



# TOWN OF ELIZABETH

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**TOWN OF ELIZABETH  
BOARD OF TRUSTEES BUDGET WORKSHOP  
Tuesday, September 27, 2022 at 5:00 PM  
Town Hall, 151 S. Banner Street**

**TOWN OF ELIZABETH  
BOARD OF TRUSTEES REGULAR MEETING  
Tuesday, September 27, 2022 at 7:00 PM  
Town Hall, 151 S. Banner Street**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**UNSCHEDULED PUBLIC COMMENT**

**AGENDA CHANGES**

**CONSENT AGENDA**

- [1.](#) Minutes of the Regular Meeting of September 13, 2022

**NEW BUSINESS**

- [2.](#) Discussion and possible action regarding the appointment of Ronni Curtis to the Historic Advisory Board with term ending December 31, 2023 - Zach Higgins

**PUBLIC HEARING**

- [3.](#) Ordinance 22-09 - Code changes to the Historic Advisory Board and Historic Preservation - Zach Higgins

**NEW BUSINESS**

4. Discussion and possible action on Ordinance 22-09, an Ordinance Repealing and Reenacting Chapter 2 Article VIII and Chapter 16 Article XI of the Elizabeth Municipal Code Regarding Changes to the Town's Historic Advisory Board and Historic Preservation - Zach Higgins

**MANAGEMENT MONITORING REPORTS**

- [5.](#) Management Monitoring Reports

**BOARD OF TRUSTEES REPORTS**

**ACTION MAY BE TAKEN ON ANY AND ALL ITEMS LISTED ON THE AGENDA  
ACCOMMODATIONS FOR DISABILITIES MAY BE MADE UPON REQUEST.**

## **STUDENT LIAISON REPORT**

### **MINUTES**

- [6.](#) Minutes of the Historic Advisory Board Meeting of August 1, 2022
- [7.](#) Minutes of the Planning Commission Meeting of August 2, 2022

### **ADJOURNMENT**

# MEETING PROTOCOL AND STANDARDS OF CONDUCT

## Public Participation

Public comment is encouraged and will be listed as an agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.

Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.

The Board may direct the Town Administrator to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

The Mayor may elect to defer public comment on a specific issue that appears on the regular agenda until that specific item is addressed.

The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Chambers pursuant to the Elizabeth Municipal Code and Colorado Revised Statutes.



## Board of Trustees – Record of Proceedings

September 13, 2022

### **CALL TO ORDER**

The Regular Meeting of the Board of Trustees of the Town of Elizabeth was called to order on Tuesday, September 13, 2022, at 7:08 pm by Mayor Megan Vasquez.

### **ROLL CALL**

Present were Mayor Megan Vasquez, Mayor Pro Tem Angela Ternus, and Trustees Loren Einspahr, Tammy Payne, Linda Secrist, and Nick Snively. There was a quorum to do business.

Also present were Town Administrator Patrick Davidson, Town Clerk Michelle Oeser, Chief of Police Melvin Berghahn, Public Works Director Mike DeVol, and Planner/Project Manager Zach Higgins.

### **PLEDGE OF ALLEGIANCE**

Mayor Vasquez led the Board in the Pledge of Allegiance.

### **UNSCHEDULED PUBLIC COMMENT**

There was no public comment.

### **AGENDA CHANGES**

No agenda changes from the Administration.

Mayor Vasquez requested to add a discussion on Main Street Streetscape as item number nine on the agenda.

Agenda set.

### **CONSENT AGENDA**

#### 1. Minutes of the Regular Meeting of August 23, 2022

Motion by Trustee Einspahr, seconded by Mayor Pro Tem Ternus, to approve the Consent Agenda.

The vote of those Trustees present was 6 in favor and 0 opposed. Motion passed unanimously.

Mayor Vasquez presented Steve Gaither with a framed picture from the Stampede Rodeo Parade. The Board expressed their thanks for all that Mr. Gaither does to support the Town.

Mayor Vasquez opened the public hearing at 7:12 p.m.



## **PUBLIC HEARING**

### **2. Catrina's Mexican Grill Burrito Liquor License Application**

Town Clerk Michelle Oeser gave a staff report. The owner of Catrina's Mexican Grill Burrito, Xochitlt Ramirez, introduced herself and gave her presentation. Mr. Lawrence Lucero gave a presentation as Ms. Ramirez's representative.

Mayor Vasquez closed the Public Hearing and entered New Business at 7:17 p.m.

## **NEW BUSINESS**

### **3. Discussion and possible action on approval of a new Liquor License for Catrina's Mexican Grill Burrito**

Motion by Trustee Payne, seconded by Trustee Snively, to approve a new liquor license for Catrina's Mexican Grill Burrito.

The vote of those Trustees present was 6 in favor and 0 opposed. Motion passed unanimously.

### **4. Discussion and possible action on Resolution 22R41, a Resolution approving the agreement for professional services between the Town and Stolfus and Associates for the providing of traffic study services**

Motion by Trustee Payne, seconded by Trustee Einspahr, to approve Resolution 22R41, a Resolution approving the agreement for professional services between the Town and Stolfus and Associates for the providing of traffic study services.

The vote of those Trustees present was 5 in favor and 1 opposed. Mayor Pro Tem Ternus opposed. Motion passed.

### **5. Discussion and possible action on Resolution 22R42, a Resolution declaring candidates elected and ratifying notice given to Elbert County canceling the November 8, 2022, regular Town Election**

Motion by Mayor Pro Tem Ternus, seconded by Trustee Einspahr, to approve Resolution 22R42, a Resolution declaring candidates elected and ratifying notice given to Elbert County canceling the November 8, 2022, regular Town Election.

The vote of those Trustees present was 6 in favor and 0 opposed. Motion passed unanimously.

### **6. Discussion and possible action on approval of Resolution 22R43, a Resolution authorizing the Town Administrator to approve license agreements for the use of Town property not to exceed two days for special events pursuant to Article IV of Chapter 11 of the Town of Elizabeth Municipal Code**



Motion by Trustee Einspahr, seconded by Trustee Secrist, to approve Resolution 22R43, a Resolution authorizing the Town Administrator to approve license agreements for the use of Town property not to exceed two days for special events pursuant to Article IV of Chapter 11 of the Town of Elizabeth Municipal Code.

The vote of those Trustees present was 5 in favor and 1 opposed. Mayor Pro Tem Ternus opposed. Motion passed.

### 7. Discussion and possible action on approval of Resolution 22R44, a Resolution approving the Enterprise Fund Capital Reserve Policies for the Town of Elizabeth, Colorado

Motion by Mayor Pro Tem Ternus, seconded by Trustee Payne, to approve Resolution 22R44, a Resolution approving the Enterprise Fund Capital Reserve Policies for the Town of Elizabeth, Colorado.

The vote of those Trustees present was 6 in favor and 0 opposed. Motion passed unanimously.

### 8. Discussion and possible action on Resolution 22R45, a Resolution approving a letter agreement between the Town of Elizabeth, E-86 Metropolitan District, and Lennar Colorado, LLC regarding the maintenance and upkeep of a guardrail at Legacy Loop

Motion by Mayor Pro Tem Ternus, seconded by Trustee Einspahr, to approve Resolution 22R45, a Resolution approving a letter agreement between the Town of Elizabeth, E-86 Metropolitan District, and Lennar Colorado, LLC regarding the maintenance and upkeep of a guardrail at Legacy Loop.

The vote of those Trustees present was 5 in favor and 1 opposed. Trustee Secrist opposed. Motion passed.

### 9. Discussion on the proposed Main Street Streetscape project.

The Board would like to see all available options and will wait for the traffic study to be done.

## **MANAGEMENT MONITORING REPORTS**

- Town Administrator Patrick Davidson gave an update regarding Countryside Village.
- Mr. Davidson updated the Board on a meeting he attended with different agencies from around the County.
- Mr. Davidson discussed the survey for the active living/senior center being posted and distributed.
- Mr. Davidson discussed upcoming budget workshop dates and times.
- Discussion on the hazard mitigation plan.
- Town Clerk Michelle Oeser discussed a grant CORE received for charging stations for six Towns, including Elizabeth.



- Ms. Oeser updated the Board on three Elizabeth High School students who are participating as interns at Town Hall.
- Ms. Oeser gave the Board an update on the Mayor's Tree Lighting event.
- Chief of Police Melvin Berghahn updated the Board regarding the Police Academy.
- Chief Berghahn discussed the second chance bicycle program: twelve bikes have been given out.
- Chief Berghahn updated the Board regarding fireworks being shot off in Town.
- Public Works Director Mike DeVol informed the Board that the new Public Works truck has been delayed two weeks.
- Discussion on the second chance bicycle program.
- Trustee Einspahr discussed the Elizabeth Police Department's quick response to speeding on Chestnut.
- Mr. DeVol updated the Board on County Road 13.
- Mr. DeVol discussed new crosswalks that have been put in on CR 136 and Pine Ridge Street.
- Mr. DeVol discussed water repairs with which Public Works assisted the Town of Kiowa.
- Discussion on the vacant lot behind Greenlee's Auto.
- Discussion regarding the Gold Creek Valley trail.
- Mayor Pro Tem Ternus inquired about a line repair that needs to be completed by Public Works.

### BOARD OF TRUSTEE REPORTS

- Mayor Pro Tem Ternus discussed her attendance of the District 5 Colorado Municipal League (CML) meeting.
- Trustee Payne gave the Board an update on the Senior Basket project.
- Mayor Vasquez thanked Chief Berghahn for the work on the Police Academy.
- Mayor Vasquez asked the Trustees if anyone would like to represent Elizabeth on the CML policy committee. Mayor Pro Tem Ternus will be the Board representative and Trustee Payne will be the alternate representative.
- Mayor Vasquez opened a discussion on when Board member transitions will occur.

### STUDENT LIAISON REPORT

11. Student Liaison Karli Pronske's report was included in the Board packet.

### MINUTES

12. Minutes of the Main Street Board of Director's Meeting of August 11, 2022



**EXECUTIVE SESSION**

Motion by Mayor Vasquez, seconded by Mayor Pro Tem Ternus, to adjourn the regular meeting at 10:18 p.m. and enter into an executive session “To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).” - Gesin Lot

The vote of those Trustees present was 6 in favor and 0 opposed. Motion passed unanimously.

Motion by Mayor Vasquez, seconded by Trustee Snively, to adjourn the executive session, and return to the regular meeting at 10:27 p.m.

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

**ADJOURNMENT**

Motion by Trustee Einspahr, seconded by Trustee Secrist, to adjourn the meeting at 10:27 p.m.

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

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Deputy Town Clerk Harmony Malakowski

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Mayor Megan Vasquez



## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Honorable Mayor and Board of Trustees  
**FROM:** Zach Higgins, AICP Planner/Project Manager  
**DATE:** September 27, 2022  
**SUBJECT:** HAB Appointment

### SUMMARY

The Town has received one application for the Historic Advisory Board openings. Ronni Curtis has applied to fill a vacancy on the Historic Advisory Board. The term for this seat is a three-year appointment starting immediately through December 31, 2023. The Historic Advisory Board has seven (7) seats with three (3) year staggered terms. If this candidate is approved to these terms, two vacancies remain for terms through 12/31/2022. The candidate resume/letter of interest is attached.

### ATTACHMENT(S)

Resume/Letter of Interest

Seeking an Advisory Board appointment in the town of Elizabeth to uphold and protect the integrity of the historical structures within the district

**Education**

Bachelors of Science: Foods/Nutrition California State University: Northridge	1984
Saddleback College, Orange Coast College Refresher and certification courses – 20 units	2011-2015

**Skills & Abilities**

**MANAGEMENT**

- Agewell Senior Services – Nutrition Manager
  - Managed and supervised dining room lunch and Meals on Wheels Program
  - Recruited, interviewed, and trained volunteers

**SALES AND MARKETING:**

- Macy’s – Christmas promotions sales and customer service
- Marketed three Neighborhood Watch programs: via phone calls, flyers, backyard Bar-B-Q’s, and neighborhood holiday decoration contests

**COMMUNICATION AND SERVICE:**

- Blue Cross of California – Customer Service, CoveredCA
  - Presented Open Enrollment Benefits to groups of 3 - 500
  - Designed and implemented a geriatric wellness program for California senior centers
    - Positive Lifestyle Changes For Healthier Golden Years
- Community liaison for Neighborhood Watch

**LEADERSHIP**

- National Election Precinct Leader: Kept precinct voting running smoothly and peacefully
- Community Leader: Recruited Neighborhood Watch for three of my communities
- School Leader: exam proctor, PTA various chairs & Just Say No to drugs, and fundraisers
- Church Leader: Implemented preteen girls empowerment program, Implemented and managed new member luncheons, BSF leader, camp counselor, Sunday school teacher

**Experience**

Medical Professionals – Agent Services (Seasonal) 2015-2016

- Call center software application guidance, enrollment, benefit and cost comparisons
- Researched, analyzed, and resolved issues in high volume call center

AgeWell Senior Services – Nutrition Manager 2015

- Recruited, trained, and supervised volunteers.
- Assessed, screened, and routinely visited all clients to ensure satisfactory home safety and sanitary conditions and client health through nutrition assessment

**(949)835-6450**

**RONNI SUE K. CURTIS**

**Ronnicurtis049@gmail.com**

Macy's Seasonal Sales (Christmas) – Sales and Customer Service 2014

- Greeted customers, made suggestions, cashier, returns, mail orders, and phones

St. Joseph Medical Center, Mission Viejo – Room Service Attendant 2009-2010

- Nutrition Care: Patient Assessment, Meal Delivery, C.P.R., Sanitation and Safety



**TO:** Honorable Mayor and Board of Trustees  
**FROM:** Zach Higgins, AICP Planner/Project Manager  
**DATE:** September 27, 2022  
**SUBJECT:** Historic Preservation Code Update

**SUMMARY**

The Historic Advisory Board and Staff have held two public meetings, one in February and one in April. The HAB also released a Historic Preservation Survey which was distributed digitally and physically, which received over 130 responses. With that feedback, the HAB has chosen to use the Basic version of the History Colorado Model Certified Local Government Preservation Ordinance to use as a base for an update to the Elizabeth Municipal Code.

The draft of the slightly modified ordinance was presented at the April 18th public meeting and received majority positive feedback. The draft ordinance also received majority positive feedback from the Main Street Board of Directors at their April 2022 meeting. The Historic Advisory Board has given formal recommendation of approval for the Elizabeth Municipal Code update for the contents of Ordinance 22-07 at their June 20<sup>th</sup> meeting. Ordinance 22-09, an Ordinance Repealing and Reenacting Chapter 2 Article VIII and Chapter 16 Article XI of the Elizabeth Municipal Code has received recommendation of approval from the Planning Commission at their July 5<sup>th</sup>, 2022 meeting.

The Board of Trustees has reviewed the proposed Ordinance during a workshop held on August 23<sup>rd</sup>, 2022. The feedback received during that workshop has been integrated into the updated Ordinance language presented at the September 27, 2022 Board of Trustees meeting. The compiled results of the Historic Preservation survey were released to the public on the Town’s website on September 21, 2022.

Approval of Ordinance 22-09 would amend all sections of Chapter 2 Article VIII and Chapter 16 Article XI of the Elizabeth Municipal Code regarding the Historic Advisory Board and Historic Preservation. Proposed amendments include but are not limited to those items listed below:

- 2-8-10 – Purpose. Additional and different language included that reflects what was provided from the History Colorado Model CLG Preservation Ordinance.
- 2-8-20 – Historic Advisory Board. Provides a percentage of preferred “professionals” with expertise in the fields listed. A Historian position has been added to the yearly elected Officers.
- \*2-8-20 – The draft 2-8-20 (3) c. Appointments to fill the vacancies on the Historic Advisory Board shall be made by the Board of Trustees, has been removed by request of the Board of Trustees.
- The Town Registry Established section has been moved to Chapter 16 Article XI.
- The Designation of historic structures, sites and districts has been moved to Chapter 16 Article XI.



- The Procedures for designating historic structures, sites and districts for preservation has been moved to Chapter 16 Article XI.
- The Criteria for designation section has been moved to Chapter 16 Article XI.
- The Historic districts section has been moved to Chapter 16 Article XI.
- The Review alterations section has been moved to Chapter 16 Article XI.
- The Revocation of designation section has been moved to Chapter 16 Article XI.
- 16-11-10 General. The Purpose section has additional and different language included that reflects what was provided from the History Colorado Model CLG Preservation Ordinance.
- 16-11-10 General. A Definitions section was added for clarity within Chapter 16 Article XI as recommended by the Model Ordinance.
- 16-11-20 – Establishment of Town Register and Designation Criteria. Designation Criteria reflects current standard which was provided by the Model Ordinance.
- 16-11-30 – Designation Procedure. The nomination for listing in the Town's Register was changed to remove nominations by REHAB "HAB" and added specific language for nominations by the owner of the property. Applications for a district nomination will not be seen as complete without at least 75% of the Property Owners within the district approval by signature.
- 16-11-30 – Designation Procedure. The Designation Hearing timeframe was amended to occurring within 45 days of application being determined complete versus 30 days after the filing of the application. Public notice requirements of 10 days before the public hearing and physical location posting requirements have been added.
- 16-11-30 – Designation Procedure. Provides an Appeals process and Revocation of Designation process.
- \*16-11-30(c) – This section from the proposed code update has been revised to include required consent from all property owners of proposed individual properties to be added to the Town's Historic Register.
- 16-11-40 – Alterations to Properties and Historic Districts on the Town's Historic Register. A Certificate of Appropriateness issued by the HAB is established and required before carrying out new Construction, Alteration, Relocation, or Demolition involving the exterior of any Historic Property or Property within a Historic District. The Certificate of Appropriateness will be required before issuance of a Building Permit for the previous mentioned properties and work types. An Alteration Hearing is established as well as Review Criteria that vary from the CURRENT code's criteria listed in 16-11-60 (3). A HAB Review process is established as well as an Appeals process.
- 16-11-50 – Relocation of Listed Properties. Establishes additional criteria specific to the relocation of listed properties that builds upon those requirements in section 16-11-40.
- 16-11-60 – Demolition of Listed Properties. Establishes additional criteria specific to the demolition of listed properties that builds upon those requirements established in section 16-11-40.
- 16-11-70 – Certificate of Economic Hardship. Establishes a Certificate of Economic Hardship, the criteria to obtain and review, as well as an appeal process.
- 16-11-80 – Maintenance. This section discusses the maintenance of listed properties and properties within historic districts explicitly. The Town makes mention of required maintenance within Town Limits regarding



## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

the adopted Building Code in Section 18-9, but Section 16-11-80 is specifically for Listed Properties and those within adopted Historic Districts.

