

Wednesday, May 24, 2023- 6:00pm
Leadville Planning & Zoning Commission
Regular Meeting DRAFT Minutes
City Hall and via Zoom

1. **Call to Order: Chair Voeller** called the meeting to order at 6:01 pm.
Roll Call: Chair Voeller, Commissioners Law, Ducharme, Tannous and Mayor Labbe were present; Commissioners Edwards and Bauer were absent; City of Leadville Planning Director Chapin LaChance was also present.
Agenda Approval/Revisions: Agenda Revisions –NONE. Agenda approved.
Minutes Approval: May 10, 2023 minutes: **Chair Voeller** moved to approve the minutes of 5/10/23, Law seconded, all present were in favor.
2. **Public Comments on Items Not on the Agenda:** Steve Prestash – Rapid changes on how we do things in Lake County, especially City Council. Flood of changes in how City Council does things, empowering developers and realtors.
3. **General Updates:**
LaChance noted Historic Preservation Commission (HPC) met last night and reviewed a few revisions to the National Historic Landmark district code amendments, and were fine with the revisions. City Council has First Reading June 6th, then Planning & Zoning will have a Public Hearing on June 14th, then City Council for Second Reading June 20th.
4. **Continued Business:**
Planning and Zoning Rules and Regulations and Commissioner Terms: LaChance gave brief history of what by-laws & terms he found on the City's shared drive and requested most current of each from legal, both were the same, from March 2002, possibly 2013. Either way they need to be updated. Commission discussed each by-law, focusing on 4. *Commission Meetings* – should read 6:00pm on the 2nd and 4th Wednesdays of the month; P&Z schedule posted 6 months in advance so staff and commissioners can plan. Also noted P&Z used to have a secretary, but no longer does, may need to replace “Secretary” with “Staff”. Tannous asked if we could have calendar invites, as well as email. Staff will start sending calendar invites. Voeller noted in Section 4 under Executive Sessions, we may need to look at that section, we have had 1- or 2 over the years. Mayor noted he is not a fan of closed meetings. Discussion of combining the “Secretary” and “Recording Secretary”; do we even need a Secretary on the Commission if staff (Lori Tye) provides these services? Term limits are staggered, but are 6 years for each term. LaChance explained several are already staggered. Labbe noted there is no Public Comment under Rule 9. *Order of Business*. LaChance asked about Rule 10. Action by Motion or Resolution, Labbe noted he had never seen P&Z do a resolution, they are only a recommending body to City Council. Voeller noted in some states Planning boards do have more authority. LaChance noted in Leadville Municipal Code, it states duties of P&Z. LaChance will get with the City Attorney on resolutions before revising. Ducharme asked about 7.9 *Absences* – could we put in an exception for parental leave; is anyone keeping track of absences, yes, staff does. Labbe said maybe add in “Unexcused” absences. LaChance will update the language on 7.9 *Absences*. Voeller asked if we had any Ex-Officio Members (12. *Ex-Officio Members*); Labbe noted P&Z doesn't have any ex-officio members. Most thought ex-officio members were non-voting members. Staff will get clarification on 12. *Ex-Officio Members*. Discussion around Conflict of Interest was had, LaChance has spoken to legal regarding this and text amendments that would apply to the entire town or a single zoning district, that does not create a conflict of interest. 14. *Ex Parte Contacts* – “related to matters pending or yet to be presented” LaChance will get clarification from legal on that as well. Voeller asked when have we ever had Evidence (19. *Evidence*) LaChance thinks that's related to 18. *City Attorney to Advise Commission*. Voeller noted there wasn't anything about Robert's Rules in the Rules and

Regulations, doesn't matter to her, but Rod Weston used to always tell her she wasn't following Robert's Rules; Labbe discussed Bob's Rules, a condensed version of Robert's Rules. Voeller doesn't feel it needs to be in the Rules and Regulations. LaChance noted we could revise the script for public hearings to make sure every commissioner gets a chance to speak, calling on each individually. LaChance will review all the comments and get a redline of the Rules and Regulations and will bring it back to P&Z.

5. Goal Setting 2023:

1. Title 17 – Zoning: Definitions, Uses Amendments – (6/20 City Council Second Reading)
2. Title 17 – Zoning: PAT Recommended Amendments (5/10 work session, redlines in August)
3. STRs – Discussed and gave a recommendation (3/22)
4. P&Z By-Laws and Commissioner Terms (5/24)
5. Commissioner Legal Training (New City Attorney)
6. Housing
7. Parking District/Fee-in-Lieu program
8. 2025 Comprehensive Plan
9. R-1 Zone Assessment
10. Residential Permit Parking Program
11. Exterior Lighting regulations
12. Floor Area Restriction for Commercial uses (added by LaChance 5/10/23)

6. Adjourn:

Motion to Adjourn: Voeller adjourned the meeting at 7:06 pm.

Adjourned 7:06 pm

Regular Meetings: Twice a month for spring/summer season

Next Meetings: **June 14, 2023** – Public Hearing for Circle K CUP and for NHL Code Amendments

Chair Voeller noted she be unable to attend June 28th meeting.



MEMO

TO: Planning and Zoning Commission

FROM: Chapin LaChance, AICP - Planning Director

MEETING DATE: June 14, 2023

SUBJECT: Ordinance No. 3, Series of 2023: An Ordinance Repealing and Reenacting Chapter 17.44 Of the Leadville Municipal Code Concerning the Regulations Governing the City's National Historic Landmark Overlay District

Planning and Zoning Commission,

The City's Historic Preservation Commission (HPC) and staff propose amendments to Leadville Municipal Code Chapter 17.44 National Historic Landmark District Overlay District. This ordinance if adopted would accomplishing three (3) primary objectives:

Summary of Ordinance objectives

1. require additions to existing structures, exterior alterations to existing structures, and new commercial construction within the NHL District to obtain a Certificate of Appropriateness (COA), either administratively or through a public hearing process,
2. subject reapplications for demolitions to the procedures and approval criteria in effect at the time of the reapplication, and
3. authorize staff to conduct site visits to properties with a pending COA application.

Background information

The regulations for the City's historic district are incorporated within Title 17 – Zoning. Pursuant to Chapter 17.92 Rezoning and Amendments, a text amendment to Title 17 requires the Planning and Zoning Commission (P&Z) to hold a public hearing on the text amendment and make a recommendation to City Council, prior to the public hearing by City Council.

After numerous HPC Work Sessions, the proposed amendments have been reviewed at the following public meetings:

12/13/2022: Joint HPC / City Council Work Session
1/24/2023: City Council Work Session
4/11/2023: Public open house #1 at HPC meeting
5/9/2023: Public open house #2 at HPC meeting
6/6/2023: City Council first reading

Historic Preservation in Leadville

For the benefit of the P&Z, background information on the importance of historic preservation in Leadville is provided below.

Comprehensive Plan

The [2015 Leadville Comprehensive Plan](#) is the statutorily required advisory document that guides municipal code amendments and other planning related decisions. This is the City's "Constitution" that lays out the value system for the City of Leadville. The Comprehensive Plan makes numerous references that speak to the importance of historic preservation in Leadville, which are shown in the attached Appendix. The Comprehensive Plan references the historic downtown as one of the community's greatest assets, and identifies historic preservation as a goal to support one of the five economic growth strategies for the city.

National Historic Landmark District

Leadville's historic district was designated a National Historic Landmark District by the National Park Service of the U.S. Department of the Interior in 1961. The program was created to recognize the nation's most significant historic places. Leadville is listed as a National Historic Landmark because of its outstanding national significance. It is one of only 26 National Historic Landmarks in Colorado, along with sites such as Bent's Old Fort, Red Rocks, and the US Air Force Academy, and one of only six cities in the State to hold National Historic Landmark status. The Leadville Historic Landmark District designation was based upon its encompassing of "*a scattered group of distinctive and important historic buildings supported by anonymous dwellings and business establishments that harmonize well with the central architectural themes associate with late 19th-century mining towns of the West. The anonymous architecture – frame, brand and stone – is varied in style but conveys in its details the Victorian flavor of the historic period.*"

The City's regulations for the NHL district and for other designated historic structures are intended to accomplish the following purposes:

1. To protect the unique character of Leadville;
2. To safeguard the city's historic and cultural heritage, as embodied and reflected in its designated National Historic Landmark district;
3. To foster and enhance civic pride in the attractiveness and accomplishments of the past development eras of the city;
4. To strengthen and enhance the economy of the city;
5. To protect and enhance the city's historical, cultural, architectural and related attractions for residents and visitors;
6. To stabilize and improve property values and commerce; and
7. To promote the uses of Leadville's NHL district, the designated structures therein and other designated historic structures in the city for the education, pleasure and welfare of residents and visitors.

