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
- 11. Conduct of business.
 - a. The Historic Advisory Board shall conduct its business in accordance with the Public Meetings Act, Public Records Act and other laws applicable to local public bodies. The Historic Advisory Board shall propose to the Board of Trustees bylaws as the Historic Advisory Board deems necessary.

Section 3. Establishment of Town Register and Designation Criteria

- 1. The Board of Trustees hereby establishes the Town Register of historic sites.
 - 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 Board of Trustees 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 Town 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 Historic Advisory Board.
 - b. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the Board of Trustees.
 - c. 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
 - d. 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.
 - e. Applications determined incomplete shall be returned to the Applicant within 30 days with a request for additional information.
 - f. 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 Historic Advisory Board, 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 Historic Advisory Board's decision to amend a designation, the HAB shall promptly notify the Owners of the Historic Property 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 amendment, and schedule the resolution for Board of Trustees review. Upon adoption by the Board of Trustees, 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.

Chapter 16 – Article XI – Historic Preservation

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
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 - c. **Board of Trustees** – The board of trustees of the Town.
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 - 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.

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- l. **Commission** – The Historic Advisory Board 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.
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- 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 Town, listed, eligible for listing, or non-eligible for listing in the Town's Historic Register.
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- 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.
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 - 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 Chapter 2, Article VIII, 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 Chapter 2, Article VIII, 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 Chapter 16, Section 2, 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 2, 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 Town 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 2, the HAB 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 5), 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 Town 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 Historic Advisory Board. 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 Chapter 2, Article VIII, 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