- 16-11-90 – Unsafe or Dangerous Conditions Exempted. Allows for temporary measures to be taken to remediate dangerous or unsafe conditions without first obtaining a Certificate of Appropriateness.
- 16-11-100 – Enforcement and Penalties. Establishes enforcement and penalty requirements for noncompliance with those established requirements within this ordinance.
- 16-11-110 – Incentives. This section outlines that those Town designated Historic Property or Contributing Property within a Historic District would be eligible for restoration or rehabilitation incentives provided by the State of Colorado, as well as any additional incentives developed by the HAB or the Board of Trustees

### ATTACHMENT(S)

Red-Lined Copy of Ordinance 22-09 to show requested changes

Current EMC Historic Preservation Codes

Historic Preservation Survey Results

Ordinance 22-09 Clean Copy

## ORDINANCE 22-09

### AN ORDINANCE REPEALING AND REENACTING CHAPTER 2 ARTICLE VIII AND CHAPTER 16 ARTICLE XI OF THE ELIZABETH MUNICIPAL CODE REGARDING CHANGES TO THE TOWN'S HISTORIC ADVISORY BOARD AND HISTORIC PRESERVATION

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Chapter 2 Article VIII of the Elizabeth Municipal Code is hereby repealed and reenacted to read as follows:

#### **Section 2-8-10. Purpose**

1. Purpose. The purpose of the Historic Advisory Board (HAB) as referenced in this article 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;
  - h. 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; and
  - i. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

#### **Section 2-8-20. Historic Advisory Board**

1. The Board of Trustees hereby creates the Historic Advisory Board which shall have the duties and responsibility established in this Chapter 2 Article VIII and Chapter 16 Article XI, 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.
  - ~~b.~~ Members may continue to serve until their successors have been appointed.
  - ~~e.b.~~ 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.
  - ~~d.c.~~ 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 (1) 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. Make recommendations to the Board of Trustees on 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 Owners on historic preservation, rehabilitation, restoration, and reconstruction.
  - 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 of the Town.
  - 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 without cause being stated.
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 2. Chapter 16 Article XI of the Elizabeth Municipal Code is hereby repealed and reenacted to read as follows:

**Section 16-11-10. General**

~~2.~~ 1. Purpose. The purpose of this Article is to enhance our community's local resources and to promote the public health, safety, and welfare through:

- a.j. 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.k. The enhancement of Property values and the stabilization of historic neighborhoods;
- e.l. The establishment of the Town’s Historic Register listing Historic Properties and Historic Districts;
- d.m. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
- e.n. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
- f.o. The promotion of thoughtful community planning and design;
- g.p. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the Town; and
- h.q. The provision of educational opportunities to increase public appreciation of the Town’s unique heritage.

3-2. 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 Historic Property or Historic District.
- b. **Applicant** – Person or persons submitting nomination or Alteration paperwork.
- c. **Board of Trustees** – The Board of Trustees of the Town of Elizabeth.
- d. **Building** – A shelter or enclosure constructed for persons, animals, or chattels.
- e. **Building Code** – The Town of Elizabeth Building Code, as amended.
- 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** – The approval statement signed by the Historic Advisory Board which certifies the historical appropriateness of any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property or element within a Historic District

pursuant to the historic preservation regulations within Chapter 2 – Article VIII Historic Advisory Board and Chapter 16 – Article XI Historic Preservation. The issuance of a Certificate of Appropriateness authorizes the issuance of a building permit (if required) for said request.

- h. **Certificate of Economic Hardship** – A certificate issued by the HAB 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 Chapter 2 – Article VIII Historic Advisory Board and Chapter 16 – Article XI Historic Preservation, even though a Certificate of Appropriateness has previously been denied.
- i. **Town’s Historic Register** – The register established pursuant to Section 16-11-20 of this Article.
- j. **Code** – The Town of Elizabeth Municipal Code as amended.
- k. **Colorado State Register of Historic Properties** – The official listing of state designated cultural resources.
- l. **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.
- m. **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.
- n. **Contributing Property** – A Building, Structure, Site, or Object that reflects the historic or architectural character within a Historic District.
- o. **Demolition** or **Demolish** – Any act or process that destroys in part or in whole a Building, Structure, Object, or Site.
- p. **Design Guidelines** – Utilize reference document, Town of Elizabeth Design Review Standards & Guidelines, as the same may be amended from time to time.
- q. **Historic District**
  - i. 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 Board of Trustees pursuant to this ordinance as amended.

- ii. 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).
  - iii. 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.
  - iv. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.
- r. **Historic Property** – A Building, Structure, Site, or Object which is designated by the Board of Trustees to the Town’s Historic Register pursuant to Chapter 2 – Article VIII Historic Advisory Board and Chapter 16 – Article XI Historic Preservation.
  - s. **Infill** – Construction on vacant or under-used parcels within existing areas that are largely developed.
  - t. **Integrity** – The ability of a property to convey its Historic Significance through its physical features.
  - u. **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.
  - v. **Maintenance** – All activities necessary to prolong the useful life and aesthetic appearance of a Property.
  - w. **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.
  - x. **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.
  - y. **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.
  - z. **Period of Significance** - Span of time during which significant events and activities occurred.

- aa. **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.
- bb. **Property** – A Building, Structure, Site, or Object.
- cc. **Relocation** or **Relocate** – Moving a Building, Structure, or Object to a different location, either temporarily or permanently.
- dd. **Secretary** – The secretary of the HAB.
- ee. **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.
- ff. **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.
- gg. **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.
- hh. **Structure** – A Construction for purposes other than shelter for humans, animals, or chattel (such as a road, bridge, canal, or fence).
- ii. **Town** – The Town of Elizabeth, Colorado.

**16-11-20. - Establishment of Town Register and Designation Criteria**

1. The Board of Trustees hereby establishes the Town Register of historic sites.
  - a. Properties or districts shall be listed in the Town's Historic Register when such Property or district has been so designated.
  - 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 as stated in this Code.
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.

## 16-11-30. - 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; or
  - ii. By any current resident of the Town with the written consent of the Owner or Owners of the Property or Properties to be designated.
- 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 UNLESS 75% of the Property Owners within the proposed district approve consent to the nomination by signature.

### 2. HAB 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. HAB may continue the hearing and request additional information from the applicant so long as the continued hearing date is within 30 days or as expressly agreed to by the Applicant.

### 3. HAB Review

a. At a public hearing, the HAB shall recommend the approval, approval with conditions, or denial of the proposed application and shall issue written findings based on the application's conformance with the established criteria and with the purposes of this ordinance as amended.

b. The HAB shall forward the application with a copy of its report and findings of recommendation of approval, recommendation of approval with conditions, or recommendation of denial to the Board of Trustees.

### 4. Board of Trustee Hearing

a. Within 30 days after receipt of the HAB's recommendation regarding 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 16-11-30, Subsections 2(a)-(c), 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 as amended.

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 applicable criteria for approval.

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 Community Development 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 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.
8. Appeals
  - a. The decision of the Board of Trustees shall be final and may only be appealed to a district court having jurisdiction over such matter within 30 days of the Board of Trustees decision.
9. 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 in Section 16-11-30. A Revocation of Designation by Alteration will only be considered in the case of a natural disaster or a mistake in the designation, NOT as a result of property owner negligence or unapproved modifications.
  - b. Upon the Board of Trustee'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 an ordinance including the legal description of the affected Historic Property or Historic District stating notice of the revocation, and schedule the ordinance for Board of Trustees review. Upon adoption by the Board of Trustees, the ordinance shall be recorded.

**16-11-40. - Alterations to Properties and Historic Districts on the Town's Historic Register**

1. Requirements
  - a. A Certificate of Appropriateness issued by the HAB is required 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).

- b. A Building Permit will not be issued for any new construction, alteration, relocation, or demolition involving the exterior of any Historic Property or Property within a Historic District (including Non-Contributing Properties) without obtaining a Certificate of Appropriateness as issued by the HAB.
- c. No person shall receive a building permit for any Building, Structure, Object, or other feature on a Site or element of a district when an application for historic designation under Section 16-11-30 is pending for such property.

## 2. Application

- a. A Certificate of Appropriateness 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.
- b. If the Town determines the Certificate of Appropriateness 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. Certificate of Appropriateness for alteration Hearing. Within 45 days after a Certificate of Appropriateness 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 16-11-30, Subsections 2(a)-(c).

## 4. Review Criteria

- a. Compliance with the Town of Elizabeth Design Review Standards & 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. At a public hearing, the HAB shall approve, approve with conditions, or deny the proposed application and shall issue written findings based on the application's conformance with the established criteria and with the purposes of this Article XI.
- b. If the HAB approves or approves the application with conditions, the HAB shall issue and send a Certificate of Appropriateness to the Applicant, and a copy of such to the Community Development 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 notify, in writing, the Applicant, the Community Development 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. HAB may continue the hearing and request additional information from the applicant so long as the continued hearing date is within 30 days or as expressly agreed to by 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. Appeals

- 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 HAB'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 16-11-30, Subsections 2(a)-(c), except the Town Clerk shall perform the responsibilities of the Secretary.
- d. The Board of Trustees shall review the appeal for a clear error made in the application of the applicable code criteria.

- e. If the Board of Trustees affirms the HAB's denial of the application, then the applicant may apply for a certificate of economic hardship.

## **16-11-50. - Relocation of Listed Properties**

### **1. General**

- a. In addition to the criteria and procedures in Section 16-11-40, 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. The criteria listed in Section 16-11-50 shall be submitted in addition to and accompanying an application for a Certificate of Appropriateness.
- 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. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the Building, Structure, or Object proposed for Relocation;
  - iii. If the Property can be Relocated without significant damage to its physical Integrity; and

- iv. 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.

**16-11-60. - Demolition of Listed Properties**

1. General

- a. In addition to the criteria and procedures in Section 16-11-40, the HAB will use the criteria of this Section in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District. The criteria listed in Section 16-11-60 shall be submitted in addition to and accompanying an application for a Certificate of Appropriateness.
- 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 16-11-70), 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.

**16-11-70. - Certificate of Economic Hardship**

1. General

- a. If an application for a Certificate of Appropriateness is denied, and an appeal of such denial has occurred, the Applicant may request an exemption from such certificate requirement pursuant to this Section.
- b. A request for exemption in the form of a Certificate of Economic Hardship shall be initiated by the Owner(s). Such application for a Certificate of Economic Hardship 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. When the Town determines the application for Certificate of Hardship is complete, the Town shall promptly refer the application to the Historic Advisory Board.
- e. A Certificate of Economic Hardship is granted only to the specific Owner and are not transferable.

2. Criteria for Certificate of Economic Hardship

- a. Economic Hardship. The following factors, evidence, and testimony are to be provided by the applicant and considered by the HAB:
  - 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 as amended.
  - 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 as amended 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, at a public meeting, 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, at a public meeting, 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 Certificate of Economic Hardship process for a period 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 a Certificate of Economic Hardship that takes into consideration the recommendations of the HAB, or appeal the denial to the Board of Trustees.
  - e. If an application for a Certificate of Economic Hardship 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 a Certificate of Economic Hardship
- a. If a Certificate of Economic Hardship 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 16-11-30, Subsections 2(a)-(c), except the Town Clerk shall perform the responsibilities of the Secretary.
- c. The Board of Trustees shall review the appeal for a clear error made in the application of the applicable code criteria.
- d. The decision of the Board of Trustees shall be final and may only be appealed to a district court having jurisdiction over such matter within 30 days of the Board of Trustees decision.

**16-11-80. - Maintenance**

1. The Board of Trustees intends to preserve from deliberate or inadvertent neglect the exterior portions of Historic Properties or Historic Districts 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 as amended 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.

**16-11-90. - 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.

### **16-11-100. - 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 as amended.
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 reconstructed, Altered, added to, Relocated, or Demolished in violation of this ordinance the Board of Trustees 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 Board of Trustees 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 one-year moratorium on all relocation, Demolition, or building permits for such Property and/or its original location.

### **16-11-110. - Incentives**

1. Any Owner of a Historic Property or Contributing Property within a Historic District under Section 16-11-20 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, at a public meeting, shall make the determination for each request regarding economic incentives.

Section 3. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such

section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and ordered published.

\_\_\_\_\_  
Megan Vasquez, Mayor

ATTEST

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk

*Footnotes:*

--- (2) ---

**Editor's note**— Ord. 15-04, § 1, adopted Apr. 14, 2015, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII, §§ 2-8-10—2-8-80, pertained to similar subject matter, and derived from: Prior code 15-1.2; Ord. 00-14 § 1; and Ord. 02-14 § 1.

Sec. 2-8-10. - Purpose.

The purpose of this Article is to enhance the Town's local resources and to promote the public interest in historic preservation through:

- (1) The protection and preservation of the Town's architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by appropriate regulations and incentives;
- (2) The establishment of a Town Register listing designated structures, sites and districts; and
- (3) The provision of educational opportunities to increase public appreciation of the Town of Elizabeth's unique heritage.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-20. - Created.

The Board of Trustees hereby creates the Historic Advisory Board which shall have principal responsibility for matters of historic preservation.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-30. - Membership.

The Historic Advisory Board shall consist of seven (7) members providing a balanced, community-wide representation. Persons who have an interest and knowledge of local history and culture are especially encouraged to apply.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-40. - Appointments and terms of office.

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.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-50. - 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.

(Ord. 15-04, § 1, 4-14-2015; Ord. No. 17-02, §1, 1-10-2017)

Sec. 2-8-60. - Officers.

At the first regular meeting of each calendar year, the Historic Advisory Board shall, by majority vote, elect one (1) of its members to serve as Chairperson to preside over the meetings and one (1) member to serve as Vice Chairperson. The members so designated shall serve in these capacities for terms of one (1) year.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-70. - Meetings.

The Historic Advisory Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-80. - Powers and duties.

The Historic Advisory Board shall, after solicitation of public comment and at a properly noticed public meeting:

- (1) Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
- (2) Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to the Board of Trustees approval or denial of a designation;
- (3) Upon a property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site or district;
- (4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the Town Register, the State Register and the National Register of Historic Places;
- (5) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;
- (6) Conduct surveys of historic sites, properties and areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas; the Historic Advisory Board may create a list of structures of historical or archaeological merit which have not been designated;
- (7) 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 would implement the completion of purposes of this Article; and
- (8) Actively pursue financial assistance for preservation-related programs.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-90. - Conduct of business.

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.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-100. - Town Registry established.

The Board of Trustees establishes the Town Register of historic sites. Structures or districts may be listed on the register only if the site, structure or district has been designated by the Board of Trustees following recommendation by the Historic Advisory Board. All properties listed on the National or State Register are eligible for the Town Register but are not designated until approval, pursuant to this Section, is obtained.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-110. - Designation of historic structures, sites and districts.

Consistent with the process set forth in Section 2-8-120 below, the Town may:

- (1) Designate as historic an individual structure, site or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value.
- (2) Designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.
- (3) Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic structure, site or district. The property included in any such designation shall be subject to the provisions set forth in this Section.
- (4) No individual structure or site will be designated without the consent of all owners of record and the provisions of this Section.
- (5) The purpose and effect of designation is:
  - a. To assist local groups interested in preservation of physical structures, sites or districts, and to recognize locally significant structures, sites or districts;
  - b. To provide a mechanism to educate the public on local history, development of the community, architectural styles, and housing and business development;
  - c. To enable the owners of the property in the Town to take advantage of historic preservation programs and opportunities; and
  - d. To make all properties listed on the Town Registry eligible for such incentive programs as may be developed.

(Ord. 15-04, § 1, 4-14-2015)

A nomination for designation listing in the Town Register may be made by the Historic Advisory Board or by any citizen by filing an application with the Community Development Department. Where nominated by the Historic Advisory Board, the Community Development Department and at least one (1) member of the Historic Advisory Board shall contact the owner or owners of such historic resources or historic district, either in person or in writing, outlining the reasons and effects of designation as a historic resource and, if possible, shall secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the Board of Trustees.

(1) Historic Advisory Board Review.

- a. Once it has been determined that the application for historical designation is complete, and the requirement for public hearing has been met, the Community Development Director shall forward the request to the Historic Advisory Board to be placed on the agenda for the next regularly-scheduled meeting. The hearing on the requested designation will occur not more than ninety (90) days from the date of determination that the application is complete.
- b. The Historic Advisory Board shall review the application for conformance with the established criteria for designation and with the purposes of this Section.
- c. Within ten (10) days after the conclusion of the public meeting, but in no event more than thirty (30) days after the meeting, unless mutually agreed by the Historic Advisory Board, the applicant and the owner or owners other than the applicant, the Historic Advisory Board shall recommend either approval, modification and approval or disapproval of the application. The Historic Advisory Board may recommend approval conditioned upon the execution of certain easements, covenants or licenses.
- d. If the Historic Advisory Board recommends approval of an application, the Historic Advisory Board shall forward the application with a copy of its report and findings of approval to Board of Trustees, including any requirements as to easements, covenants or licenses that must be met by the property owner to receive and/or maintain the designation. The Historic Advisory Board shall also notify the Board of Trustees within thirty (30) days of any decision disapproving a designation.

(2) Board of Trustees review.

- a. The Board of Trustees shall hold a public hearing to consider adopting by ordinance those properties qualifying for historic designation no more than thirty (30) days after receipt of the Historic Advisory Board's recommendation.
- b. The Board of Trustees shall review the application for conformance with the established criteria for designation and with the purpose of this Section.

(3) Owner notification. When a structure, site or historic district has been designated as provided herein, the Community Development Department shall promptly notify the record owners of the property, according to the Elbert County Assessor's records or other available information, and record the designation with the Office of the Elbert County Clerk and Recorder.

(4) Limitation on resubmission and reconsideration of proposed designation. Whenever the Historic Advisory Board or the Board of Trustees disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-130. - Criteria for designation.