Certified Local Government

The City of Leadville has been a Certified Local Government (CLG) through the State Office of Historic

Preservation and the National Park Service since 2013. The city is one of 67 CLGs in the state. This certification represents that the city is certified to participate in the National Preservation Program while maintaining standards consistent with the National Historic Preservation Act and Secretary of Interior Standards for Archaeology and Historic Preservation. Benefits of this certification include eligibility to receive grant money, as well as various support from the State. Requirements of this certification include regular reporting to the State, public meeting procedures, and audits every four years.

Historic Preservation Commission

This Commission is appointed by the mayor with consent of the Council. The full description of the HPC's powers and duties are explain in [Chapter 2.48](#) of the Code. Like the Planning and Zoning Commission, the HPC is an advisory body to City Council. For applications related to certain alterations, demolitions, relocations, or new construction, the HPC makes recommendations to the City Council for either approval, approval with conditions, or denial of these applications.

Harrison District Design Guidelines and Residential Infill Guidelines

The [Harrison District Design Guidelines](#) were adopted in 2014. These guidelines apply to all properties within the Retail Core. The [Residential Infill Guidelines](#) apply to any new construction within the NHL District. The city does not have any currently adopted Guidelines or Standards for modifications or additions to existing historic structures or for any kind of commercial development within the remainder of the NHL District.

Explanation of Amendments

Require COA for additions to existing structures, exterior alterations to existing structures, and new commercial construction within the NHL District

Currently, a COA is required for new infill residential construction within the entire NHL District, exterior alterations of structures within the Retail Core (RC) zoning district, exterior alterations to the 59 historic structures listed in the Leadville historic building inventory, and demolition of historic structures in the NHL District.

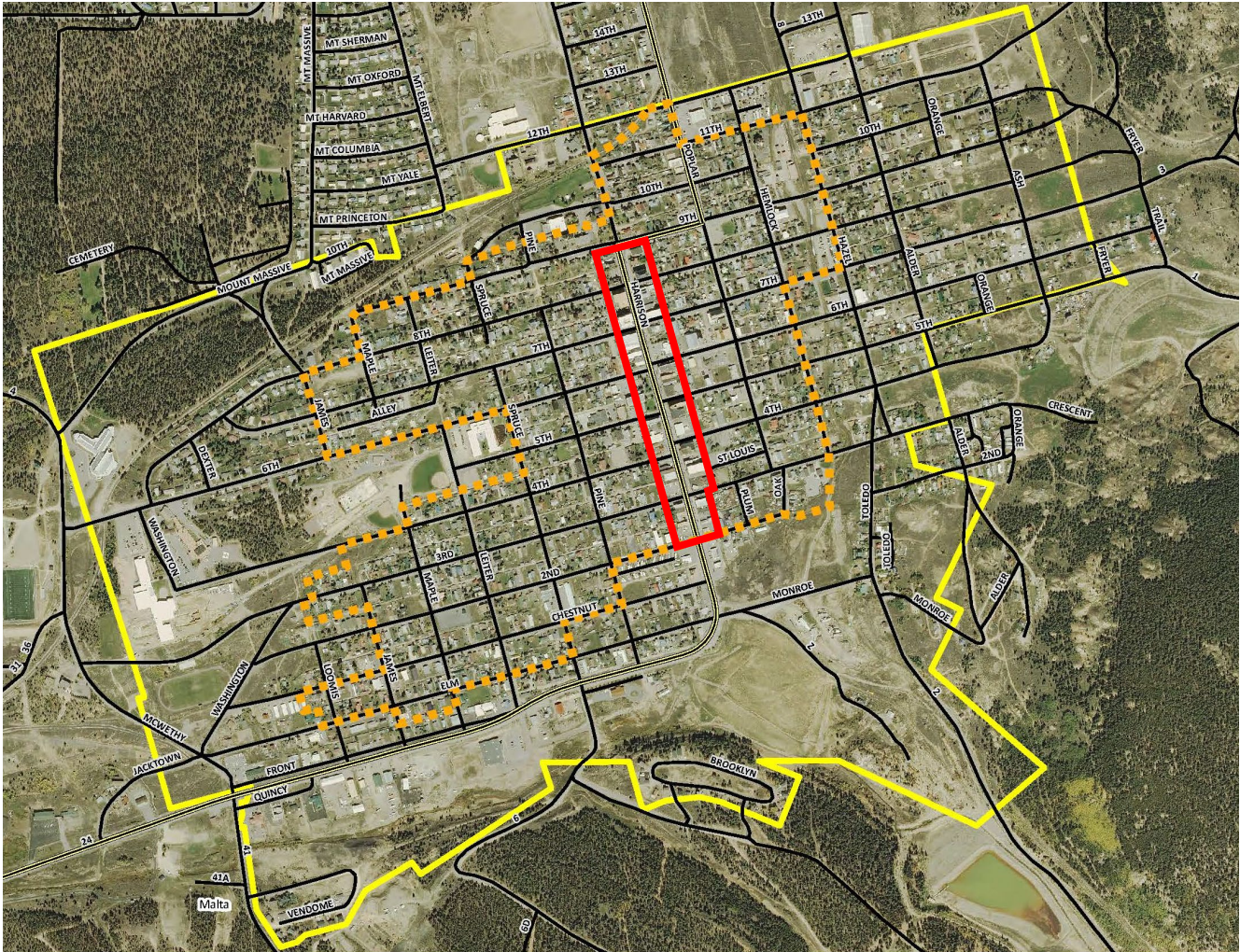


Image 1 (above): Yellow = City boundary, Orange = NHL District Boundary, Red = Retail Core (RC) Zone

Below are statistics for COA applications subject to the current applicability over the past three years. Considering the unique federal designation of the City’s historic district, and the development pressures facing the city in recent years due to the current real estate market, staff and the HPC are concerned regarding the number of exterior alterations and additions to historic structures that could occur without being subject to a COA requirement.

Year	Total COA applications	Demolitions
2020 (No HPC)	4	2
2021	22	4
2022	10	2

- Case study: 218 E. 9th St. addition: In 2021, the City of Leadville received a COA application for an addition to a historic structure at 218 E. 9th St. (see rendering below). Because the property is located outside of the retail core, and the addition was not on a vacant lot and therefore not subject to the Residential Infill Guidelines, the application was approved as insubstantial without requiring approval by the HPC or compliance with any historic guidelines. This addition was significantly out of character with the historic

structure and the NHL District, and risks the structure's contributing status to the NHL District.



Image 2 (above): 3D rendering of proposed addition to historic structure at 218 E. 9th St.

- Case study: Breckenridge, CO National Register Historic District. In Breckenridge in 2018, the State Office of Historic Preservation removed 21 (18%) of their 118 original historic structures from contributing status in the National Register Historic District, due to non-compatible additions and alterations to those historic structures. This created a risk to Breckenridge's National Register Historic District designation, necessitating moratoriums on development, numerous public hearings, open houses and public meetings, and revisions to the historic design standards to prevent further loss of contributing status.

Staff finds it is appropriate for projects which are outside of the RC Zone to be subject to the NHL regulations, other than solely demolition. It is imperative to anticipate future development, and subject future development to appropriate guidelines which ensure such development is approved without compromising the integrity of historic properties and the NHL District. Initial criteria for review can be the already adopted [Secretary of Interior Standards](#), until such time that these additional areas and cultural resources of the NHL District can be professionally surveyed and appropriate unique guidelines established.