The Historic Advisory Board and Board of Trustees will consider the following criteria in reviewing nominations of properties for designation:

- (1) Structures. Structures must be at least fifty (50) years old and meet one (1) or more of the following criteria for architectural, cultural or geographic/environmental significance. A structure can be exempted from the age standard if the Board of Trustees finds it to be exceptionally important in other criteria.
- (2) Architectural, cultural or geographic/ environmental criteria. Historic structures or sites shall meet one (1) or more of the following criteria in order to be considered for designation:
  - a. Architectural:
    - i. Exemplifies specific elements of an architectural style or period;
    - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
    - iii. Demonstrates superior craftsmanship or high artistic value;
    - iv. Represents an innovation in construction, materials or design;
    - v. Represents a built environment of a group of people in an era of history;
    - vi. Exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or
    - vii. Is a significant historic remodel.

- b. Cultural:
    - i. Is a site that of historic event that had an effect upon society;
    - ii. Exemplifies cultural, political, economic or ethnic heritage of the Town; or
    - iii. Is associated with a notable person or the work of a notable person.
  - c. Geographic/environmental:
    - i. Enhances the sense of identity of the Town; or
    - ii. Is an established and familiar natural setting or visual feature of the Town.
- (3) Prehistoric and historic archaeological structures or sites. Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:
- a. Architectural:
    - i. Exhibits distinctive characteristics of a type, period or manner of construction; or
    - ii. Is a unique example of structure.
  - b. Cultural:
    - i. Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
    - ii. Is associated with an important event in the area's development;
    - iii. Is associated with a notable person(s) or the work of a notable person(s);
    - iv. Is a typical example or is associated with a particular ethnic or other community group; or
    - v. Is a unique example of an event in local history.
  - c. Geographic/environmental:
    - i. Is geographically or regionally important.
- (4) General criteria. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
- a. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation;
  - b. Retains original design features, materials and/or character;
  - c. Is in the original location or same historic context if it has been moved;
  - d. Has been accurately reconstructed or restored.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-140. - Historic districts.

- (a) For the purposes of this Section, a district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities.
- (b) Significance is determined by applying criteria to the pattern(s) and unifying element(s).
- (c) Nominations will not be approved unless the application contains written approval from owners of at least seventy (70) percent of the properties within the district boundaries.
- (d) Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential.
- (e) District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
- (f) When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
- (g) In addition to meeting at least one (1) of the criteria outlined in Section 2-8-130 of this Section, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
- (h) Historic districts shall also meet one (1) or more of the following:
  - (1) Architectural:
    - a. Exemplifies specific elements of an architectural style or period;
    - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
    - c. Demonstrates superior craftsmanship or high artistic value;

- d. Represents an innovation in construction, materials or design;
- e. Represents a built environment of a group of people in an era of history;
- f. Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
- g. Is a significant historic remodel.

(2) Cultural:

- a. Is the site of an historic event that had an effect on society;
- b. Exemplifies cultural, political, economic or social heritage of the community; or
- c. Is associated with a notable person(s) or the work of a notable person(s).

(3) Geographic/environmental:

- a. Enhances sense of identity of the community; or
- b. Is an established and familiar natural setting or visual feature of the community.

(4) Archaeology/subsurface:

- a. Has the potential to make an important contribution to the area's history or prehistory;
- b. Is associated with an important event in the area's development;
- c. Is associated with a notable person(s) or the work of a notable person(s);
- d. Has distinctive characteristics of a type, period or manner of construction;
- e. Is of geographical importance.

(Ord. 15-04, § 1, 4-14-2015)

Sec. 2-8-150. - Review of alterations.

Before making any alterations to the exterior of structures or resources designated as historic, the owner of such building/structure or other historic resource shall submit an application to the Historic Advisory Board describing the project, including any plans or specifications. The Historic Advisory Board shall determine if the alteration is compatible with the designation. Property owners making alterations or constructing new buildings adjacent to registered building, landmarks, or districts are requested to consult with the Historic Advisory Board prior to beginning construction. For this Section, the term "alteration" shall mean any proposed modification to a designated historic site, structure or district, which could have an effect on the character of the historic resources relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.

(1) Criteria to review alterations. In reviewing a proposed alteration, the Historic Advisory Board shall consider the project in terms such as design, finish, material, scale, mass and height. When the subject site is in an historic district, the Historic Advisory Board must also find that the proposed development is visually compatible with the development on adjacent properties, as well as any guidelines adopted as part of the given historic district designation. For this Section, the term "compatible" shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures. The Historic Advisory Board will use the following criteria to determine compatibility of a proposed alteration:

- a. The effect upon the general historical and architectural character of the structure and property;
- b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
- c. The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to existing structure and the site;
- d. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- e. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- f. The condition of existing improvements and whether they are a hazard to public health and safety;
- g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; or
- h. The ability to comply with the Secretary of the Interior's Standards for Rehabilitation.

(2) It is the intent of the alteration review criteria process to encourage work on any of the structures or properties designated as historic to be in keeping with the spirit and intent of this Article; however, the Historic Advisory Board shall only have the power to review and make suggestions as appropriate to maintain compliance with the criteria found in Subsection 2-8-150(1). Compliance with the review process by the applicant shall be mandatory for any structures or resources designated as historic. Compliance with the review criteria for structures or resources designated as historic prior to the adoption of said ordinance shall be voluntary. Notwithstanding, any alterations to historic resources that are not in keeping with the review criteria may be subject to revocation of designation.

Sec. 2-8-160. - Revocation of designation.

If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Historic Advisory Board for a revocation of the designation or the Board shall recommend revocation of the designation to the Board of Trustees in the absence of the owner's application to do so.

Sec. 16-11-10. - Purpose.

The purpose of this Article is to enhance our community's local resources and to promote the public health, safety, prosperity and welfare through:

- (1) The protection and preservation of the Town's architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by appropriate regulations and incentives;
- (2) The establishment of a Town Register listing designated structures, sites and districts; and
- (3) The provision of educational opportunities to increase public appreciation of Elizabeth's unique heritage.

(Prior code 15-1.1)

Sec. 16-11-20. - Town Registry established.

The Board of Trustees hereby establishes the Town Register of Historic Places. Sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the Board of Trustees following recommendation by REHAB. All properties listed on the National or State Register are eligible for the Town Register but are not designated until approval, pursuant to this Article, is obtained.

(Prior code 15-1.3)

Sec. 16-11-30. - Designation of historic structures, sites and districts.

(a) Pursuant of the procedures set forth in this Article, the Board of Trustees may, by resolution:

- (1) Designate as historic an individual structure, site or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; or
- (2) Designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.

(b) Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic structure, site or district.

(c) No individual structure or site will be designated without the consent of all owners of record, historic districts may be designated in accordance with the provisions in this Section. The purpose and effect of designation is:

- (1) To assist local groups interested in preservation of physical structures, sites or districts, and to recognize locally significant structures, sites or districts;
- (2) To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;
- (3) To enable the owners of the property in the Town to take advantage of historic preservation programs and opportunities; and
- (4) To make all properties listed on the Town Registry eligible for such incentive programs as may be developed.

(Prior code 15-1.4)

Sec. 16-11-40. - Procedures for designating historic structures, sites and districts for preservation.

(a) A nomination for designation listing in the Town Register may be made by REHAB or by any citizen by filing an application with the Town Clerk. The fee charged shall be sufficient to cover the costs of publication, notice, recording costs, administrative costs and other charges incurred in the course of processing the application. The application fee shall be established or amended by resolution of the Board of Trustees.

(b) REHAB review.

- (1) REHAB shall hold a public meeting on the designation application no more than thirty (30) days after the filing of the application.
- (2) REHAB shall review the application for conformance with the established criteria for designation and with the purposes of this Section.
- (3) Within ten (10) days after the conclusion of the public meeting, but in no event more than thirty (30) days after the meeting mutually agreed by REHAB, the applicant and the owner or owners (if other than the applicant), REHAB shall recommend either

approval, modification and approval or disapproval of the application. REHAB may recommend approval conditional upon the execution of certain easements, covenants or licenses.

(4) REHAB shall forward to the Board of Trustees in writing any recommendation concerning a designation and further state any recommendations as to easements, covenants or licenses that must be met by the property owner to receive and/or maintain the designation.

(c) Board of Trustees review.

(1) The Board of Trustees shall hold a public hearing on the designation application no more than thirty (30) days after receipt of REHAB's recommendation.

(2) The Board of Trustees shall review the application for conformance with the established criteria for designation and with the purpose of this Section.

(d) When a structure, site or historic district has been designated as provided herein, the Town Clerk shall promptly notify the record owners of the property, according to the County Assessor's records or other available information, and record the designation with the County Clerk and Recorder.

(e) Limitation on resubmission and reconsideration of proposed designation. Whenever the Board of Trustees disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

(Prior code 15-1.5)

#### Sec. 16-11-50. - Criteria for designation.

REHAB and the Board of Trustees will consider the following criteria in reviewing nominations of properties for designation.

(1) Structures: Structures must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, cultural or geographic/environmental significance. A structure can be exempted from the age standard if REHAB and the Board of Trustees find it to be exceptionally important in other criteria.

a. Historic structures or sites shall meet one (1) or more of the following in order to be considered for designation.

1. Architectural: Exemplifies specific elements of an architectural style or period; is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally; demonstrates superior craftsmanship or high artistic value; represents an innovation in construction, materials or design; represents a built environment of a group of people in an era of history; exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or is a significant historic remodel.
2. Cultural: Is the site of a historic event that had an effect upon society; exemplifies cultural, political, economic or ethnic heritage of the Town; or is associated with a notable person or the work of a notable person.
3. Geographic/environmental: Enhances the sense of identity of the Town; or is an established and familiar natural setting or visual feature of the Town.

b. Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:

1. Architectural: Exhibits distinctive characteristics of a type, period or manner of construction; or is a unique example of a structure.
2. Cultural: Has the potential to make an important contribution to the knowledge of the area's history or prehistory; is associated with an important event in the area's development; is associated with a notable person or the work of a notable person; is a typical example or is associated with a particular ethnic or other community group; or is a unique example of an event in local history.
3. Geographic/environmental: Is geographically or regionally important.

c. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):

1. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
2. Retains original design features, materials and/or character;
3. Is in the original location or same historic context if it has been moved;

4. Has been accurately reconstructed or restored.

(2) Historic districts:

- a. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities.
- b. Significance is determined by applying criteria to the pattern and unifying element.
- c. Nominations will not be approved unless the application contains written approval from owners of one hundred percent (100%) of the properties within the district boundaries.
- d. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.
- e. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development or evidence of changes in site type or site density as established through testing or survey.
- f. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
- g. In addition to meeting at least one (1) of the criteria as outlined in Subparagraph h. below, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
- h. Historic districts shall meet one (1) or more of the following:
  1. Architectural: Exemplifies specific elements of an architectural style or period; is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally; demonstrates superior craftsmanship or high artistic value; represents an innovation in construction, materials or design; represents a built environment of a group of people in an era of history; exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or is a significant historic remodel.
  2. Cultural: Is the site of a historic event that had an effect on society; exemplifies cultural, political, economic or social heritage of the community; or is associated with a notable person or the work of a notable person;
  3. Geographic/environmental: Enhances sense of identity of the community; or is an established and familiar natural setting or visual feature of the community.
  4. Archaeology/subsurface: Has the potential to make an important contribution to the area's history or prehistory; is associated with an important event in the area's development; is associated with a notable person or the work of a notable person; has distinctive characteristics of a type, period or manner of construction; is of geographical importance; is a typical example/association with a particular ethnic group; is a unique example of an event or structure.

(Prior code 15-1.6)

Sec. 16-11-60. - Review of alterations.

The owner of a designated historic property is required (nondesignated historic property owners are requested) to consult with REHAB before making any alteration. REHAB shall determine if the alteration is compatible with the designation.

- (1) For the purposes of this Section, the term *alteration* shall mean any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resources relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.
- (2) Criteria to review alterations: In reviewing a proposed alteration, REHAB shall consider the project in terms such as design, finish, material, scale, mass and height. When the subject site is in an historic district, REHAB must also find that the proposed development is visually compatible with the development on adjacent properties, as well as any guidelines adopted as part of the given Historic District designation. For the purposes of this Section, the term *compatible* shall mean consistent with harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the structures.

(3) REHAB will use the following criteria to determine compatibility of a proposed alteration:

- a. The effect upon the general historical and architectural character of the structure and property;
- b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
- c. The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to existing structure and the site;
- d. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- e. The effects of the proposed work in creating, changing, destroying or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- f. The condition of existing improvements and whether they are a hazard to public health and safety; or
- g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

(Prior code 15-1.7)

#### Sec. 16-11-70. - Exemptions.

The applicant may request an exemption from the provisions of this Article. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in the applicable field, or by thorough documentation of how the information was obtained. REHAB may request additional information from the applicant as necessary to make informed decisions.

- (1) Economic hardship exemption: Exemptions are granted only to the specific owner and use and are not transferable.
  - a. For investment or income-producing properties: The owner's inability to obtain a reasonable rate of return in its present condition or if rehabilitated.
  - b. 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 owner's inability to convert the property to institutional use in its present condition or if rehabilitated.
  - c. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants or failure to provide normal tenant improvements.
- (2) Undue hardship: An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

(Prior code 15-1.8)

#### Sec. 16-11-80. - Revocation of designation.

If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to REHAB for a revocation of the designation or REHAB shall recommend revocation of the designation to the Board of Trustees in the absence of the owner's application to do so.

(Prior code 15-1.9)

# TOWN OF ELIZABETH

## Historic Preservation Survey Results

March 11th, 2022 - April 11th, 2022

Distributed via physical paper copy and digitally using SurveyMonkey.

137 Responses collected

72% completion rate

Average 4 minutes to complete.



This survey was created and distributed as part of a larger effort by the Town of Elizabeth's Historic Advisory Board. The Historic Advisory Board and Town Staff had recognized some inconsistencies and overlaps within the two chapters that discuss Historic Preservation within the Elizabeth Municipal Code. During this effort it was decided to reevaluate how the Town's citizens and patrons felt about historic preservation, to ensure that the code reflected those thoughts on preservation. The Colorado Department of Local Affairs assisted the Town by providing a facilitator to run two public meetings.

The Historic Advisory Board held an initial public meeting to discuss historic preservation on February 15th, 2022, at Town Hall. Those present voiced that the historic buildings within and surrounding the Town were essential to the identity of Elizabeth. With this feedback, a survey was developed by the Historic Advisory Board and Town Staff. The survey was open from March 11th to April 11th. The survey was available in paper copy from Town Hall and a few of the local businesses on Main Street. The survey was also released on the SurveyMonkey platform online. In total, 137 responses were collected.

The Historic Advisory Board and Town Staff reviewed the survey results and chose to utilize the History Colorado Model Certified Local Government Preservation Ordinance as the basis for a Historic Preservation Code Update. The Historic Advisory Board then held a second public meeting on April 18th, 2022. The survey results and possible code update language were discussed. The feedback received at that meeting was largely in favor of updating the historic preservation code. The Historic Advisory Board and Town Staff updated the Model Ordinance based on feedback received from the public meeting, the Main Street Board of Directors, and the Planning Commission.

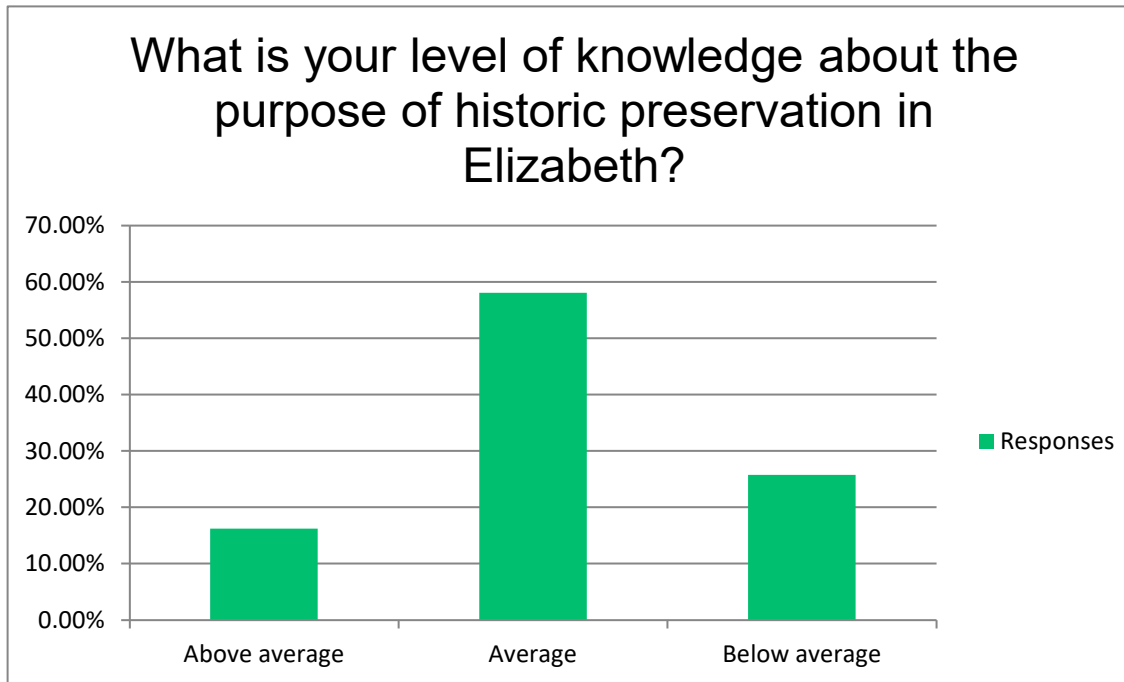


## Question #1

Town of Elizabeth - Historic Preservation Survey

What is your level of knowledge about the purpose of historic preservation in Elizabeth?

Answer Choices	Responses
Above average	16.18% 22
Average	58.09% 79
Below average	25.74% 35



## Question #2

Town of Elizabeth - Historic Preservation Survey

Please list any buildings, locations, or unique formations that would benefit from preservation:

1	Main Street	26	Main Street	51	Main Street	76	Main Street	101	Elizabeth Feed	126	Farmhouse	151	Farmhouse	176	1897 House
2	Main Street	27	Frontier High School	52	Main Street	77	Oddfellows	102	Stone Church	127	Old Town	152	Farmhouse	177	Oddfellows
3	Frontier High School	28	Main Street	53	Farmhouse	78	Carlson Building	103	Main Street	128	Main Street	153	Main Street	178	Mountain Man
4	Stone Church	29	Mountain Man	54	Barns	79	Old Town	104	Farmhouse	129	Casey Jones Park	154	Carriage Shoppes	179	Carriage Shoppes
5	Oddfellows	30	1897 House	55	Main Street	80	Main Street	105	Nature Areas	130	American Legion	155	Oddfellows	180	Frontier High School
6	Bank	31	Carriage Shoppes	56	Farmhouse	81	Kiowa Ave	106	Running Creek Park	131	All	156	Blue Building	181	Carlson Building
7	Hundley Apartment	32	Randy's Antiques	57	Main Street	82	Kiowa Ave	107	Trees	132	Main Street	157	Oddfellows	182	Frontier High School
8	Main Street	33	Main Street	58	All	83	Main Street	108	All	133	Frontier High School	158	Main Street	183	Bank
9	Main Street	34	Main Street	59	Farmhouse	84	Main Street	109	Main Street	134	Farmhouse	159	Main Street	184	Carriage Shoppes
10	Farmhouse	35	Old Town	60	Main Street	85	Main Street	110	Kiowa Ave	135	Native American Artifacts	160	Main Street	185	Section House
11	Oddfellows	36	Main Street	61	All	86	Oddfellows	111	1897 House	136	Main Street	161	Kiowa Ave	186	Stone Church
12	All	37	Main Street	62	Main Street	87	Farmhouse	112	Bank	137	Barns	162	Main Street	187	Frontier High School
13	Oddfellows	38	Running Creek Park	63	Farmhouse	88	Railroad lines	113	Oddfellows	138	Bank	163	Old Town	188	All
14	Bank	39	Frontier High School	64	Main Street	89	Frontier High School	114	Randy's Antiques	139	Viero	164	All	189	Farmhouse
15	Main Street	40	All	65	Main Street	90	Main Street	115	Powder River	140	Carlson Building	165	Oddfellows	190	Frontier High School
16	Frontier High School	41	Main Street	66	Main Street	91	Oddfellows	116	Mountain Man	141	1897 House	166	Carriage Shoppes	191	Bank
17	Farmhouse	42	Main Street	67	Library	92	Main Street	117	Main Street	142	Carriage Shoppes	167	279 E Grant	192	Stone Church
18	Main Street	43	Main Street	68	Mountain Man	93	Oddfellows	118	All	143	Stone Church	168	244 E Grant	193	Farmhouse
19	Casey Jones Park	44	Frontier High School	69	Carlson Building	94	Bank	119	Mercantile	144	Powder River	169	333 N Banner	194	Main Street
20	Frontier High School	45	Main Street	70	Old Town	95	Randy's Antiques	120	Oddfellows	145	Alpaca	170	Bank	195	All
21	Trees	46	Main Street	71	Oddfellows	96	Section House	121	Main Street	146	Old Town	171	Mountain Man	196	Bank
22	Main Street	47	Main Street	72	Main Street	97	1897 House	122	All	147	Main Street	172	Carlson Building	197	Old Town
23	Barns	48	Main Street	73	Main Street	98	Carriage Shoppes	123	Main Street	148	Farmhouse	173	Farmhouse	198	Main Street
24	Trees	49	Main Street	74	Bank	99	Carlson Building	124	Main Street	149	Barns	174	All	199	All
25	Farmhouse	50	Main Street	75	None	100	Viero	125	Farmhouse	150	Main Street	175	Bank		

### Consolidated Responses

58	Main Street	11	Bank	5	1897 House	3	Trees	2	Powder River	1	Hundley Apartment	1	Nature Areas	1	Blue Building
18	Farmhouse	7	Old Town	5	Mountain Man	3	Randy's Antiques	2	Casey Jones Park	1	Library	1	Running Creek Park	1	279 E Grant
14	Oddfellows	7	Carriage Shoppes	4	Barns	2	Section House	1	Mercantile	1	Railroad Lines	1	American Legion	1	244 E Grant
13	All	6	Carlson Building	4	Kiowa Ave	2	Viero	1	Alpaca	1	Elizabeth Feed	1	Native American Artifacts	1	333 N Banner
12	Frontier High School	5	Stone Church												

### Question #3

Town of Elizabeth - Historic Preservation Survey

Name your favorite historic district or historic town in Colorado outside of Elizabeth:

1	Ouray	26	Colorado City	51	Georgetown	76	Telluride	101	Leadville	126	Leadville
2	Black Hawk	27	Central City	52	Littleton	77	Breckenridge	102	Central City	127	Breckenridge
3	Leadville	28	Kiowa	53	Elbert	78	Firestone	103	Estes Park	128	Aspen
4	Trinidad	29	Elbert	54	Golden	79	Georgetown	104	Colorado City	129	Fort Collins
5	Idaho Springs	30	Cripple Creek	55	Ghost Towns	80	Breckenridge	105	Breckenridge	130	Leadville
6	Florence	31	Hugo	56	Gettysburg, PA	81	Breckenridge	106	Larimer Square	131	Kiowa
7	Golden	32	Como	57	Steamboat	82	Parker	107	Georgetown	132	Durango
8	Georgetown	33	Kiowa	58	Glenwood Springs	83	Georgetown	108	Idaho Springs	133	Creede
9	Victor	34	Elbert	59	Idaho Springs	84	Como	109	Estes Park	134	Georgetown
10	Leadville	35	Flagler	60	Crested Butte	85	Estes Park	110	Fort Bent	135	Frisco
11	Cripple Creek	36	Fairplay	61	Grand Lake	86	Cripple Creek	111	Telluride	136	Georgetown
12	Manitou Springs	37	Como	62	Cripple Creek	87	Silverthorne	112	Grand Lake	137	Colorado City
13	Palisade	38	Leadville	63	Silverton	88	Evergreen	113	Kiowa	138	Leadville
14	Ouray	39	Elbert	64	Leadville	89	Silverton	114	Cripple Creek	139	Silverton
15	Georgetown	40	Florence	65	Salida	90	Crested Butte	115	Creede	140	Breckenridge
16	Frederick	41	Georgetown	66	Lake City	91	Georgetown	116	Silverton	141	Evergreen
17	Johnstown	42	Leadville	67	Leadville	92	Canon City	117	Lake City	142	Manitou Springs
18	Windsor	43	Telluride	68	Westcliff	93	Estes Park	118	Georgetown	143	Victor
19	Cripple Creek	44	Fairplay	69	Leadville	94	Silverton	119	Buena Vista	144	Parker
20	Sangre de Cristo	45	Golden	70	Manitou Springs	95	La Veta	120	Arvada		
21	Parker	46	Colorado Springs	71	Fairplay	96	Estes Park	121	Elbert		
22	Idaho Springs	47	Woodland Park	72	Breckenridge	97	Georgetown	122	Central City		
23	Georgetown	48	Central City	73	Idaho Springs	98	Idaho Springs	123	Cripple Creek		
24	Ouray	49	Georgetown	74	Douglas County Barns	99	Castle Rock	124	Georgetown		
25	Creede	50	Colorado City	75	Douglas County Barns	100	Fort Collins	125	Manitou Springs		

### Consolidated Responses

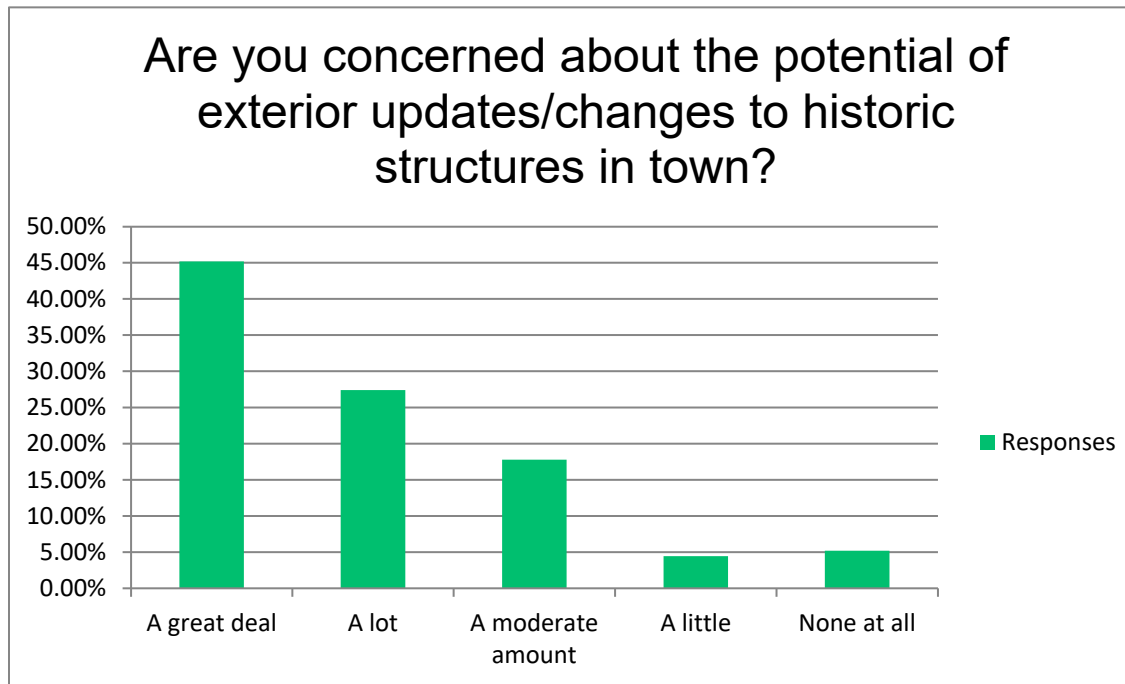
15	Georgetown	4	Kiowa	2	Victor	1	Sangre de Cristo	1	La Veta	1	Frederick
11	Leadville	4	Manitou Springs	2	Crested Butte	1	Gettysburg, PA	1	Castle Rock	1	Johnstown
7	Cripple Creek	3	Ouray	2	Grand Lake	1	Steamboat	1	Larimer Square	1	Windsor
7	Breckenridge	3	Golden	2	Lake City	1	Glenwood Springs	1	Fort Bent	1	Hugo
6	Idaho Springs	3	Parker	2	Douglas County Barns	1	Salida	1	Buena Vista	1	Flagler
5	Elbert	3	Creede	2	Evergreen	1	Westcliff	1	Arvada	1	Colorado Springs
5	Silverton	3	Fairplay	2	Fort Collins	1	Firestone	1	Aspen	1	Woodland Park
5	Estes Park	3	Telluride	1	Ghost Towns	1	Silverthorne	1	Frisco	1	Littleton
4	Colorado City	3	Como	1	Black Hawk	1	Canon City	1	Palisade	1	Durango
4	Central City	2	Florence	1	Trinidad						

## Question #4

Town of Elizabeth - Historic Preservation Survey

Are you concerned about the potential of exterior updates/changes to historic structures in town?

Answer Choices	Responses	
A great deal	45.19%	61
A lot	27.41%	37
A moderate amount	17.78%	24
A little	4.44%	6
None at all	5.19%	7

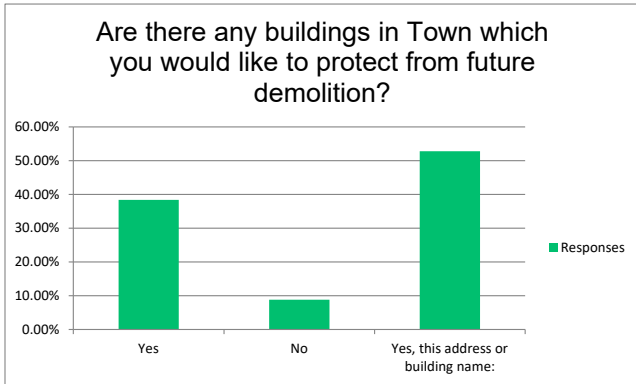


# Question #5

Town of Elizabeth - Historic Preservation Survey

Are there any buildings in Town which you would like to protect from future demolition?

Answer Choices	Responses	Count
Yes	38.40%	48
No	8.80%	11
Yes, this address or building name:	52.80%	66



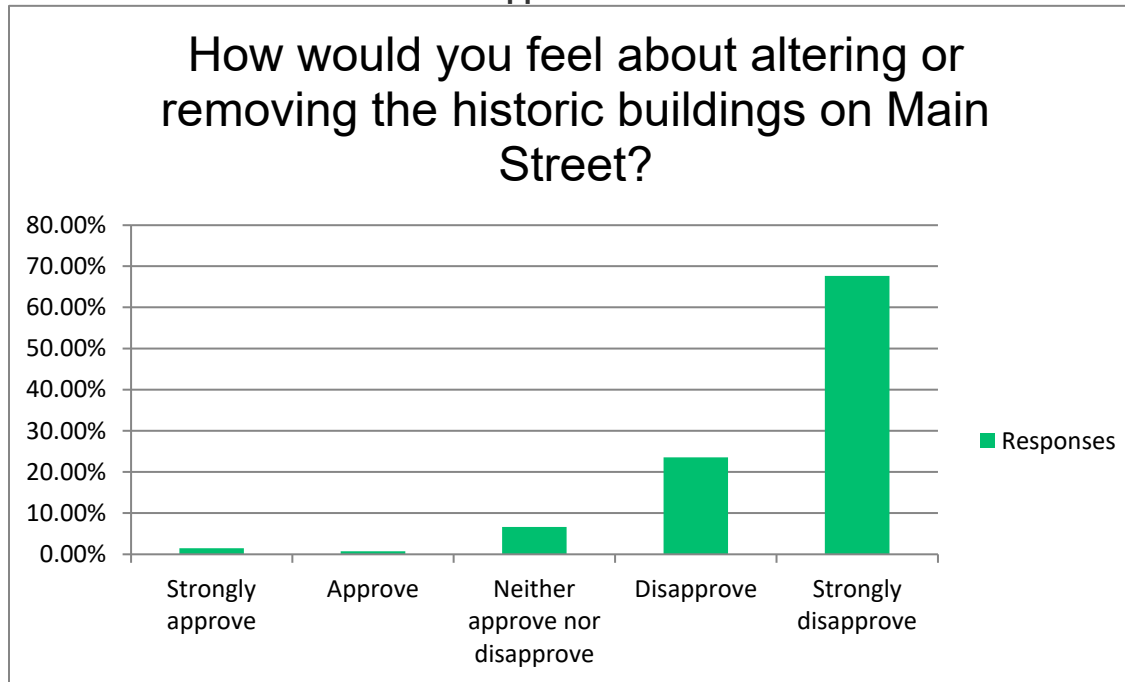
1	Main Street	26	Main Street	51	Main Street	76	Bank Building
2	Main Street	27	All	52	Main Street	77	Main Street
3	Bank Building	28	All	53	Bank Building	78	Oddfellows
4	Frontier High School	29	Farmhouse	54	All	79	Bank Building
5	Main Street	30	All	55	Kiowa Ave	80	Frontier High School
6	122 Main Street	31	Old Town	56	Main Street	81	All
7	All	32	Carriage Shoppes	57	Main Street		
8	Bank Building	33	Bank Building	58	Stone Church		
9	Legacy High School	34	Main Street	59	Main Street		
10	Farmhouse	35	Main Street	60	Main Street		
11	Bank Building	36	Carlson	61	Farmhouse		
12	Stone Church	37	Oddfellows	62	Main Street		
13	All	38	Main Street	63	All		
14	All	39	Main Street	64	Farmhouse		
15	Nest	40	Farmhouse	65	Frontier High School		
16	Mountain Man	41	Frontier High School	66	Mountain Man		
17	Main Street	42	Farmhouse	67	Old Town		
18	Main Street	43	Frontier High School	68	Main Street		
19	Farmhouse	44	Farmhouse	69	Main Street		
20	Frontier High School	45	Farmhouse	70	Main Street		
21	All	46	Bank Building	71	Stone Church		
22	Bank Building	47	Main Street	72	Frontier High School		
23	Carriage Shoppes	48	Kiowa Ave	73	Frontier High School		
24	Main Street	49	Main Street	74	Frontier High School		
25	Frontier High School	50	All	75	Farmhouse		

## Question #6

### Town of Elizabeth - Historic Preservation Survey

#### How would you feel about altering or removing the historic buildings on Main Street?

Answer Choices	Responses	
Strongly approve	1.47%	2
Approve	0.74%	1
Neither approve nor disapprove	6.62%	9
Disapprove	23.53%	32
Strongly disapprove	67.65%	92
<b>Answered</b>		<b>136</b>
<b>Skipped</b>		<b>1</b>

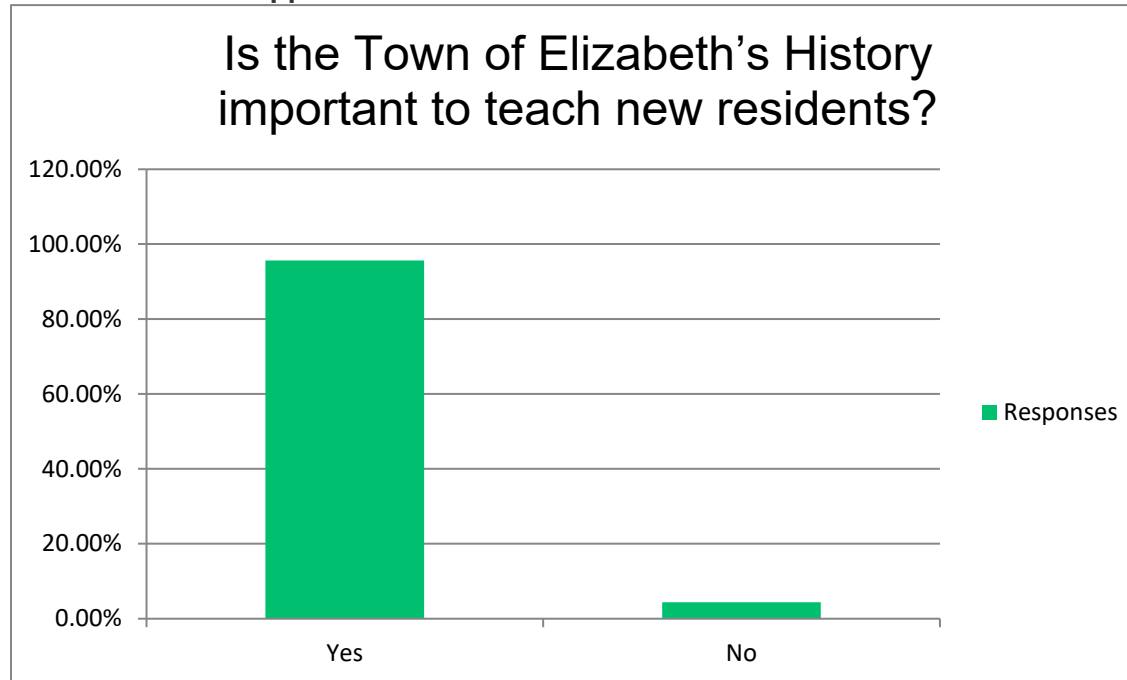


## Question #7

Town of Elizabeth - Historic Preservation Survey

**Is the Town of Elizabeth's History important to teach new residents?**

Answer Choices	Responses	
Yes	95.62%	131
No	4.38%	6
	<b>Answered</b>	<b>137</b>
	<b>Skipped</b>	<b>0</b>