Subject reapplications for demolitions to the procedures and approval criteria in effect at the time of the reapplication

Section 17.44.070 currently allows for an automatic approval for demolition of a historic building six (6) months after denial of the original application. Allowing demolition of historic buildings without sufficient justification could have a disastrous long term effect on the City's NHL District, in addition to the loss of the individual cultural resources themselves. If certain structures or too many structures are demolished, the City could lose the National Historic Landmark District designation.

Title 16 Subdivision Regulations and Title 17 Zoning Regulations combined contain a total of 10 various approval processes. Except for the NHL District regulations, none of these processes include an automatic approval process after an initial denial. Staff is unaware of any local mountain communities in Colorado who have a similar automatic approval process in their respective subdivision, zoning, land use, or development codes. Staff and the HPC recommends the City amend the code so that any additional application for demolition of a historic structure that is submitted after an initial denial will be subject to the code in effect at the time of the re-application. If the City has concerns with the content of the municipal code after denying an application for demolition, it is within the City Council's purview to direct staff and the City Attorney to prepare an ordinance to

amend the code to the Council's satisfaction. Once the ordinance is effective, the previously denied applicant may apply for approval of the demolition under the newly effective code.

Authorize staff to conduct site visits to properties with a pending COA

The proposed amendments would allow the Planning Official and the Advisory HPC Committee Members to conduct a site visit (if deemed necessary and with the property owner's written consent) to the property with the pending COA application in order to inspect the site and structures and take photographs to include in the staff report to the HPC and City Council. An example of when this might occur is when an applicant proposes to make modifications to a primary historic façade and staff needs to report to the HPC and Council as to whether historic door or window openings are being modified.

17.92.030 - Approval criteria.

B. Text Amendment Approval Criteria. An amendment to the text of this title is a legislative decision by the city council. Prior to recommending approval or approving a proposed text amendment, the planning and zoning commission and the city council shall consider whether and to what extent the proposed amendment:

1. *Is consistent with the city's comprehensive plan, as amended from time to time;*

The 2015 Comprehensive Plan makes numerous references to the importance of historic preservation in Leadville's historic district, as shown in Appendix A. The proposed amendments support the maintenance of the character of the District.

2. *Does not conflict with other provisions of this title or this code;*

Staff is not aware of any conflicts.

3. *Addresses a demonstrated community need;*

Considering that demolitions, additions, alterations, and new commercial construction can reduce the number of structures that contribute to the City's NHL District, and that other nearby mountain communities with federally recognized historic districts have experienced development which significantly reduced the number of contributing structures, staff finds the proposed amendments address the need to maintain the character of the historic district.

4. *Responds to changing city policy or conditions; and*

Real estate market conditions in Colorado mountain have changed since the pandemic, and property values have significantly increased in Leadville. With increased property values, it is reasonable to expect increased future market demand for both demolition and redevelopment of historic structures. The proposed Ordinance responds to changing real estate market conditions by implementing appropriate requirements for both demolition and redevelopment.

5. *Is consistent with the purpose and intent of the zoning districts in this title, would improve compatibility among land uses, or would result in an orderly and logical development pattern.*

Section 17.04.040 – Purpose states *"The purpose and intent of this title shall... include but not necessarily be limited to... L. Protect Leadville's National Historic Landmark district, ensuring its continuing viability."*

Considering the purpose and intent of the zoning ordinance includes protecting the NHL District, and the proposed Ordinance would strengthen the codified regulations for the NHL District, staff finds this criteria is met.

Staff Recommendation

Staff recommends the Planning and Zoning Commission recommend that the City Council adopt the proposed text amendment with Ordinance No. 2, Series of 2023, with the attached Findings. A suggested motion is below:

“I move that the Planning and Zoning Commission recommend that the City Council adopt Ordinance No. 3, Series of 2023, an Ordinance Repealing and Reenacting Chapter 17.44 Of the Leadville Municipal Code Concerning the Regulations Governing the City’s National Historic Landmark Overlay District.”

Appendix: Key references to historic preservation in 2015 Comprehensive Plan

ECONOMIC GROWTH STRATEGY, *Downtown Support and Revitalization*, Page 8:

*“Leadville’s **historic downtown is one of the community’s greatest assets**. The historical significance provides a backdrop that creates pride for its residents, respects the rich historical context of the city’s physical form and is a draw for visitors. The Comprehensive Plan builds on and incorporates the 2014 Downtown Assessment by Downtown Colorado Inc. The Downtown Assessment provides a foundation for improving and capitalizing on the charm and unique character of the historic town core, developing strategies that harness and enhance existing assets, and encouraging appropriate and sensitive redevelopment and infill... The Leadville Historic Preservation Commission also serves a critical role in ensuring that future development relates to and respects the historic context of downtown.”*

ECONOMIC GROWTH ELEMENT GOALS AND STRATEGIES, *HISTORIC DOWNTOWN*, Page 24:

*“Introduction: The Historic Downtown Core of Leadville is one of the city’s greatest assets. The city possesses some of the **most representative and best-preserved architectural examples of mining heritage in the state**. These buildings and the compact development pattern tell a story of where Leadville and its people came from, and the **preservation of this precious resource is an important economic development goal**. Capitalizing on these resources by improving and maintaining assets within the historic core will pay dividends in the form of increased heritage tourism and momentum for a long-term strategy for enhancing the downtown.”*

GOAL 2.3 – PROVIDE SUPPORT AND RESOURCES TO ENSURE THE PRESERVATION AND MAINTENANCE OF HISTORIC STRUCTURES AND LANDMARKS IN THE DOWNTOWN CORE.

Strategy A – Work with the Historic Preservation Commission to develop a long-term strategy and funding sources (local, state and federal) to provide for financial assistance for property owners to pursue historic preservation efforts.

GOAL 2.4 – WORK WITH THE HISTORIC PRESERVATION COMMISSION TO ENSURE THAT THE REDEVELOPMENT AND INFILL IN THE HISTORIC DISTRICT ARE CONSISTENT AND DO NOT COMPROMISE THE INTEGRITY OF EXISTING HISTORIC VALUES.

Strategy A – Condense elements from the Historic Development Guidelines that pertain to redevelopment into concise standards listing specific parameters about scale, height, materials, colors, uses, architectural style, parking and other physical planning guidance to guide consistent and sensitive redevelopment in the Historic District.

TOURISM MARKETING AND VISITOR SERVICES, **GOAL 2.10 – CAPITALIZE ON THE HERITAGE ASSETS TO ATTRACT VISITORS AND ENRICH THE VISITOR EXPERIENCE**, Page 29. *Strategy A – **Support historic preservation efforts to sustain heritage assets.***

*CITY FUTURE LAND USE PLAN DESIGNATIONS, **DOWNTOWN**, Page 53: Downtown is the historic center of commerce, celebrations, competitions and civic life. The most important priority for the future of downtown is to maintain and enhance the characteristics that have proven successful in the past. The intent is to stay true to the character of the historic downtown and yet encourage future development and redevelopment that will strengthen and expand the core of the community. A primary component of this will be to preserve and build support and resources to **ensure the preservation and maintenance of historic structures and landmarks in the downtown core** and to respect and relate to this historic character.*

CITY OF LEADVILLE

Ordinance No. 2, Series of 2023

**An Ordinance Repealing and Reenacting Chapter 17.44 Of the Leadville Municipal Code
Concerning the Regulations Governing the City's National Historic Landmark Overlay District**

FINDINGS

1. The text amendment is consistent with the city's comprehensive plan, as amended from time to time;
2. The text amendment does not conflict with other provisions of this title or this code;
3. The text amendment addresses a demonstrated community need;
4. The text amendment responds to changing city policy or conditions; and
5. The text amendment is consistent with the purpose and intent of the zoning districts in this title, would improve compatibility among land uses, or would result in an orderly and logical development pattern.