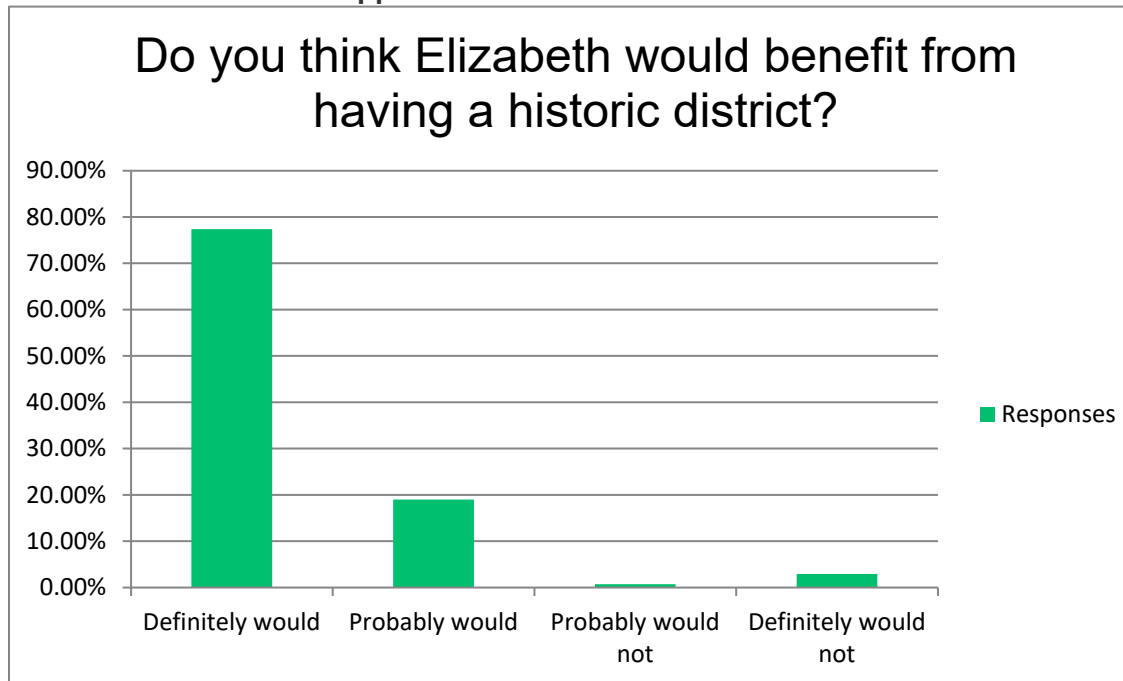


## Question #8

Town of Elizabeth - Historic Preservation Survey

Do you think Elizabeth would benefit from having a historic district?

Answer Choices	Responses	
Definitely would	77.37%	106
Probably would	18.98%	26
Probably would not	0.73%	1
Definitely would not	2.92%	4
<b>Answered</b>		<b>137</b>
<b>Skipped</b>		<b>0</b>

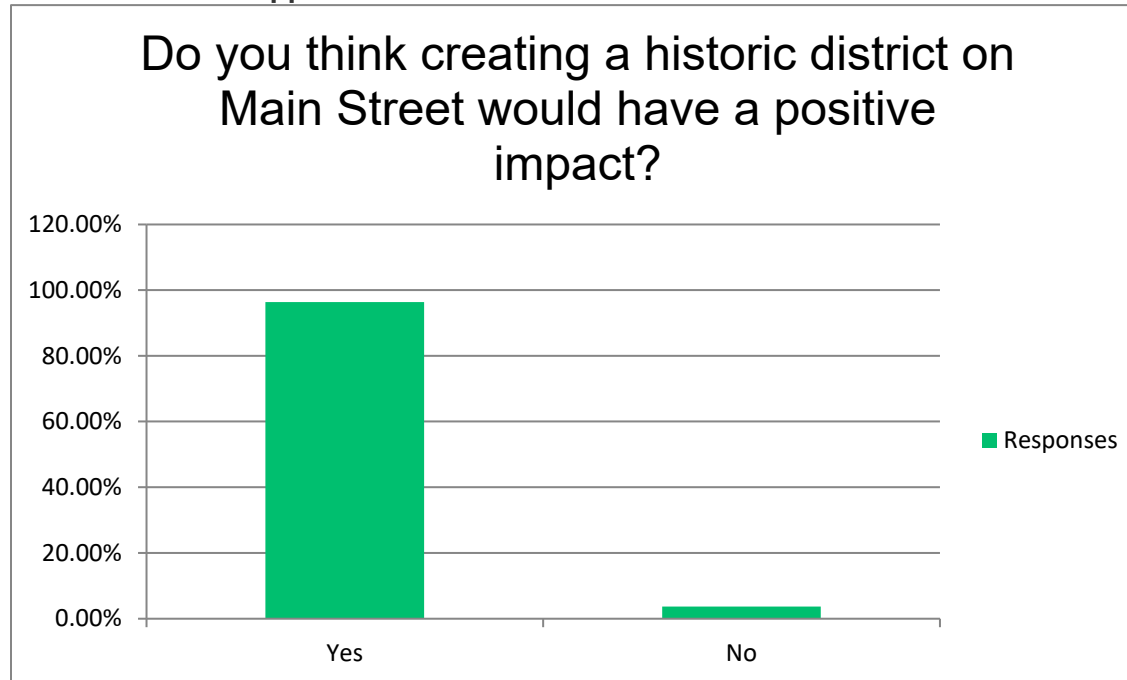


## Question #9

Town of Elizabeth - Historic Preservation Survey

**Do you think creating a historic district on Main Street would have a positive impact?**

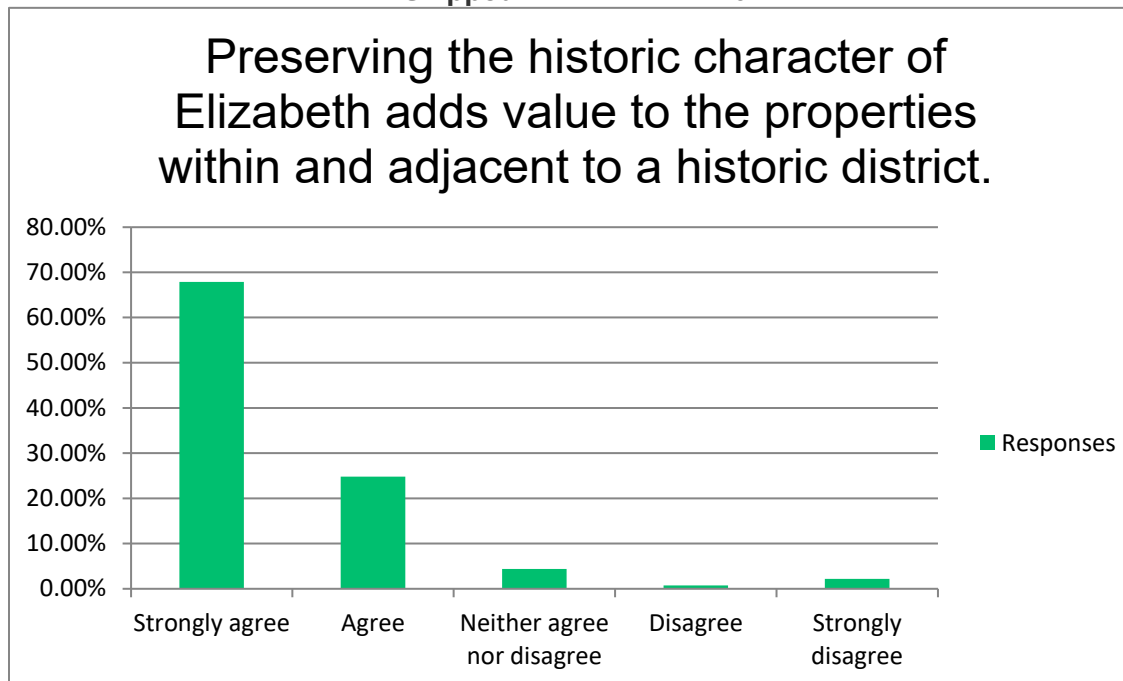
Answer Choices	Responses	
Yes	96.32%	131
No	3.68%	5
<b>Answered</b>		<b>136</b>
<b>Skipped</b>		<b>1</b>



## Question #10

Town of Elizabeth - Historic Preservation Survey  
**Preserving the historic character of Elizabeth adds value to the properties within and adjacent to a historic district.**

Answer Choices	Responses	
Strongly agree	67.88%	93
Agree	24.82%	34
Neither agree nor disagree	4.38%	6
Disagree	0.73%	1
Strongly disagree	2.19%	3
	<b>Answered</b>	<b>137</b>
	<b>Skipped</b>	<b>0</b>

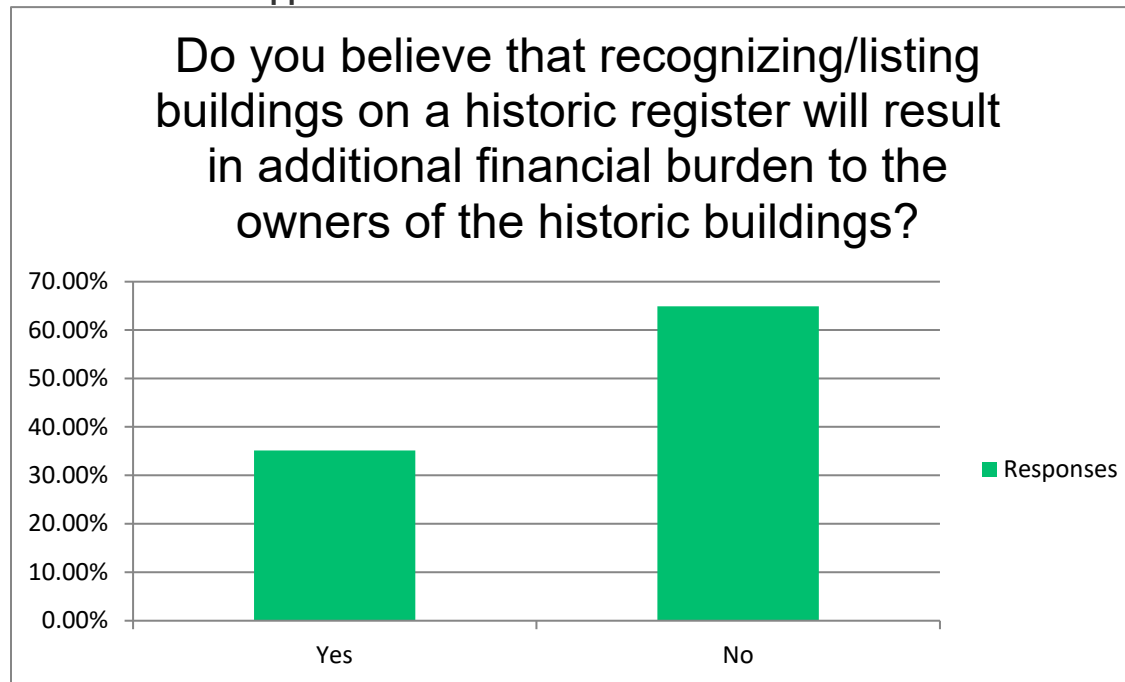


## Question #11

Town of Elizabeth - Historic Preservation Survey

**Do you believe that recognizing/listing buildings on a historic register will result in additional financial burden to the owners of the historic buildings?**

Answer Choices	Responses	
Yes	35.11%	46
No	64.89%	85
<b>Answered</b>		<b>131</b>
<b>Skipped</b>		<b>6</b>

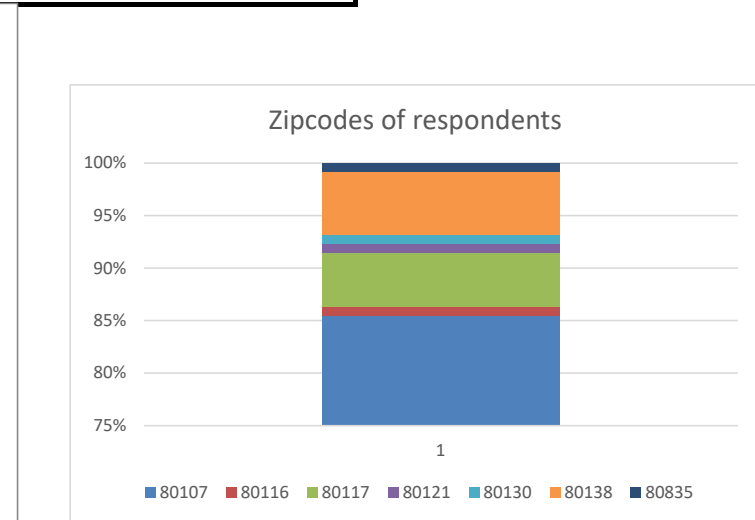
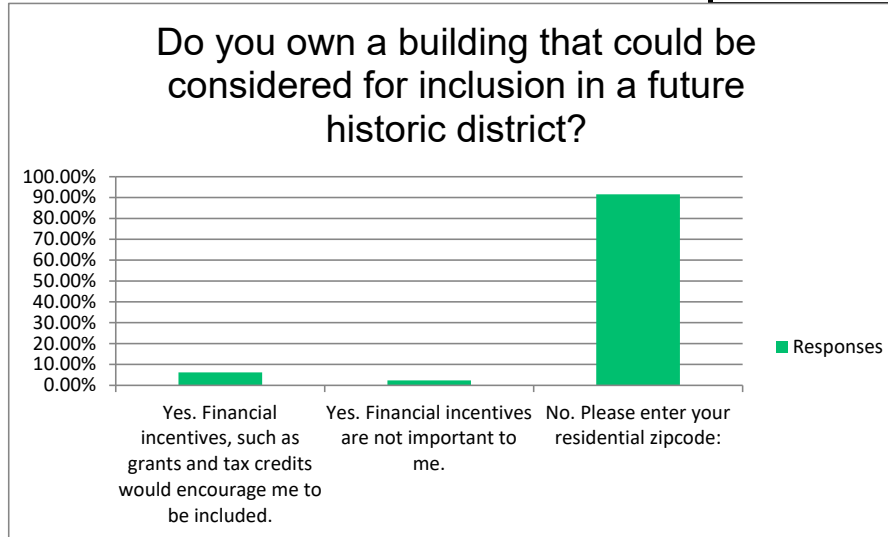


## Question #12

Town of Elizabeth - Historic Preservation Survey

Do you own a building that could be considered for inclusion in a future historic district?

Answer Choices	Responses	
Yes. Financial incentives, such as grants and tax credits would encourage me to be included.	6.15%	8
Yes. Financial incentives are not important to me.	2.31%	3
No. Please enter your residential zipcode:	91.54%	119
<b>Answered</b>		<b>130</b>
<b>Skipped</b>		<b>7</b>

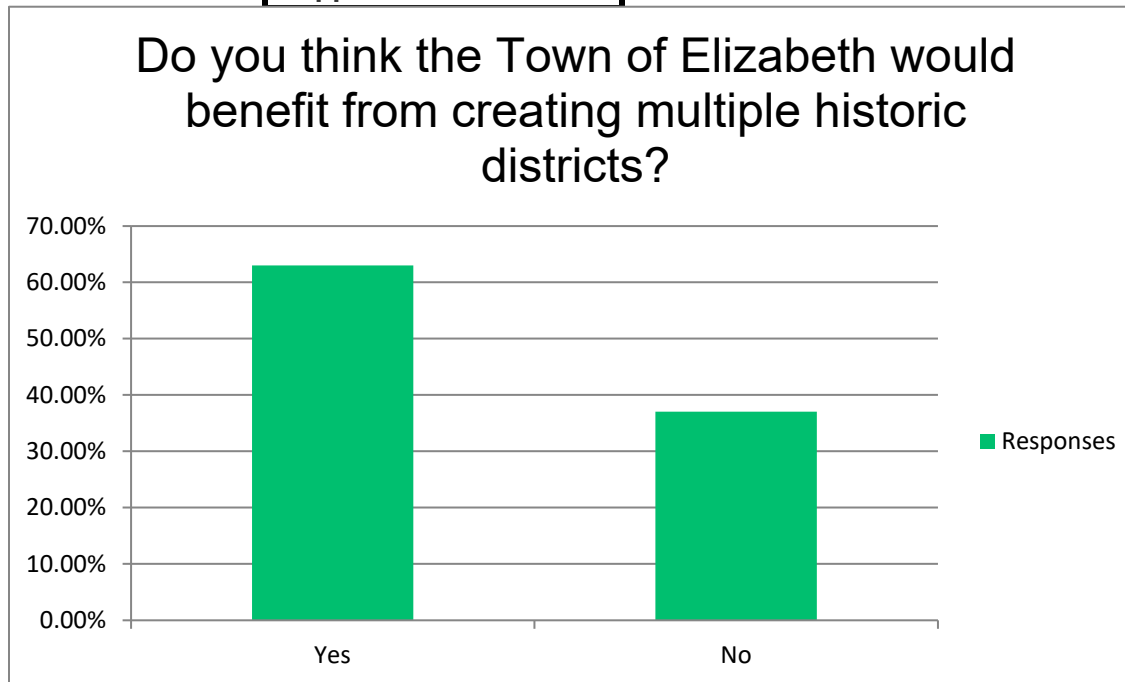


### Question #13

Town of Elizabeth - Historic Preservation Survey

Do you think the Town of Elizabeth would benefit from creating multiple historic districts?

Answer Choices	Responses	
Yes	62.99%	80
No	37.01%	47
<b>Answered</b>		<b>127</b>
<b>Skipped</b>		<b>10</b>

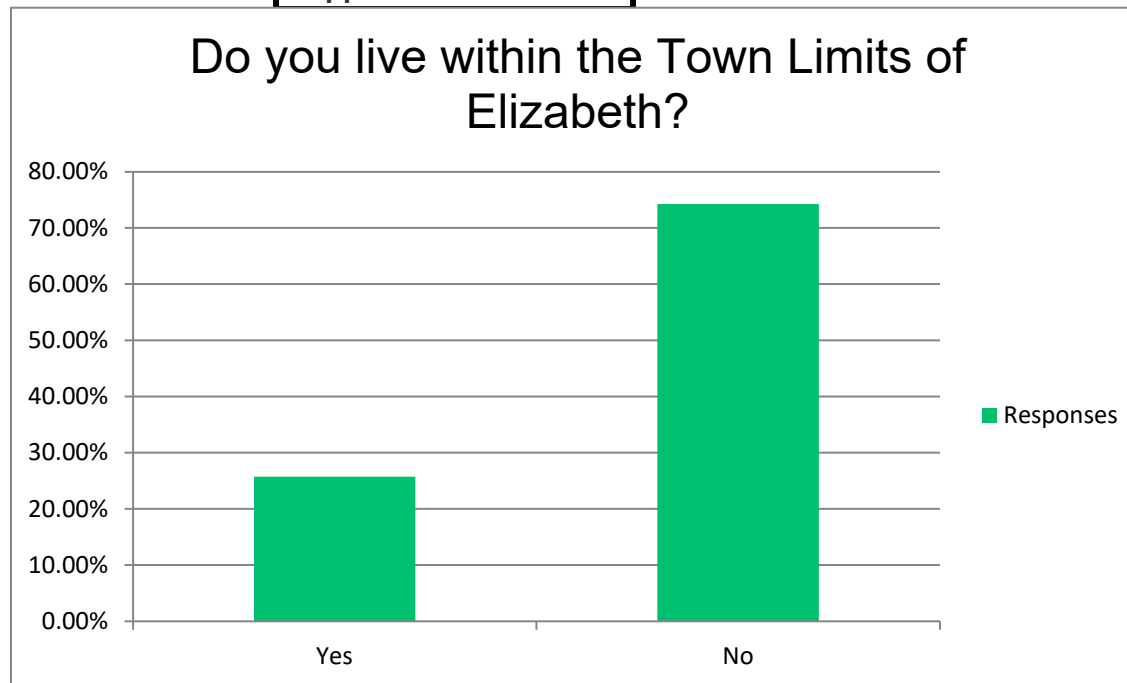


### Question #14

Town of Elizabeth - Historic Preservation Survey

**Do you live within the Town Limits of Elizabeth?**

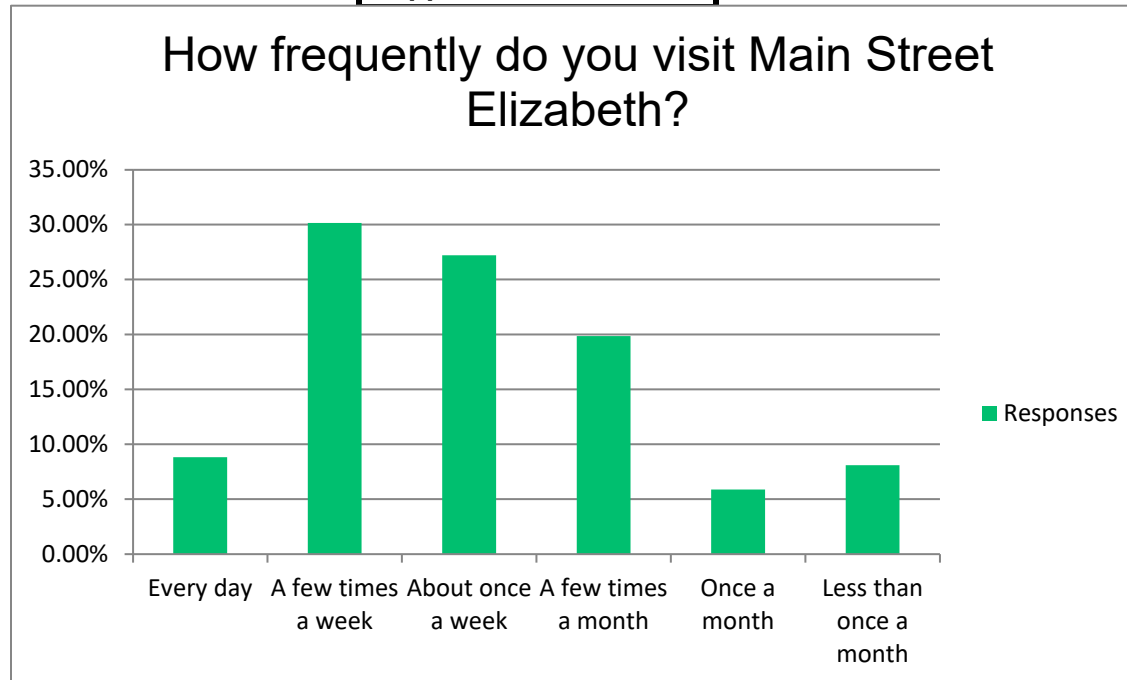
Answer Choices	Responses	
Yes	25.74%	35
No	74.26%	101
<b>Answered</b>		<b>136</b>
<b>Skipped</b>		<b>1</b>



## Question #15

Town of Elizabeth - Historic Preservation Survey  
 How frequently do you visit Main Street Elizabeth?

Answer Choices	Responses	
Every day	8.82%	12
A few times a week	30.15%	41
About once a week	27.21%	37
A few times a month	19.85%	27
Once a month	5.88%	8
Less than once a month	8.09%	11
	<b>Answered</b>	<b>136</b>
	<b>Skipped</b>	<b>1</b>

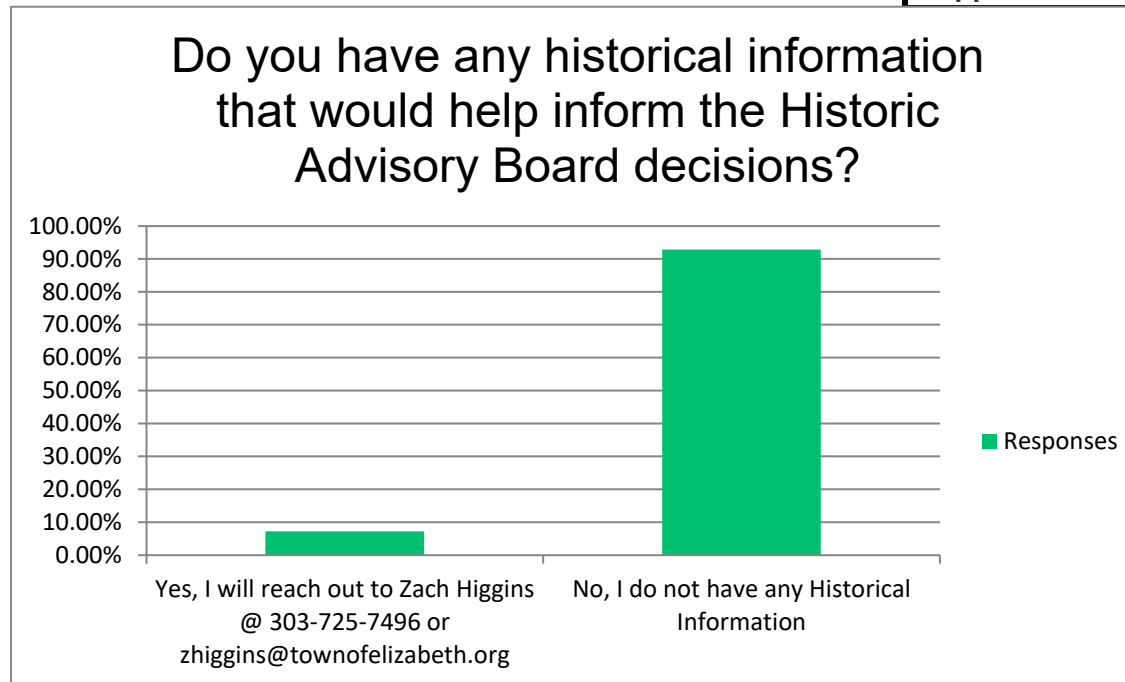


## Question #16

Town of Elizabeth - Historic Preservation Survey

Do you have any historical information that would help inform the Historic Advisory Board decisions?

Answer Choices	Responses	
Yes, I will reach out to Zach Higgins @ 303-725-7496 or zhiggins@townofelizabeth.org	7.20%	9
No, I do not have any Historical Information	92.80%	116
	<b>Answered</b>	<b>125</b>
	<b>Skipped</b>	<b>12</b>

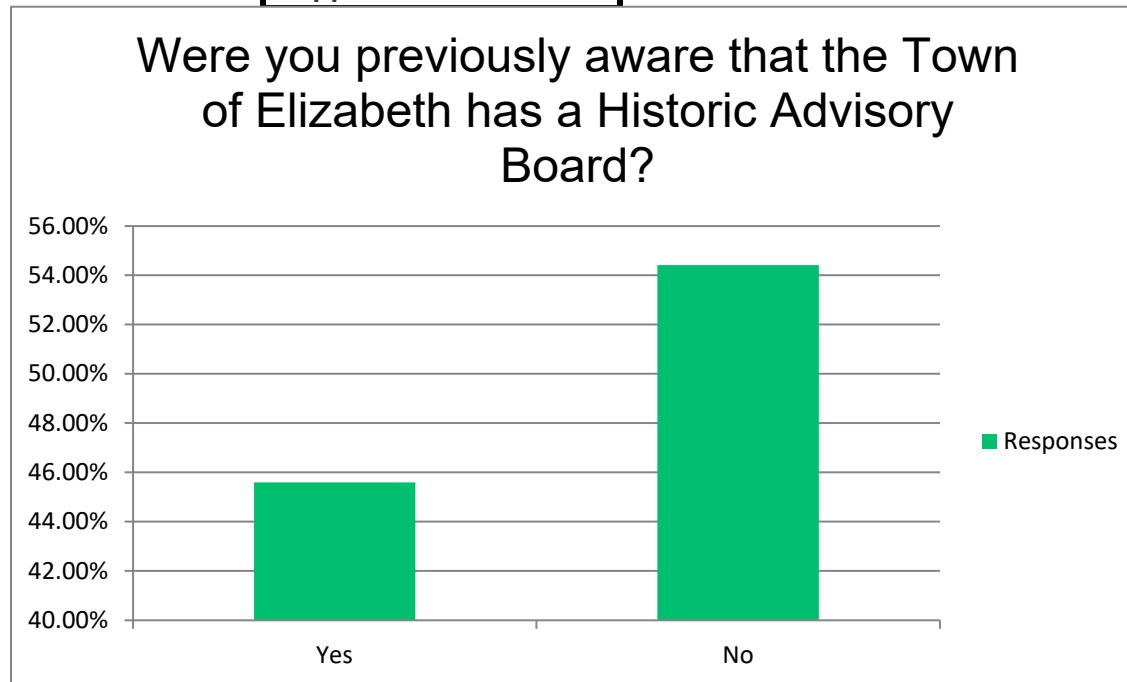


### Question #17

Town of Elizabeth - Historic Preservation Survey

Were you previously aware that the Town of Elizabeth has a Historic Advisory Board?

Answer Choices	Responses	
Yes	45.59%	62
No	54.41%	74
<b>Answered</b>		<b>136</b>
<b>Skipped</b>		<b>1</b>

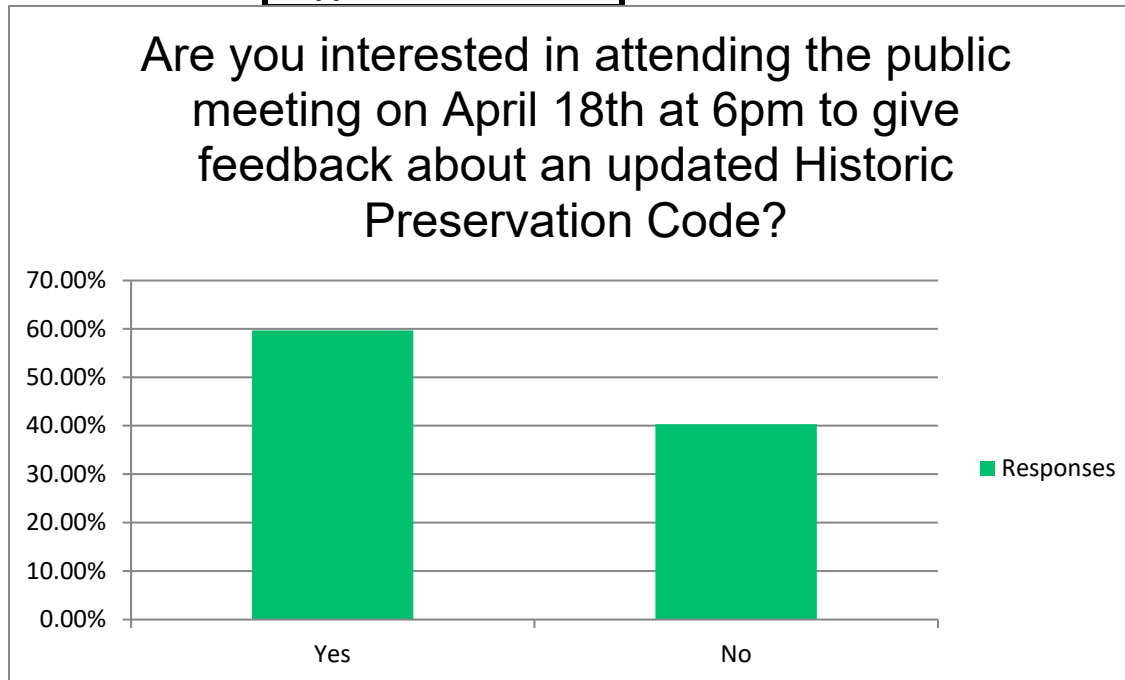


## Question #18

Town of Elizabeth - Historic Preservation Survey

Are you interested in attending the public meeting on April 18th at 6pm to give feedback about an updated Historic Preservation Code?

Answer Choices	Responses	
Yes	59.68%	74
No	40.32%	50
	<b>Answered</b>	<b>124</b>
	<b>Skipped</b>	<b>13</b>



**ORDINANCE 22-09**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 2 ARTICLE VIII AND CHAPTER 16 ARTICLE XI OF THE ELIZABETH MUNICIPAL CODE REGARDING CHANGES TO THE TOWN'S HISTORIC ADVISORY BOARD AND HISTORIC PRESERVATION**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Chapter 2 Article VIII of the Elizabeth Municipal Code is hereby repealed and reenacted to read as follows:

**Section 2-8-10. Purpose**

1. Purpose. The purpose of the Historic Advisory Board (HAB) as referenced in this article 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;
  - h. 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; and
  - i. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

**Section 2-8-20. Historic Advisory Board**

1. The Board of Trustees hereby creates the Historic Advisory Board which shall have the duties and responsibility established in this Chapter 2 Article VIII and Chapter 16 Article XI, 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.
  - b. Members may continue to serve until their successors have been appointed.
  - c. 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.
  - d. 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 (1) 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. Make recommendations to the Board of Trustees on 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 Owners on historic preservation, rehabilitation, restoration, and reconstruction.
  - 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 of the Town.
  - 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 without cause being stated.
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 2. Chapter 16 Article XI of the Elizabeth Municipal Code is hereby repealed and reenacted to read as follows:

**Section 16-11-10. General**

1. Purpose. The purpose of this Article is to enhance our community's local resources and to promote the public health, safety, and welfare through:

- j. 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;
  - k. The enhancement of Property values and the stabilization of historic neighborhoods;
  - l. The establishment of the Town’s Historic Register listing Historic Properties and Historic Districts;
  - m. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
  - n. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
  - o. The promotion of thoughtful community planning and design;
  - p. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the Town; and
  - q. The provision of educational opportunities to increase public appreciation of the Town’s unique heritage.
2. 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 Historic Property or Historic District.
  - b. **Applicant** – Person or persons submitting nomination or Alteration paperwork.
  - c. **Board of Trustees** – The Board of Trustees of the Town of Elizabeth.
  - d. **Building** – A shelter or enclosure constructed for persons, animals, or chattels.
  - e. **Building Code** – The Town of Elizabeth Building Code, as amended.
  - 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** – The approval statement signed by the Historic Advisory Board which certifies the historical appropriateness of any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property or element within a Historic District

pursuant to the historic preservation regulations within Chapter 2 – Article VIII Historic Advisory Board and Chapter 16 – Article XI Historic Preservation. The issuance of a Certificate of Appropriateness authorizes the issuance of a building permit (if required) for said request.

- h. **Certificate of Economic Hardship** – A certificate issued by the HAB 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 Chapter 2 – Article VIII Historic Advisory Board and Chapter 16 – Article XI Historic Preservation, even though a Certificate of Appropriateness has previously been denied.
- i. **Town’s Historic Register** – The register established pursuant to Section 16-11-20 of this Article.
- j. **Code** – The Town of Elizabeth Municipal Code as amended.
- k. **Colorado State Register of Historic Properties** – The official listing of state designated cultural resources.
- l. **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.
- m. **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.
- n. **Contributing Property** – A Building, Structure, Site, or Object that reflects the historic or architectural character within a Historic District.
- o. **Demolition** or **Demolish** – Any act or process that destroys in part or in whole a Building, Structure, Object, or Site.
- p. **Design Guidelines** – Utilize reference document, Town of Elizabeth Design Review Standards & Guidelines, as the same may be amended from time to time.
- q. **Historic District**
  - i. 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 Board of Trustees pursuant to this ordinance as amended.