Chapter 17.44 NATIONAL HISTORIC LANDMARK DISTRICT OVERLAY (NHL) DISTRICT

17.44.010 Purpose.

This district was designated and created by the National Park Service of the U.S. Department of the Interior to encourage the conservation, historically appropriate and structurally sound renovation, and the creative and economically viable reuse of certain structures and areas contained within its boundaries. A map of the district is located with the planning official and in the Leadville comprehensive plan.

17.44.020 Purposes and definitions.

A. Purposes. Leadville's historic district was designated a National Historic Landmark (NHL) district by the National Park Service of the U.S. Department of the Interior in 1961. The NHL program was created to recognize the nation's most significant historic places. The Leadville district encompasses a large part of the city and is one of only a few Colorado communities to receive this prestigious designation. ~~A map of the NHL district is located in the Leadville comprehensive plan and with the planning official.~~ These special regulations for the NHL district and for other designated historic structures are intended to accomplish the following purposes:

1. To protect the unique character of Leadville;
2. To safeguard the city's historic and cultural heritage, as embodied and reflected in its designated National Historic Landmark district;
3. To foster and enhance civic pride in the attractiveness and accomplishments of the past development eras of the city;
4. To strengthen and enhance the economy of the city;
5. To protect and enhance the city's historical, cultural, architectural and related attractions for residents and visitors;
6. To stabilize and improve property values and commerce; and
7. To promote the uses of Leadville's NHL district, the designated structures therein and other designated historic structures in the city for the education, pleasure and welfare of residents and visitors.

B. Definitions. Unless otherwise required by context or use, the words and terms used in this chapter shall be defined as follows:

"Demolition, total" means any act or process which destroys, ~~in part or~~ in whole, ~~the~~ a historic ~~integrity of a structure, or otherwise alters the structure so that it no longer qualifies as a historic structure or historic landmark or a contributing property within the NHL district.~~

"Demolition, partial" means any act or process which destroys, in part, a historic structure.

"Design guidelines" means the guidelines promulgated by the historic preservation commission of Leadville and approved by city council outlining criteria for the review of applications for certificates of appropriateness for residential infill within the NHL district. The full title of the design guidelines is residential infill design guidelines and standards.

"Historic structure" means a site, structure, or object within the NHL district, or otherwise designated as a historic structure, under this chapter that is determined to be historically significant. Historically significant means the structure was: a) present during the period of significance and possesses sufficient integrity to convey its history, or b) independently meets the criteria for landmark designation. A contributing property may have experienced some degree of alteration from its original design, yet retains sufficient building fabric to still be considered contributing.

"HPC advisory committee" means the historic preservation commission advisory members and planning official.

"Modification, Insubstantial" means the following:

- a. the replacement of surface materials such as roofing or siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design,
- b. the installation, removal or replacement of a fence, awning, or roofing material,
- c. the reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing,
- d. the change in color scheme of a structure by the application of paint or whitewash, generally in conformance with historic paint palette, or
- e. those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or the NHL district, or as deemed to be insubstantial upon petition to and determination by the HPC advisory committee.

2. "Modification, Substantial" means the following:

- a. an activity not defined or qualifying as an insubstantial activity, including, but not limited to: reconstruction, rehabilitation, remodeling, renovation, relocation, partial demolition, or total demolition,
- b. alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface,
- c. the installation, alteration or removal of a window or door opening,
- d. the replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design,
- e. the cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means,
- f. application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element, or
- g. those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the HPC advisory committee and planning official.

"National Historic Landmark" means a building, site, structure, object or district that is officially recognized by the federal government for its outstanding degree of national historical or architectural significance.

"National Historic Landmark Overlay (NHL) district" means that portion of Leadville designated a National Historic Landmark, the boundaries of which are depicted in the Leadville Comprehensive Plan and labeled as the "Historic Conservation Overlay Boundary" and on file with the planning official.

"Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.

"Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

"Residential infill" means new residential development that is sited on vacant or undeveloped land within the existing properties in the established Leadville NHL district.

"Restoration" means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

17.44.030 Applicability.

A. These regulations shall apply to:

1. All new construction within the ~~retail core~~NHL district;
2. Any exterior alterations to any structure, existing at the date of adoption of the ordinance codified in this chapter within the ~~retail core~~NHL district;
3. Any exterior alterations to historic structures listed in the Leadville historic building inventory (available from the planning official), (on file and available from the planning official), as updated and amended from time to time.
4. Demolition of any historic structure in the NHL district of the city.

B. These regulations shall not apply to:

1. Any interior alteration, renovation, repair, reconstruction or rehabilitation of a historic structure, landmark, or for any other building or structure within the NHL district; or
2. Ordinary exterior maintenance and/or repair to any structure or building within the NHL district if such work involves and is carried out using materials and elements identical in appearance to the materials and elements being repaired or worked on, and such maintenance and/or repair does not substantially alter the appearance, composition or texture of the exterior appearance, feature or surface of the building or structure. Any additions to buildings or structures not listed in the Leadville Historic Building Inventory.

C. Nothing in this chapter shall prohibit the issuance of orders or correction notices, or the implementation of emergency enforcement actions, authorized by law for the purpose of correcting or abating conditions relative to any landmark, contributing or other building, structure or site determined to be dangerous to life, health or property in accordance with building and/or life and safety codes duly adopted by the city, and/or such other governing authority with jurisdiction, including, when deemed necessary, the demolition or partial

demolition of a building or structure. However, when the need for emergency action is not present, all work or activity normally subject to the provisions and procedures contained in this chapter shall be undertaken and performed in compliance therewith.

17.44.040 General restrictions.

- A. Unless otherwise provided in this chapter, any construction, exterior alteration, erection, relocation, demolition, restoration or improvement of any structure delineated in Section 17.44.030 A within the NHL district shall be prohibited unless the historic preservation commission shall first review and city council shall first approve such action by issuing a certificate of appropriateness (COA), except in such cases the ~~historic preservation commission~~ planning official deems the proposed exterior structural or cosmetic change to be insubstantial, as defined in ~~subsection (A)(1) of this section~~ 17.44.020 B. If any construction, exterior alteration, erection, relocation, demolition, restoration or improvement of any structure is deemed by the ~~historic preservation commission advisory committee, in consultation with the~~ planning official, to be an insubstantial modification, the planning official shall issue a COA administratively at no charge and without further review by HPC or city council, no further historic preservation commission review is required and no fee shall be charged or collected for a determination of insubstantial modification. Any potential applicant wishing to receive a determination of insubstantiality shall submit to the HPC advisory committee a completed certificate of appropriateness ~~pre-application~~ on a form provided by the ~~historic preservation commission~~ city, with supporting documentation including but not limited to photographs, drawings and any other appropriate material.

~~1. Insubstantial Modification. An insubstantial modification is defined as the following:~~

- ~~a. The replacement of surface materials such as roofing or siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design.~~
- ~~b. The installation, removal or replacement of a fence, awning, or roofing material.~~
- ~~c. The reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing.~~
- ~~d. The change in color scheme of a structure by the application of paint or whitewash, generally in conformance with historic paint palette.~~
- ~~e. Those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or the NHL district, or as deemed to be insubstantial upon petition to and determination by the HPC advisory committee.~~

~~2. Substantial Modification. A substantial modification is defined as the following:~~

- ~~a. An activity not defined or qualifying as an insubstantial activity, including, but not limited to: reconstruction, rehabilitation, remodeling, renovation, relocation or demolition.~~
- ~~b. Alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface.~~
- ~~c. The installation, alteration or removal of a window or door opening.~~
- ~~d. The replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design.~~
- ~~e. The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means.~~

~~f. Application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element.~~

~~g. Those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the HPC advisory committee and planning official.~~

~~B. Nothing in this chapter shall be construed to prevent or inhibit the ordinary and routine maintenance and repair of structures in the NHL district.~~

~~C. No provision of this chapter shall in any way restrict the city from the normal enforcement of its repair, vacation or demolition of dangerous building regulations, as contained in city ordinances and the Uniform Code for the Abatement of Dangerous Buildings.~~

DB. Only buildings with brick, wood frame or clapboard exteriors that are non-reflective and are in keeping with Leadville's historic commercial architecture will be allowed on Harrison Avenue to the alleys east and west between Elm Street and 9th Street; 9th Street to the alleys north and south between Harrison and Poplar; and Poplar Street to the alleys east and west between 9th Street and 12th Street.