- ii. 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).
  - iii. 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.
  - iv. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.
- r. **Historic Property** – A Building, Structure, Site, or Object which is designated by the Board of Trustees to the Town’s Historic Register pursuant to Chapter 2 – Article VIII Historic Advisory Board and Chapter 16 – Article XI Historic Preservation.
  - s. **Infill** – Construction on vacant or under-used parcels within existing areas that are largely developed.
  - t. **Integrity** – The ability of a property to convey its Historic Significance through its physical features.
  - u. **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.
  - v. **Maintenance** – All activities necessary to prolong the useful life and aesthetic appearance of a Property.
  - w. **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.
  - x. **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.
  - y. **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.
  - z. **Period of Significance** - Span of time during which significant events and activities occurred.

- aa. **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.
- bb. **Property** – A Building, Structure, Site, or Object.
- cc. **Relocation** or **Relocate** – Moving a Building, Structure, or Object to a different location, either temporarily or permanently.
- dd. **Secretary** – The secretary of the HAB.
- ee. **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.
- ff. **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.
- gg. **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.
- hh. **Structure** – A Construction for purposes other than shelter for humans, animals, or chattel (such as a road, bridge, canal, or fence).
- ii. **Town** – The Town of Elizabeth, Colorado.

**16-11-20. Establishment of Town Register and Designation Criteria**

1. The Board of Trustees hereby establishes the Town Register of historic sites.
  - a. Properties or districts shall be listed in the Town's Historic Register when such Property or district has been so designated.
  - 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 as stated in this Code.
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.

**16-11-30. 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; or
  - ii. By any current resident of the Town with the written consent of the Owner or Owners of the Property or Properties to be designated.
- 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 UNLESS 75% of the Property Owners within the proposed district consent to the nomination by signature.

2. HAB 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. HAB may continue the hearing and request additional information from the applicant so long as the continued hearing date is within 30 days or as expressly agreed to by the Applicant.

### 3. HAB Review

a. At a public hearing, the HAB shall recommend the approval, approval with conditions, or denial of the proposed application and shall issue written findings based on the application's conformance with the established criteria and with the purposes of this ordinance as amended.

b. The HAB shall forward the application with a copy of its report and findings of recommendation of approval, recommendation of approval with conditions, or recommendation of denial to the Board of Trustees.

### 4. Board of Trustee Hearing

a. Within 30 days after receipt of the HAB's recommendation regarding 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 16-11-30, Subsections 2(a)-(c), 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 as amended.

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 applicable criteria for approval.

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 Community Development 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 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.
8. Appeals
  - a. The decision of the Board of Trustees shall be final and may only be appealed to a district court having jurisdiction over such matter within 30 days of the Board of Trustees decision.
9. 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 in Section 16-11-30. A Revocation of Designation by Alteration will only be considered in the case of a natural disaster or a mistake in the designation, NOT as a result of property owner negligence or unapproved modifications.
  - b. Upon the Board of Trustee'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 an ordinance including the legal description of the affected Historic Property or Historic District stating notice of the revocation, and schedule the ordinance for Board of Trustees review. Upon adoption by the Board of Trustees, the ordinance shall be recorded.

**16-11-40. Alterations to Properties and Historic Districts on the Town's Historic Register**

1. Requirements
  - a. A Certificate of Appropriateness issued by the HAB is required 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).

- b. A Building Permit will not be issued for any new construction, alteration, relocation, or demolition involving the exterior of any Historic Property or Property within a Historic District (including Non-Contributing Properties) without obtaining a Certificate of Appropriateness as issued by the HAB.
  - c. No person shall receive a building permit for any Building, Structure, Object, or other feature on a Site or element of a district when an application for historic designation under Section 16-11-30 is pending for such property.
2. Application
- a. A Certificate of Appropriateness 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.
  - b. If the Town determines the Certificate of Appropriateness 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. Certificate of Appropriateness for alteration Hearing. Within 45 days after a Certificate of Appropriateness 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 16-11-30, Subsections 2(a)-(c).
4. Review Criteria
- a. Compliance with the Town of Elizabeth Design Review Standards & 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. At a public hearing, the HAB shall approve, approve with conditions, or deny the proposed application and shall issue written findings based on the application's conformance with the established criteria and with the purposes of this Article XI.
- b. If the HAB approves or approves the application with conditions, the HAB shall issue and send a Certificate of Appropriateness to the Applicant, and a copy of such to the Community Development 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 notify, in writing, the Applicant, the Community Development 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. HAB may continue the hearing and request additional information from the applicant so long as the continued hearing date is within 30 days or as expressly agreed to by 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. Appeals

- 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 HAB'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 16-11-30, Subsections 2(a)-(c), except the Town Clerk shall perform the responsibilities of the Secretary.
- d. The Board of Trustees shall review the appeal for a clear error made in the application of the applicable code criteria.

- e. If the Board of Trustees affirms the HAB's denial of the application, then the applicant may apply for a certificate of economic hardship.

**16-11-50. Relocation of Listed Properties**

1. General

- a. In addition to the criteria and procedures in Section 16-11-40, 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. The criteria listed in Section 16-11-50 shall be submitted in addition to and accompanying an application for a Certificate of Appropriateness.
- 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. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the Building, Structure, or Object proposed for Relocation;
  - iii. If the Property can be Relocated without significant damage to its physical Integrity; and
  - iv. 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.

**16-11-60. Demolition of Listed Properties**

1. General

- a. In addition to the criteria and procedures in Section 16-11-40, the HAB will use the criteria of this Section in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District. The criteria listed in Section 16-11-60 shall be submitted in addition to and accompanying an application for a Certificate of Appropriateness.
- 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 16-11-70), 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.

## 16-11-70. Certificate of Economic Hardship

### 1. General

- a. If an application for a Certificate of Appropriateness is denied, and an appeal of such denial has occurred, the Applicant may request an exemption from such certificate requirement pursuant to this Section.
- b. A request for exemption in the form of a Certificate of Economic Hardship shall be initiated by the Owner(s). Such application for a Certificate of Economic Hardship 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. When the Town determines the application for Certificate of Hardship is complete, the Town shall promptly refer the application to the Historic Advisory Board.
- e. A Certificate of Economic Hardship is granted only to the specific Owner and are not transferable.

### 2. Criteria for Certificate of Economic Hardship

- a. Economic Hardship. The following factors, evidence, and testimony are to be provided by the applicant and considered by the HAB:
  - 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 as amended.
  - 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 as amended 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, at a public meeting, 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, at a public meeting, 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 Certificate of Economic Hardship process for a period 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 a Certificate of Economic Hardship that takes into consideration the recommendations of the HAB, or appeal the denial to the Board of Trustees.
- e. If an application for a Certificate of Economic Hardship 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 a Certificate of Economic Hardship

- a. If a Certificate of Economic Hardship 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 16-11-30, Subsections 2(a)-(c), except the Town Clerk shall perform the responsibilities of the Secretary.
- c. The Board of Trustees shall review the appeal for a clear error made in the application of the applicable code criteria.
- d. The decision of the Board of Trustees shall be final and may only be appealed to a district court having jurisdiction over such matter within 30 days of the Board of Trustees decision.

**16-11-80. Maintenance**

- 1. The Board of Trustees intends to preserve from deliberate or inadvertent neglect the exterior portions of Historic Properties or Historic Districts 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 as amended 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.

**16-11-90. 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.

**16-11-100. 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 as amended.

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 reconstructed, Altered, added to, Relocated, or Demolished in violation of this ordinance the Board of Trustees 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 Board of Trustees 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 one-year moratorium on all relocation, Demolition, or building permits for such Property and/or its original location.

**16-11-110. Incentives**

1. Any Owner of a Historic Property or Contributing Property within a Historic District under Section 16-11-20 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, at a public meeting, shall make the determination for each request regarding economic incentives.

Section 3. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and ordered published.

\_\_\_\_\_  
Megan Vasquez, Mayor

ATTEST

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk



September 27, 2022

## Management Team Updates

### ***Community Development – Pam Cherry***

- The Elizabeth West PUD zoning application will be on the agenda for October 25.
- Walk and Talk is anticipating attendance to much surpass any of the previous events. 111 reservations were received.
- Wine in the Pines is our next focus for events. It is just a few days away. There is a consultant working on that project.
- We have received interest from a member of the community to become a member of the Planning Commission. When we receive his application and resume it will be on the agenda.


### ***Town Clerk – Michelle Oeser***

- New businesses provided a business license recently include The Coffee House on Main Street, located in Prickly Pear and the Renee Burton Agency, an American Family Insurance agent now located in Countryside Village.
- Safeway has turned in their liquor license renewal application and it is currently being processed.
- At the last meeting I had let you know we have 3 interns from the High School. Two of them decided administrative work was not what they were interested in learning for their career path. This is understandable as they are both interested in being in law enforcement. (They are both in the Police Academy program.) Whitney is still working with the Community Development Department.
- Hannah has returned from her week of training with Caselle and is excited to apply that training to our budget and financials.

### ***Police – Chief Melvin Berghahn***

 See attached Stats

### ***Public Works and Utilities – Mike DeVol***

 See attached



## TOWN OF ELIZABETH

POLICE DEPARTMENT  
MELVIN BERGHAHN, CHIEF OF POLICE

### Elizabeth Police Department Activity Statistics Report

Reporting Period:

09/04/2022 to 09/17/2022



#### **ELIZABETH POLICE DEPARTMENT'S MISSION STATEMENT:**

*“To provide a leadership role in creating an atmosphere of safety and community pride in the Town of Elizabeth by providing quality law enforcement services which utilize innovative approaches to address community needs”.*

The following is an informational breakdown of EPD police activity from 09/04/2022 at 12:01 a.m. to 09/17/2022 at 11:59 p.m. This information is compiled from our Records Management System (RMS), identified as New World (NW), as well as Douglas County Regional Dispatch (DRDC) records.

*\*All suspects/defendants are presumed innocent until proven guilty in a Court of Law. \**

▪ PO Box 1527, 425 S Main Street ▪ Elizabeth, Colorado 80107 ▪ (303) 646-4664 ▪ Fax: (303) 646-0676 ▪  
[www.townofelizabeth.org](http://www.townofelizabeth.org)



**TOWN OF ELIZABETH**

**POLICE DEPARTMENT**  
 MELVIN BERGHAHN, CHIEF OF POLICE

**Elizabeth Police Department Activity Statistics Report**

Reporting Period:

09/04/2022 to 09/17/2022

**Total Calls for Service:**

302
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**Traffic Stops:**

Total Stops:	Penalty Assessments:	Written Warnings:	Verbal Warnings:	Assisting Other Agencies
31	16	11	4	0

**Parking Violations:**

Total Parking Violations:	Parking Citations:	Parking Written Warnings:	Parking Verbal Warnings:
3	0	2	1

**Other Calls for Service:**

Call Type:	Number of Calls:
Abandoned Vehicle	1
Alarm-Bank	1
Alarm-Business Burglary	4
Animal Barking	1
Animal Complaint	4
Assist Fire	1
Assist to Other Agency	1
Business Check	14
Child Abuse	1
Child Custody	2
Citizen Assist	5
Citizen Contact	5



## TOWN OF ELIZABETH

POLICE DEPARTMENT  
MELVIN BERGHANN, CHIEF OF POLICE

### Elizabeth Police Department Activity Statistics Report

Reporting Period:

09/04/2022 to 09/17/2022

Civil	1
Crime Prevention	12
Domestic Violence	2
Drug Offense	1
Fireworks	2
Follow up	13
Found Property	1
Harassment	4
Increased Patrol	96
Informational Report	3
Juvenile Complaint	1
Livestock Complaint	2
Medical Assist	4
Motorist Assist	1
Municipal Ordinance Violation	5
Motor Vehicle Accident with Injuries	1
Motor Vehicle Accident with Property Damage	3
Park Check	1
Parking Complaint	3
Report Every Drunk Driver Immediately (REDDI)	2
Restraining Order Violation	1
School Education	27
Special Assignment	1
Suicidal Subject	2
Suspicious Circumstance	8
Suspicious Person	2
Suspicious Vehicle	7
Theft	2
Traffic Complaint	4
Traffic Hazard	2
Traffic Stop	31
Unknown Trouble	1
VIN Verify	7



**TOWN OF ELIZABETH**

**POLICE DEPARTMENT**  
 MELVIN BERGHANN, CHIEF OF POLICE

**Elizabeth Police Department Activity Statistics Report**

Reporting Period:

09/04/2022 to 09/17/2022

Warrant Pickup	1
Weapon Violation	1
Welfare Check	6

**Open and Active Investigations:**

<b>Case/Incident Number:</b>	<b>Call Type:</b>	<b>Details:</b>
22-4519	Sex Assault	Investigation of a sex assault.
22-3061	Harassment	Investigation of a harassment at a local business.
22-4713	Fraud	Investigation of check fraud.
22-5712	Child Abuse	Investigation of a child abuse. DHS has been notified.
22-6091	Child Abuse	Investigation of a child abuse. DHS has been notified.

*\*Please note that limited information regarding open investigations is available. This is to protect the integrity of the investigations. \**

**Closed Case/Incident Reports:**

<b>Case/Incident Number:</b>	<b>Call Type:</b>	<b>Details:</b>
22-5891	Welfare Check	EPD responded to a call of a welfare check on a juvenile male. The juvenile was located in Castle Rock. CRPD responded and found the juvenile to be okay.
22-5889	Safe2tell	EPD received an anonymous tip regarding a cold assault at a park. No information was provided regarding a victim or exact location.



**TOWN OF ELIZABETH**

**POLICE DEPARTMENT**  
 MELVIN BERGHANN, CHIEF OF POLICE

**Elizabeth Police Department Activity Statistics Report**

Reporting Period:

09/04/2022 to 09/17/2022

22-5873	Restraining Order Violation	EPD responded to a restraining order violation. Upon investigation, it was discovered the order had been modified, which allowed the suspect to be there. No crime occurred.
22-5945	Motor Vehicle Accident (MVA)	EPD responded to a MVA involving a vehicle vs. a deer. The damage to the vehicle was minimal. The deer was mortally wounded and was euthanized.
22-5913	Medical Assist	EPD responded to a local school on report of a student in seizure. The student was transported by Elizabeth Fire to a local hospital.
22-5912	Suspicious Circumstance	EPD responded to a local business that was unlocked, however no employees were in the store. Upon investigation, no crime had occurred. Staff quit the establishment without notice.
22-5918	Suicidal Subject	A student at a local school, who was reported to be suicidal, was evaluated by Centennial Mental Health and EPD. The student was released on a safety plan from the police department.
22-5991	Domestic Violence	EPD investigated a cold domestic violence call. Upon investigation, no crime had occurred.
22-5934	Motor Vehicle Accident (MVA)	EPD responded to a two vehicle MVA. The at fault driver was issued a municipal summons for a traffic offense.
22-5659	Animal Control	EPD Community Services responded to a report of a dog at large. The dog was returned to its owner, and the owner came into compliance with Town codes.
22-5992	Found Property	A backpack was discovered to be abandoned. EPD was unable to identify the owner of the backpack. As such, it was placed in the property room for safe keeping.
22-5990	Traffic Complaint	EPD responded to a report of a traffic complaint for an aggressive driver. EPD was unable to locate the vehicle.
22-5981	Civil	EPD responded to a child custody dispute. Upon investigation, the case was deemed to be civil, and both parties were advised of the civil remedies.



**TOWN OF ELIZABETH**

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**Elizabeth Police Department Activity Statistics Report**

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09/04/2022 to 09/17/2022

22-5956	Motor Vehicle Accident (MVA)	EPD responded to a local business on report of a hit and run MVA. There was damage to the business and another vehicle. EPD was unable to locate the suspect vehicle.
22-5444	Unlawful Sexual Contact	EPD investigated a possible unlawful sexual contact which occurred at a local business. At the conclusion of the investigation, there was insufficient evidence to support criminal charges.
22-5973	Curfew Violation	A juvenile was located in Town after curfew hours. The juvenile was issued a municipal summons.
22-6104	Traffic Stop	EPD contacted a motorist for a traffic violation. Upon contact it was discovered that the motorist did not have a valid license, plates, or insurance. The motorist was issued a county summons for several traffic offenses.
22-5534	Motor Vehicle Accident (MVA)	EPD responded to a MVA hit and run where a dog was struck. The dog was deceased on scene. EPD was unable to locate the suspect vehicle.
22-5957	Harassment	EPD responded to a local school on report of a harassment. Upon investigation, no crime had occurred.
22-5915	Harassment	EPD responded to a local school on report of a harassment. Upon investigation, no crime had occurred.
22-6085	Suicidal Subject	EPD responded to a local school on report of a suicidal student. EPD and Centennial Mental Health evaluated the student who was released on a safety plan at the Police department.
22-6011	Fireworks	EPD received numerous complaints of fireworks. While on patrol an EPD Officer observed an aerial firework exploding over a residence. The owner of the residence was identified and was issued a <b>municipal summons</b> .
22-5856	911	EPD responded to a report of an adult male outside a juvenile's bedroom window. Upon arrival, EPD did not locate a suspect.
22-6044	Safe2tell	EPD investigated an anonymous report of weapon being brought to a local school. After investigation, it was determined the allegations were unfounded.



**TOWN OF ELIZABETH**

**POLICE DEPARTMENT**  
 MELVIN BERGHANN, CHIEF OF POLICE

**Elizabeth Police Department Activity Statistics Report**

Reporting Period:

09/04/2022 to 09/17/2022

22-6053	Safe2tell	EPD received an anonymous report of a student at a local school being sexually assaulted. After investigation, it was determined the student did not attend Elizabeth Schools, nothing occurred in town jurisdiction.
22-6048	Welfare Check	EPD responded to a 911 call to a residence in town. Upon arrival EPD contacted a female who was experiencing depression.
22-5906	Theft	EPD responded to a local business on report of a theft. After investigation, the call was deemed to be civil in nature.
22-5734	Suspicious Circumstance	EPD responded to a local park on report of a party with a knife. After investigation, it was determined that no crime occurred.
22-6084	Vape	EPD responded to a local school on report of a student with a vape pen. As this was the students first offense, the juvenile was referred to Connections for Families.
22-5631	Animal Control	EPD responded to a neighborhood on report of several barking dogs. EPD Community Services advised homeowners in the neighborhood on municipal code, and the problem has since resolved itself.
22-5922	Motor Vehicle Accident (MVA)	EPD responded to a single vehicle MVA regarding a large amount of hay spilled on the roadway.
22-5620	Motor Vehicle Accident (MVA)	EPD responded to a local business on report of a hit and run MVA. After investigation, it was determined that no crime had occurred.
22-5871	Welfare Check	EPD responded to a welfare check on a juvenile male. EPD contacted the male and found him to be all right.
22-6060	Civil	EPD received a request for a civil standby for a party to move items out of their house.
22-5966	Animal Control	EPD Officers located a dog at large near the police station. The dog was returned to its owner.
22-6136	Civil	EPD responded to a child custody dispute. As the call was civil in nature, no crime occurred.



## TOWN OF ELIZABETH

POLICE DEPARTMENT  
MELVIN BERGHANN, CHIEF OF POLICE

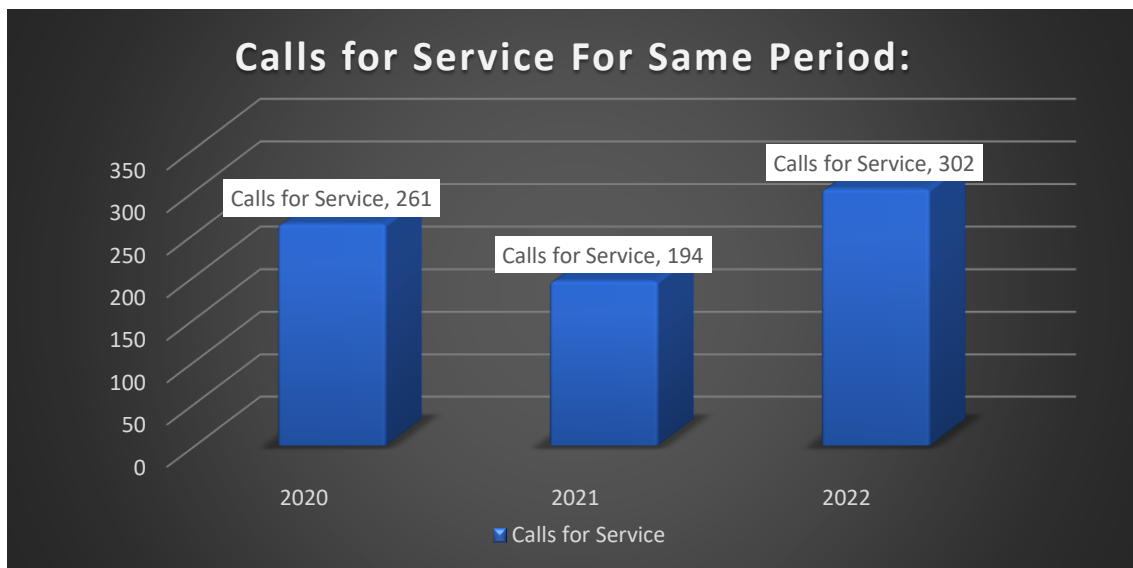
### Elizabeth Police Department Activity Statistics Report

Reporting Period:

09/04/2022 to 09/17/2022

22-5938	Theft	EPD responded to a local business on report of a theft. The victim in the crime requested no charges be pressed.
22-6000	Mental Health Hold	EPD responded to a juvenile who was found to be suicidal. The juvenile was placed on an emergency mental health hold.

#### Historical Data:





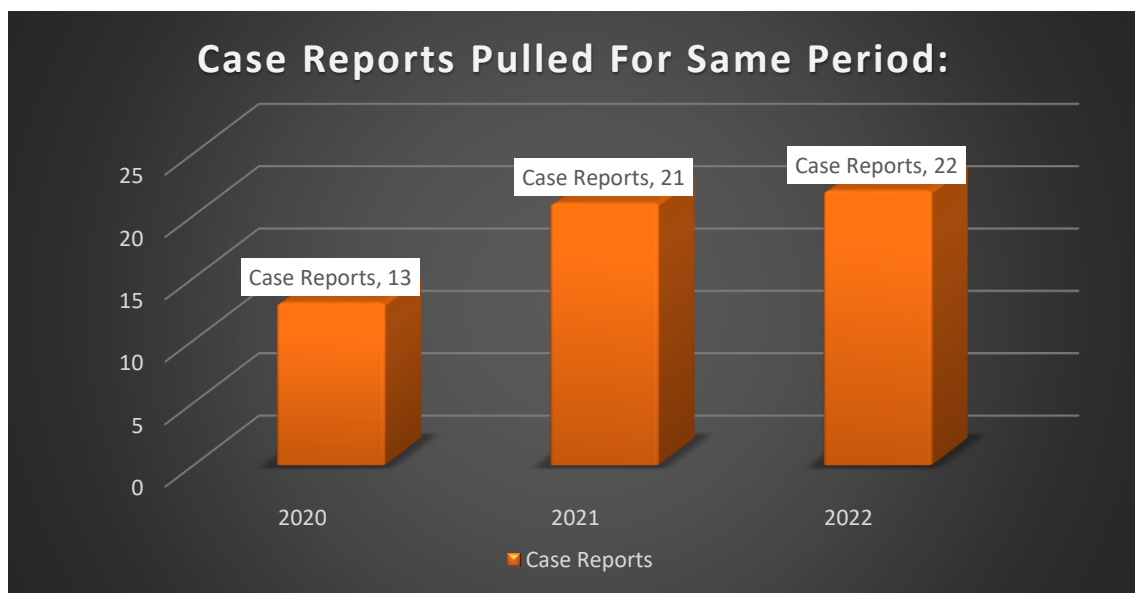
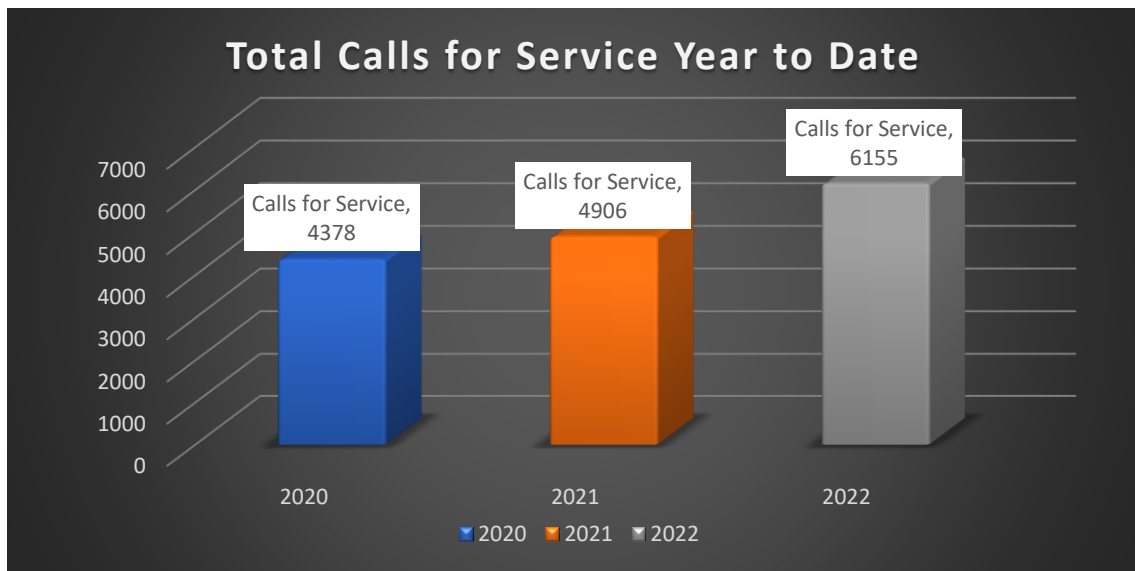
# TOWN OF ELIZABETH

**POLICE DEPARTMENT**  
MELVIN BERGHANN, CHIEF OF POLICE

## Elizabeth Police Department Activity Statistics Report

Reporting Period:

09/04/2022 to 09/17/2022





**TOWN OF ELIZABETH**

**POLICE DEPARTMENT**  
MELVIN BERGHAWN, CHIEF OF POLICE

**Elizabeth Police Department Activity Statistics Report**

Reporting Period:

09/04/2022 to 09/17/2022

**Chief of Police's Advisements:**

EPD has completed 3 weeks of the 7<sup>th</sup> annual student academy. In recent weeks material covered is defensive tactics, arrest control, driving and coursework with the DOW. Be sure to mark your calendar for the graduation on 11/30/2022.

The corporal position posting has been closed, the background and testing process has begun. Two officers applied and are excited at the opportunity to become supervisor within EPD. The testing should be completed no later than 09/30/2022 with a potential swearing in at the next board meeting.

Officer Burnley has completed her field training and she is currently assigned a shift. Officer Tucker is still in phase two but will be entering her final phase shortly.

If you have any questions, please let me know!

Respectfully,

Chief Melvin Berghahn

Chief of Police



## TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

**TO:** Honorable Mayor and Town Board of Trustees  
**FROM:** Mike DeVol, Public Works Director  
**DATE:** September 27, 2022  
**SUBJECT:** Public Works Monitoring Report

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\*Town Street Paving Improvements Project:

1. PW has completed a punchlist and has the contractor slated for the week of August 22.
2. PW will be working through punch-list items street by street as time allows.
3. Paving of County Rd 13 is completed. The Project remains Open as we have striping, new speed limit Signs and posts to install, as well as finish ditches and seeding.
4. Street Striping for 2022 has concluded. Cross walks that need touched up will be completed the end of August.

\*Town Street Repairs:

1. Repairs of CR 13 North of Hwy 86 were completed 9-6-22 which included Dip/Low area, and 2 Valve Box Elevation corrections and lid replacements.

\*Town Main St. Decorations:

1. Flowers look in good shape as we have not had hail or frost this summer....yet.

\*Town Wells, Tanks and Effluent:

1. Will be reported in October 11<sup>th</sup> BOT Packet.

\* Town Water Line Emergency Repair:

1. Pending scheduled repair at 349 Elm St. for week of Aug. 22<sup>nd</sup>/minimal public impact/1 home.
2. Repair was completed/it was a pin hole in service line 3 feet from main line. Service line is Black PVC Poly piping that is not in Town Code. PW will address the pipe from Corporation Stop at main line to meter pit for Town compliance.
3. No Update for corrections

\*Town Hall Landscaping Plan:

1. Landscaping has been completed.
2. PW is working towards replacing Bridge Walkway and wooden handrails at TH. I will update once final Prices are known. The bridge will be replaced with concrete walkway over a drainage culvert.

\*Town Walkway Repairs:

1. Sidewalk repairs and replacements have begun and will continue through the summer.



## TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

\* Town Snow Plowing and Street Sweeping:

1. PW has received the second truck and is currently installing equipment, tool boxes, plow, headache rack.

\*Town New Wells at Ritoro/Gold Creek Valley:

1. New Arapahoe and Denver Wells are scheduled to be Operational in September October time period.
2. The Building contract is currently at completion of September 26, 2022, it is likely that AD Miller will ask for a contract extension likely ending Well House completion in November.
3. The Back-up Generator is being held up in production and may not arrive until February of 2023.

\*Town Trail Project:

1. Annual Walk through for Grant Compliance was successful and a full report is pending.
2. The Town is still meeting requirements to fulfill the Grant. The final inspection will be in the summer of 2023.
3. Annual Walk and Talk by Historic Board Scheduled Sat. September 24<sup>th</sup>. PW will provide transportation for the mobility impaired.

\*Gold Creek Lift Station Improvements:

1. Ground-breaking August 22<sup>nd</sup>, 2022
2. Heavy Construction September and October and complete early November 2022.
3. Groundwater Dewatering and Erosion Control plans are in affect.
4. Pumps, Electrical, Parts are all in possession.

\*Eligibility Surveys for Water and Wastewater Capitol projects have been completed and accepted by Colorado Department of Public Health and Environment (CDPHE). The eligibility surveys allow for the town to be in line for any funding that may be available for future projects.

\*Town Clean Up Day/ Paint Round-Up/Arbor Day

1. Town Clean-up yielded the following:
  - 3 ½ Roll-off dumpsters of trash and household debris.
  - 457 pounds of Computer Materials.
  - 2,065 pounds of Display Material (TV, Monitors).
  - 1,079 pounds of mixed electronics.
  - 82 pounds of mixed batteries.
  - 125 gallons of mixed automotive oil (free pick up by local user)
  - 80 gallons of misc. 1-5 gal. containers of paint (free pick up by Paint Care Colorado)
  - 400 pounds of mixed scrap metal (free pick up by local)

\*Town Public Works Road Extension:

1. Public Works has received numerous phone calls from town and out of town residents extending their



## TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

Gratitude for the paving of County Rd 13/ Pine Ridge St to the Town's Water Tanks. PW has received Concerns of excessive speeds, vehicles passing, wildlife encounters and pedestrian safety. PW has assured them that with new signage, striping and law enforcement presence traffic will slow down and safer for pedestrians, wildlife and drivers.

2. PW will continue to mitigate line of sight by removing small trees at Gold Creek Drive looking South for Traffic safety concerns within Town Right of Way.

\*Town Farmers Market:

Event Park Name is Running Creek Park (RCP).

1. N/A

\*Town Parks and Right of Way (ROW):

1. Mowing and tree trimming within Parks and ROW are ongoing projects.

Upcoming Projects:

1. Legacy Village Pre-Construction meeting was held January 10<sup>th</sup> on-site to begin preparations for Excavation. Inspections of Water and Sewer lines are completed with punch list of items to be repaired.

Legacy Village has completed their High Chlorine Residual tests as well as Bacteriological testing. Pressure testing of Water and Sewer lines has been completed and accepted.

1. McDonalds project has begun installation of Water and Sanitary Sewer lines.
2. Pine Ridge Apartments has begun installing Storm, Water and Sanitary Sewer lines for the project.
3. Ziggi's Coffee has installed Sanitary Sewer line and tie-in to Town's existing sewer main.
4. Widening of Hwy 86 has begun to accommodate Legacy Village Right IN-Right OUT lanes. The Town Welcome sign has been removed and stored awaiting re-installation after road widening project is complete.

Mail Kiosk:

1. Mail Kiosk are installed.

Mike DeVol  
Town of Elizabeth  
Public Works Director  
GCWWTP Operations



## **TOWN OF ELIZABETH**

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

303-913-6453

[mdevol@townofelizabeth.org](mailto:mdevol@townofelizabeth.org)



**HISTORIC ADVISORY BOARD – RECORD OF PROCEEDINGS  
AUGUST 1, 2022**

**CALL TO ORDER**

The Regular Meeting of the Historic Advisory Board was called to order on Monday, August 1, 2022, at 4:35 PM by Chair John Quest.

**ROLL CALL**

Present were Chair John Quest, Vice Chair Cecilia Farin, Board Members Jerry Garland, and Denny Boehler. Members Brandi Wilson and Aimee Woodall were absent. There was a quorum to conduct business.

Also present were Community Development Director Pam Cherry, Planner/Project Manager Zach Higgins, and Town Clerk Michelle Oeser.

**AGENDA CHANGES**

There were no changes to the agenda as presented.

**MINUTES**

1. Regular Meeting Minutes of July 11, 2022

Motion by Vice Chair Farin, seconded by Mr. Boehler, to approve the minutes from July 11, 2022.

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

**NEW BUSINESS**

2. Staff update regarding Historic Preservation Code Update

Staff and the Board discussed the process for code update approval.

3. Discussion regarding Certificate of Appropriateness

Staff and the Board discussed the certification options.

4. Discussion regarding Elizabeth Historic Walk and Talk

Staff and the Board discussed the plans for the Annual Elizabeth Walk and Talk.



5. Discussion regarding 2022 Work Plan and Assignments

The Board discussed the work plan schedule and assignments.

**STAFF REPORTS**

- Mr. Higgins had nothing to add to his report.

**BOARD REPORTS**

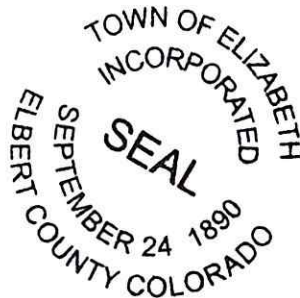
There were no further reports from the Board.

**ADJOURNMENT**

Motion by Vice Chair Farin, seconded by Mr. Boehler, to adjourn the meeting at 5:50 PM. The vote of those Board Members present was unanimously in favor. Motion carried.

Chair John Quest

Deputy Town Clerk Harmony Malakowski





**PLANNING COMMISSION – RECORD OF PROCEEDINGS  
AUGUST 2, 2022**

**CALL TO ORDER**

The Regular Meeting of the Elizabeth Planning Commission was called to order on Tuesday, August 2, 2022, at 6:45 PM by Chair Jenny Case.

**ROLL CALL**

Present were Chair Jenny Case, Vice Chair Barbara McGinn, Commissioners Julie Uhernik, Greg Lindbloom, Rob Porter, and Ed Beard. There was a quorum to conduct business.

Also present were Community Development Director Pam Cherry, Planner/Project Manager Zach Higgins, and Town Clerk Michelle Oeser.

**AGENDA CHANGES**

No agenda changes from staff.

No agenda changes by the Commissioners.

**PUBLIC COMMENT**

No Public Comment.

**MINUTES**

1. Regular Minutes of July 5, 2022

Motion by Vice Chair McGinn, seconded by Commissioner Beard, to approve the minutes from July 5, 2022.

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

**NEW BUSINESS**

2. Discussion regarding Planning Commission laptops and emails

Community Development Director Pam Cherry discussed the use of Town emails with Planning Commission members.

3. Discussion regarding Elizabeth Municipal Code Review

Planner/Project Manager Zach Higgins led a discussion and requested direction from the Planning



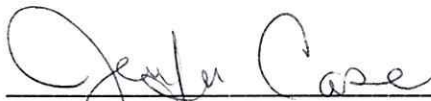
Commission on possible changes and updates to sections 10 and 16 of the Elizabeth Municipal Code.

**REPORTS**

- Discussion regarding land use application fees.
- Discussion regarding a future work session with the Town Board.
- Discussion on moving back to two Planning Commission meetings a month.
- Discussion regarding the paving at Countryside Village.
- Discussion regarding the Walnut Grove Development.
- Discussion regarding the Winchester Estates Development.
- Ms. Cherry let the Commissioners know that a new Community Development Assistant has been hired.

**ADJOURNMENT**

Motion by Vice Chair McGinn, seconded by Commissioner Beard, to adjourn meeting at 8:21 PM. The vote of those Commissioners present was unanimously in favor. Motion carried.

  
\_\_\_\_\_  
Chair Jenny Case

  
\_\_\_\_\_  
Deputy Clerk Harmony Malakowski