17.44.050 Procedures for historic structure designation and revocation.

A. Initial Designation of Historic Structures. Designated historic structures include:

1. All those listed in the Leadville historic building inventory, available from the planning official; and
2. All structures existing ~~at~~ on June 20, 2000, the date of adoption of ~~the~~ Ordinance No. 8, Series 1999 codified in this chapter, which face onto Harrison Avenue from the two hundred (200) up to the nine hundred (900) blocks of Harrison Avenue.

B. Procedure for Designation of Additional Structures as Historic. The owner(s) of any structure located within the city may petition the city for designation of that structure as a historic structure by so requesting in writing to the planning official. The following materials shall be provided by the owner(s):

1. Proof of ownership of the structure and, if a representative, proof of authority to represent the owner(s);
2. A legal description of the property;
3. A color photograph of each side of the structure facing a public right-of-way;
4. A site plan showing the structure, its approximate size, bulk and location on the property;
5. A narrative statement, with any appropriate supporting information, describing the historic and architectural significance of the property.

Upon submittal of the appropriate material and the required application fee (see Section 17.96.020), petitions for the designation of a structure in the city as historic shall be processed in the same manner as conditional use permits (see Chapter 17.52).

The designation procedure described herein may be initiated by any owner of real property in the city, the commission, or city council.

C. Procedure for Revocation of Historic Structure Designation. The owner(s) of any historic structure may petition the city for revocation of the designation of that structure as historic by requesting such revocation in writing to the planning official with the following application information:

1. The application information specified in subsection B of this section;

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2. A narrative statement, with any appropriate supporting information, describing why such revocation of a historic structure designation should be granted.

Upon submittal of the appropriate material and the required application fee (see Section 17.96.020), petitions for revocation of designation of a historic structure shall be processed in the same manner as conditional use permits (see Chapter 17.52).

The revocation procedure described herein may be initiated by any owner of real property in the city, the commission, or city council.

- D. Considerations in Designating, and Revoking Designations of, Historic Structures. In deciding whether to designate, revoke the designation of a historic structure, the historic preservation commission and city council shall base their decision on the following criteria:
 1. The goals objectives, policies and other provisions of the Leadville comprehensive plan, as amended;
 2. The character, interest and value of the structure as part of the development, heritage, history and culture of the city and the State of Colorado;
 3. The location of the structure and its site in relationship to historical events;
 4. The identification of the structure with a person or persons who significantly contributed to the development of Leadville and the surrounding area;
 5. The importance of the structure to the cultural, historical, social and economic heritage of Leadville;
 6. The extent to which the structure displays visual features either typical of or unique to a past historical period;
 7. The historic and economic relationship of the structure to surrounding structures and other features of importance within Leadville's NHL district.

17.44.060 Procedures for issuing a certificate of appropriateness (COA) except demolitions.

- A. Unless provided for in this chapter, any construction, exterior alteration, erection, relocation, restoration or improvement of any structure delineated in Section 17.44.030 or residential infill construction shall be prohibited unless: (a) the planning official or other city staff member, as appropriate, first considers the proposal to determine if the appropriate criteria have been met, and (b) the city council first approves such action by the issuance of a COA, where required.
 1. A COA ~~is not required in cases~~ may be approved administratively by the planning official where the proposed structural or cosmetic change is ~~approved administratively~~ determined to be as an insubstantial ~~project or activity~~ modification or where the city planning official determines, in accordance with Chapter 15.44 of this code, that the residential infill development ~~dev~~ complies with the design guidelines. See Section 17.44.040(A) regarding the procedures and criteria for historic preservation commission's determination of insubstantial changes. Such procedures and criteria, as well as consideration of the design guidelines, when applicable, shall also apply herein.
 2. The city shall issue an ~~automatic a~~ COA administratively and at no cost if the construction, exterior alteration, erection, relocation, restoration or improvement is certified by the Historic Preservation Officer of the State of Colorado.
 3. The city planning official or his or her designee shall be responsible for determining whether building permit applications for residential infill meet the criteria set forth in the design guidelines. The city administrator or his or her designee shall have the discretion to determine the necessity for review of a building permit application by the historic preservation commission and its recommendation on

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- whether to issue a COA for residential infill in the NHL district, necessary to properly interpret or apply the design guidelines.
- B. Applications for a COA shall be made on a form provided by the city, shall be accompanied by the required application fee (see Section 17.96.020) and shall include the following information:
1. The application information specified in Section 17.44.050(B)(1) through (3);
 2. Site Plan. A site plan or plans no smaller than eleven by seventeen inches drawn to a scale and with a level of detail acceptable to the historic preservation commission showing: (a) for existing structures all existing exterior architectural features of the structure and all proposed external improvements and changes to the existing exterior architectural features of the structure; and (b) for new structures in the NHL district all proposed exterior architectural features of the structure and its proposed dimensions and location within the site and its dimensional relationship to neighboring buildings. In the case of businesses, off-street parking and loading shall be considered (see Chapter 17.76);
 3. Additional Drawings. Other such architectural renderings, elevation plans and related information the historic preservation commission may deem necessary to reach an informed decision.
 4. Photographs. Photographs reasonably and accurately depicting the current status of the building, structure, site, or the relevant portion thereof that is the subject of the application. Applicants shall include photographs depicting all sides of a structure, particularly the front and any side affected by the proposed project. Applicants shall also include detailed photographs of the building features affected by the proposed project.
 5. Bids. If proposing to replace existing historic materials or features with replicas rather than repairing or restoring the features, firm bids must be provided for both restoration and replication.
 6. Materials. All materials and finishes and the manufacturer's product literature and material samples for the materials and finishes shall be provided. Product literature is required for replacement windows.
- C. Design Review Process. No building permit for work or activity requiring a COA shall be valid or issued by the city building official without the receipt by the official of the necessary COA as outlined in this section and chapter.
1. Pre-application Meeting.
 - a. An applicant shall meet with the ~~historic preservation commission advisory members and planning official, who together constitute the~~ "HPC advisory committee", to: (1) review and confirm the specific materials required to be submitted in conformance with subsection B; and (2) make an initial determination of determine whether the proposed project is substantial or insubstantial in accordance with Section 17.44.040.
 - b. At such meeting, the applicant shall submit a written summary of the proposed activity in complete detail so that the HPC advisory committee may make an initial determination as to whether the project or activity is insubstantial or substantial, which initial determination is subject to the final determination of the planning official following submission of a complete application.
 2. Submittal of Ccomplete Application ~~for Substantial Projects~~.
 - a. The city shall not process any application until an A ~~applicant~~ must submit s a complete application for a COA, including any required materials, ~~as confirmed through the pre-application meeting with the HPC advisory committee,~~ and payment of application fees as may be established by the city council.
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- b. Complete applications must include ~~seven copies~~ one (1) hard copy and one (1) digital copy of all materials for ~~substantial~~ projects that were initially determined to be substantial during the pre-application meeting.
- c. The city planning official or designee will review the application for completeness and will contact the applicant within seven business days of receipt if there are omissions or questions concerning the application.
- d. Following receipt of a complete application, the planning official shall make a final determination of whether the application is for a substantial or insubstantial modification pursuant to section 17.44.040.
- e. The planning official shall administratively issue a COA for any insubstantial modification within seven (7) days of the date the application is deemed complete.
- f. If, following review of the application, the planning official determines a site visit would provide information necessary for the HPC to review and make an informed recommendation on the application to city council, the planning official or designee may, with written consent of the applicant or property owner if applicant is not the property owner, conduct a site visit prior to forwarding the application to the HPC. With written consent of the applicant or property owner, the HPC advisory members may attend the site visit. Any observations, information, photographs, and recommendations from the site visit shall be included in the planning official's written report to the HPC.
- ~~a-g.~~ Once the application is deemed complete, the planning official will forward the application for any substantial modification to the HPC for review. The planning official or designee shall also provide a written report to the HPC which summarizes the application's compliance with the review standards contained in subsection D of this section and other applicable provisions of this chapter and the code. The technical and professional recommendations of other agencies, departments, and consultants shall be solicited in drafting the report as needed.
3. Review of Application for Substantial Projects. The HPC will schedule a formal review at a duly noticed public meeting of the HPC to be held within twenty (20) days of receipt of a complete application and report from the planning official, or such other time frame as agreed upon between the HPC and applicant. The planning official shall provide notice to the applicant of such review date and time at least ten (10) days prior to the review date.
4. HPC Decision. All HPC recommendations on COA applications shall be in writing and shall state the reasons for approval, conditional approval, or denial. The HPC will base its ~~decision recommendation~~ on the applicable guidelines. The HPC may continue the consideration of an application if necessary to obtain additional information from the applicant.
5. Council Review. HPC's recommendation will be forwarded to city council for a final determination at a public hearing. City council's decision must be in writing and shall state the reasons for approval, conditional approval, or denial. City council may condition approval on terms, limitations, or conditions deemed necessary to protect and preserve the structural, aesthetic or historic integrity of the building, structure or site to which it pertains. Building permits may be issued only after approval of a COA.
6. Actions Following Approval. By submitting an application the applicant certifies that the project will be completed as approved. The applicant should receive all HPC approvals before proceeding with final construction documents and must obtain COA before issuance of any required building permits. An approved application is an implied contract with the city and no deviations therefrom shall be allowed. If design changes are made after approval, the applicant must amend and resubmit the application for consideration and approval in accordance with the process set forth in this section.

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- D. In deciding whether to issue a COA for a historic structure, national historic landmark, or contributing building or structure, the historic preservation commission and city council shall take into consideration the criteria contained in Section 17.44.050(D) and the following additional criteria:
1. Reasonable efforts shall be made to provide for uses of a structure that require minimal alteration and redesign of the structure;
 2. The distinguishing original characteristics of a structure and its relationship to the environment shall not be destroyed and the removal or alteration of any historic material or architectural features shall be avoided when possible;
 3. Architectural changes that have taken place to a building since its construction often acquire significance in their own right and this significance shall be recognized and respected;
 4. Distinctive stylistic features or skilled craftsmanship that characterize or are in evidence on a structure shall be treated with sensitivity and preserved whenever possible;
 5. Deteriorated architectural features shall be repaired rather than replaced whenever possible and when replaced, the new material shall match the material being replaced in composition, color, texture and shape in so far as feasible;
 6. Cleaning and restoring exterior surfaces shall be undertaken with the least possible disruptive methods; sandblasting and similar techniques that damage historic exterior surfaces shall be discouraged;
 7. Additions and alterations to a structure shall be undertaken in a manner such that if the addition or alteration were removed in the future, the essential form and integrity of the original structure would be undamaged;
 8. All structures shall be recognized as products of their own time and place. Alterations or new structures with no historical basis and that seek to artificially create an earlier appearance shall be discouraged;
 9. Contemporary style structures, alterations and additions shall not be discouraged so long as they are compatible with the size, scale, texture and color of the existing structure and/or existing structures in the area;
 10. The unique historical and visual appearance of Leadville, as it exists at the present, shall be honored and protected in so far as possible.

E. In deciding whether to issue a COA for a non-historic, nonlandmark, or noncontributing building, structure or site within the NHL district, the HPC and city council shall consider the following minimum criteria:

1. Enhance District. Whether and/or to what extent the proposed work will enhance and advance the purposes and intent underlying the establishment of the NHL district.
2. Overall Character. New structures and additions to, or the exterior repair or alteration of, existing non-historic, nonlandmark, or noncontributing structures shall be compatible with the historic architectural character, scale, shapes, sizes, heights, façades and materials predominant in the district to the maximum extent feasible.
3. Specific Compatibility. New structures and additions to, or the exterior repair or alteration of, existing non-historic, nonlandmark, or noncontributing structures shall harmonize with neighboring historic, landmark and/or contributing structures or sites with regard to height, scale, shape, size, façade, materials, setback, landscaping and exterior architectural features to the maximum extent feasible.

17.44.070 Procedures for issuing a certificate of appropriateness (COA) for the demolition of historic structures.

- A. Unless otherwise provided for in this chapter, any demolition of a designated historic structure or the demolition of a portion of such structure shall be prohibited unless the historic preservation commission shall review and city council shall approve such action by the issuance of a COA.
- B. Applications for a COA shall be made on a form provided by the city, shall be accompanied by the required application fee (see Section 17.96.020) and shall include the following information:
1. The application information specified in Section 17.44.050(B)(1) through (3) and 17.44.060(B);
 2. A statement of the reasons such demolition is necessary, the visual and economic consequences of such demolition on the surrounding neighborhood, the consequences to the city and the Leadville NHL district, and the economic hardships that would result if such demolition did not occur;
 3. Evidence that the applicant has made a good faith effort to preserve the structure, such as efforts to sell the structure to a new owner who would save the structure from demolition.
 4. Any report or other official document issued by a fire department official or the building official declaring the structure proposed for demolition to be unsafe.
 5. For historic, landmark, or contributing structures that have not been declared unsafe by the fire marshal or building official, the applicant must submit a report prepared by an architect, appraiser, engineer, or other qualified person experienced in the rehabilitation, renovation, and/or restoration of historic structures addressing:
 - a. The structural soundness of the building or structure and its suitability for rehabilitation, renovation, restoration, or relocation;
 - b. The economic and structural/engineering feasibility of the rehabilitation, renovation or restoration of the structure at its current location; and
 - a-c. The economic and structural/engineering feasibility of relocating the structure.
- C. Application Review Process.
1. Pre-Application Meeting. Applicants for a COA for demolition shall meet with the ~~historic preservation commission~~ planning official or designee in an informal pre-application ~~study session~~ meeting to discuss the proposed demolition and the possible alternatives to demolition.
 2. Submission of Complete Application.
 - a. The city shall not process any application until an applicant submits a complete application for a COA, including any required materials, as confirmed through the pre-application meeting with the planning official and payment of application fees as may be established by the city council.
 - b. Complete applications must include seven copies of all materials.
 - c. The city planning official will review the application for completeness and will contact the applicant within seven (7) business days of receipt if there are omissions or questions concerning the application.
 - d. If, following review of the application, the planning official determines a site visit would provide information necessary for the HPC to review and make an informed recommendation on the application to city council, the planning official or designee may, with consent of the applicant or property owner if applicant is not the property owner, conduct a site visit prior to forwarding the application to the HPC. With consent of the applicant or property owner, the HPC advisory members

may attend the site visit. Any observations, information, photographs, and recommendations from the site visit shall be included in the planning official's written report to the HPC.

e. Following receipt of a complete application, the planning official will forward the application to the HPC for consideration at a public hearing. The planning official or designee shall also provide a written report to the HPC which summarizes the application's compliance with the review standards contained in subsection F of this section and other applicable provisions of this chapter. The technical and professional recommendations of other agencies, departments, and consultants shall be solicited in drafting the report as needed.

D. HPC Hearing. Applications for a COA shall ~~be~~ considered by the HPC at a public hearing that is noticed in accordance with the hearing notice requirements for processed in the same manner as applications for a conditional use permit (see Chapter 17.52). HPC recommendations to city council on COA applications following the public hearing shall be in writing and shall state the reasons for HPC's recommendation. The HPC will base its decision on the applicable guidelines, including the application approval criteria set forth in this section. The HPC may continue the hearing on an application to a time and date certain if necessary to obtain additional information from the applicant.

E. City Council Hearing. HPC's recommendation will be forwarded to city council for a final determination at a public hearing that is noticed in accordance with the hearing notice requirements for a conditional use permit set forth in chapter 17.52. City council's decision must be in writing and shall state the reasons for approval, conditional approval, or denial. City council may condition approval on terms, limitations, or conditions deemed necessary to protect and preserve the structural, aesthetic or historic integrity of the building, structure or site to which it pertains. Building permits or other permits necessary to complete the proposed work may be issued only after approval of a COA.

FE. No demolition of a historic structure may occur except as provided in this subsection FE. Applicants requesting a COA for demolition must provide evidence to clearly demonstrate that the request meets all of the following criteria:

Review Criteria for Total Demolition:

1. The structure proposed for demolition is not structurally sound; and
2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
3. The structure cannot be practically moved to another site in the City of Leadville; and
4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - b. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties.
 - c. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties.
5. In the case of archeological sites, whether archaeological information can be recovered as part of the demolition process.

Review Criteria for Partial Demolition:

1. The partial demolition is required for the preservation, restoration or rehabilitation of the building, structure or object;

2. The applicant has mitigated, to the greatest extent possible:

a. Impacts on the historic importance of the buildings, structures or objects located on the property, and

b. Impacts on the architectural integrity of the buildings, structures or objects located on the property.

- F. In acting upon an application for a COA for the demolition of a designated historical structure, the historic preservation commission shall recommend and city council act to either:
1. Issue the requested certificate with or without reasonable conditions; or
 2. Deny the issuance of a certificate ~~and postpone the proposed demolition for a period not to exceed six months from the date of city council decision in order to allow for negotiations with the owner(s) of the structure for the purchase, lease or other action necessary to prevent the demolition of the structure.~~
- G. In the event city council acts to deny an initial application for a COA to demolish a designated historic structure, the city shall notify the applicant in writing by certified mail within ten (10) days of taking its action, stating the reasons why such application was denied. The notification shall also inform the applicant of the applicant's right to reapply for a COA to demolish the structure so long as such reapplication is made no less than six months from the date of the original application to demolish the structure. Reapplications shall be subject to the procedures and approval criteria in effect at the time of the reapplication.
- ~~H. Upon making reapplication for a COA to demolish a designated historic structure after the six-month period specified in subsection F of this section, the applicant shall be issued such COA by the building official within ten (10) days of application.~~

17.44.080 Special variance provisions.

- A. When deemed necessary for the conservation or restoration of a designated historic structure or a structure in the NHL district, the owner(s) or authorized agent of such structure may apply for a variance from any provision of this title, including but not limited to use variances, so long as the board of adjustment determines, in addition to the criteria contained in Section 17.88.020(C), that:
1. Such variance is necessary and in the public interest;
 2. Such variance would not prove harmful to the public health, safety, welfare and convenience of neighboring residents.
- B. Such special variance applications shall be processed in the normal manner for variance applications, as otherwise specified in Chapter 17.88.

17.44.090 Relationship of the NHL district to underlying districts.

Except as specified in this chapter, all of the regulations within the NHL district shall be as specified for the underlying district(s) and the procedures for district rezonings shall be as for all underlying zoning districts.

17.44.100 Standards for construction within the NHL district.

- A. All work performed in completion of an approved COA shall be in conformance with the most recent edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for

Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, Washington, D.C., which is adopted herein by reference and referred to in this chapter as "Secretary of Interior Standards" and a copy of which is available for review in the Administrative Services Department, City of Leadville, 800 Harrison Avenue, Leadville.

- B. Subject to final approval by the city council, the HPC may devise, adopt, publish and implement design guidelines to supplement the criteria set forth in this chapter for the review, evaluation and approval of COAs, provided however, that in the event of conflict between HPC adopted design guidelines and the Secretary of Interior Standards, the Secretary of Interior Standards shall govern and take priority over HPC adopted design guidelines.
- C. The HPC has adopted, and city council has approved, the design guidelines for residential infill within the Leadville NHL District. The design guidelines set forth criteria for what shall and what should be considered with designing and approving residential infill plans within the NHL district. A copy of the design guidelines is on file with the city clerk. The design guidelines as adopted by the city's historic preservation commission are hereby adopted by reference as the City of Leadville Residential Infill Design Guidelines and Standards as if fully set out in this section.

17.44.110 Violations and penalties.

- A. Violation of the provisions of this chapter shall be punishable as set forth in Section 17.100.020 of this code. Additionally, each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this section.
- B. Any development, activity, facility or structure which is continued, operated or maintained in violation of the provisions of this chapter, or the terms and conditions of a COA or any other permit, shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the city, in which event the city will be entitled to recover its reasonable costs and attorney fees from the offending party or parties.
- C. All penalties and remedies for violations of the provisions of this chapter shall be nonexclusive and cumulative, and the city's exercise of one remedy or penalty shall not foreclose or prohibit the exercise of alternative or other remedies.

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 3
SERIES OF 2023**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 17.44 OF THE
LEADVILLE MUNICIPAL CODE CONCERNING THE REGULATIONS GOVERNING
THE CITY'S NATIONAL HISTORIC LANDMARK OVERLAY DISTRICT**

WHEREAS, the City of Leadville ("City") previously adopted regulations governing the City's National Historic Landmark Overlay District ("NHL District"), codified in Chapter 17.44 of the Leadville Municipal Code ("Code"); and

WHEREAS, the Historic Preservation Commission and the Planning and Zoning Commission have identified comprehensive revisions to Chapter 17.44 of the Code to protect the City's unique character and safeguard the City's historic and cultural heritage as reflected within the NHL District; and

WHEREAS, the City Council has reviewed the recommendations of the Historic Preservation Commission and Planning and Zoning Commission and finds that the revisions set forth in this Ordinance are consistent with the purpose and intent of Chapter 17.44 and the NHL District; and

WHEREAS, the City Council therefore finds that it is in the best interests of the public health, safety and welfare to adopt this Ordinance.

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

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Chapter 17.44 of the Leadville Municipal Code, titled National Historic Landmark District Overlay (NHL) District, is repealed in its entirety and reenacted in full to read as follows:

Chapter 17.44 NATIONAL HISTORIC LANDMARK DISTRICT OVERLAY (NHL) DISTRICT

17.44.010 Purpose.

This district was designated and created by the National Park Service of the U.S. Department of the Interior to encourage the conservation, historically appropriate and structurally sound renovation, and the creative and economically viable reuse of certain structures and areas contained within its boundaries. A map of the district is located with the planning official and in the Leadville comprehensive plan.

17.44.020 Purposes and definitions.

- A. Purposes. Leadville's historic district was designated a National Historic Landmark (NHL) district by the National Park Service of the U.S. Department of the Interior in 1961. The NHL program was created to recognize the nation's most significant historic places. The Leadville district encompasses a large part of the city and is one of only a few Colorado communities to receive this prestigious

designation. These special regulations for the NHL district and for other designated historic structures are intended to accomplish the following purposes:

1. To protect the unique character of Leadville;
2. To safeguard the city's historic and cultural heritage, as embodied and reflected in its designated National Historic Landmark district;
3. To foster and enhance civic pride in the attractiveness and accomplishments of the past development eras of the city;
4. To strengthen and enhance the economy of the city;
5. To protect and enhance the city's historical, cultural, architectural and related attractions for residents and visitors;
6. To stabilize and improve property values and commerce; and
7. To promote the uses of Leadville's NHL district, the designated structures therein and other designated historic structures in the city for the education, pleasure and welfare of residents and visitors.

B. Definitions. Unless otherwise required by context or use, the words and terms used in this chapter shall be defined as follows:

"Demolition, total" means any act or process which destroys, in whole, a historic structure.

"Demolition, partial" means any act or process which destroys, in part, a historic structure.

"Design guidelines" means the guidelines promulgated by the historic preservation commission of Leadville and approved by city council outlining criteria for the review of applications for certificates of appropriateness for residential infill within the NHL district. The full title of the design guidelines is residential infill design guidelines and standards.

"Historic structure" means a site, structure, or object within the NHL district, or otherwise designated as a historic structure, under this chapter that is determined to be historically significant. Historically significant means the structure was: a) present during the period of significance and possesses sufficient integrity to convey its history, or b) independently meets the criteria for landmark designation. A contributing property may have experienced some degree of alteration from its original design, yet retains sufficient building fabric to still be considered contributing.

"HPC advisory committee" means the historic preservation commission advisory members and planning official.

"Modification, Insubstantial" means the following:

- a. the replacement of surface materials such as roofing or siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design,
- b. the installation, removal or replacement of a fence, awning, or roofing material,
- c. the reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing,
- d. the change in color scheme of a structure by the application of paint or whitewash, generally in conformance with historic paint palette, or
- e. those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or the NHL district,

or as deemed to be insubstantial upon petition to and determination by the HPC advisory committee.

2. “Modification, Substantial” means the following:
 - a. an activity not defined or qualifying as an insubstantial activity, including, but not limited to: reconstruction, rehabilitation, remodeling, renovation, relocation, partial demolition, or total demolition,
 - b. alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface,
 - c. the installation, alteration or removal of a window or door opening,
 - d. the replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design,
 - e. the cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means,
 - f. application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element, or
 - g. those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the HPC advisory committee and planning official.

"National Historic Landmark" means a building, site, structure, object or district that is officially recognized by the federal government for its outstanding degree of national historical or architectural significance.

"National Historic Landmark Overlay (NHL) district" means that portion of Leadville designated a National Historic Landmark, the boundaries of which are depicted in the Leadville Comprehensive Plan and labeled as the "Historic Conservation Overlay Boundary" and on file with the planning official.

“Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.

“Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

"Residential infill" means new residential development that is sited on vacant or undeveloped land within the existing properties in the established Leadville NHL district.

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

17.44.030 Applicability.

- A. These regulations shall apply to:
1. All new construction within the NHL district;
 2. Any exterior alterations to any structure, existing at the date of adoption of the ordinance codified in this chapter within the NHL district;
 3. Any exterior alterations to historic structures listed in the Leadville historic building inventory (available from the planning official), (on file and available from the planning official), as updated and amended from time to time.
 4. Demolition of any historic structure in the NHL district of the city.
- B. These regulations shall not apply to:
1. Any interior alteration, renovation, repair, reconstruction or rehabilitation of a historic structure, landmark, or for any other building or structure within the NHL district; or
 2. Ordinary exterior maintenance and/or repair to any structure or building within the NHL district if such work involves and is carried out using materials and elements identical in appearance to the materials and elements being repaired or worked on, and such maintenance and/or repair does not substantially alter the appearance, composition or texture of the exterior appearance, feature or surface of the building or structure.
- C. Nothing in this chapter shall prohibit the issuance of orders or correction notices, or the implementation of emergency enforcement actions, authorized by law for the purpose of correcting or abating conditions relative to any landmark, contributing or other building, structure or site determined to be dangerous to life, health or property in accordance with building and/or life and safety codes duly adopted by the city, and/or such other governing authority with jurisdiction, including, when deemed necessary, the demolition or partial demolition of a building or structure. However, when the need for emergency action is not present, all work or activity normally subject to the provisions and procedures contained in this chapter shall be undertaken and performed in compliance therewith.

17.44.040 General restrictions.

- A. Unless otherwise provided for in this chapter, any construction, exterior alteration, erection, relocation, demolition, restoration or improvement of any structure delineated in Section 17.44.030 **A** within the NHL district shall be prohibited unless the historic preservation commission shall first review and city council shall first approve such action by issuing a certificate of appropriateness (COA), except in such cases the planning official deems the proposed exterior structural or cosmetic change to be insubstantial, as defined in section 17.44.020 B. If any construction, exterior alteration, erection, relocation, demolition, restoration or improvement of any structure is deemed by the planning official to be an insubstantial modification, the planning official shall issue a COA administratively without further review by HPC or city council. Any potential applicant wishing to receive a determination of insubstantiality shall submit to the HPC advisory committee a completed certificate of appropriateness application on a form provided by the city, with supporting documentation including but not limited to photographs, drawings and any other appropriate material.
- B. Only buildings with brick, wood frame or clapboard exteriors that are non-reflective and are in keeping with Leadville's historic commercial architecture will be allowed on Harrison Avenue to the alleys

east and west between Elm Street and 9th Street; 9th Street to the alleys north and south between Harrison and Poplar; and Poplar Street to the alleys east and west between 9th Street and 12th Street.

17.44.050 Procedures for historic structure designation and revocation.

- A. Initial Designation of Historic Structures. Designated historic structures include:
1. All those listed in the Leadville historic building inventory, available from the planning official; and
 2. All structures existing on June 20, 2000, the date of adoption of Ordinance No. 8, Series 1999 codified in this chapter, which face onto Harrison Avenue from the two hundred (200) up to the nine hundred (900) blocks of Harrison Avenue.
- B. Procedure for Designation of Additional Structures as Historic. The owner(s) of any structure located within the city may petition the city for designation of that structure as a historic structure by so requesting in writing to the planning official. The following materials shall be provided by the owner(s):
1. Proof of ownership of the structure and, if a representative, proof of authority to represent the owner(s);
 2. A legal description of the property;
 3. A color photograph of each side of the structure facing a public right-of-way;
 4. A site plan showing the structure, its approximate size, bulk and location on the property;
 5. A narrative statement, with any appropriate supporting information, describing the historic and architectural significance of the property.

Upon submittal of the appropriate material and the required application fee (see Section 17.96.020), petitions for the designation of a structure in the city as historic shall be processed in the same manner as conditional use permits (see Chapter 17.52).

The designation procedure described herein may be initiated by any owner of real property in the city, the commission, or city council.

- C. Procedure for Revocation of Historic Structure Designation. The owner(s) of any historic structure may petition the city for revocation of the designation of that structure as historic by requesting such revocation in writing to the planning official with the following application information:
1. The application information specified in subsection B of this section;
 2. A narrative statement, with any appropriate supporting information, describing why such revocation of a historic structure designation should be granted.

Upon submittal of the appropriate material and the required application fee (see Section 17.96.020), petitions for revocation of designation of a historic structure shall be processed in the same manner as conditional use permits (see Chapter 17.52).

The revocation procedure described herein may be initiated by any owner of real property in the city, the commission, or city council.

- D. Considerations in Designating, and Revoking Designations of, Historic Structures. In deciding whether to designate, revoke the designation of a historic structure, the historic preservation commission and city council shall base their decision on the following criteria:
1. The goals objectives, policies and other provisions of the Leadville comprehensive plan, as amended;

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2. The character, interest and value of the structure as part of the development, heritage, history and culture of the city and the State of Colorado;
 3. The location of the structure and its site in relationship to historical events;
 4. The identification of the structure with a person or persons who significantly contributed to the development of Leadville and the surrounding area;
 5. The importance of the structure to the cultural, historical, social and economic heritage of Leadville;
 6. The extent to which the structure displays visual features either typical of or unique to a past historical period;
 7. The historic and economic relationship of the structure to surrounding structures and other features of importance within Leadville's NHL district.

17.44.060 Procedures for issuing a certificate of appropriateness (COA) except demolitions.

- A. Unless provided for in this chapter, any construction, exterior alteration, erection, relocation, restoration or improvement of any structure delineated in Section 17.44.030 or residential infill construction shall be prohibited unless: (a) the planning official or other city staff member, as appropriate, first considers the proposal to determine if the appropriate criteria have been met, and (b) the city council first approves such action by the issuance of a COA, where required.
 1. A COA may be approved administratively by the planning official where the proposed structural or cosmetic change is determined to be an insubstantial modification or where the city planning official determines, in accordance with Chapter 15.44 of this code, that the residential infill development complies with the design guidelines. See Section 17.44.040(A) regarding the procedures and criteria for historic preservation commission's determination of insubstantial changes. Such procedures and criteria, as well as consideration of the design guidelines, when applicable, shall also apply herein.
 2. The city shall issue an a COA administratively and at no cost if the construction, exterior alteration, erection, relocation, restoration or improvement is certified by the Historic Preservation Officer of the State of Colorado.
 3. The city planning official or his or her designee shall be responsible for determining whether building permit applications for residential infill meet the criteria set forth in the design guidelines. The city administrator or his or her designee shall have the discretion to determine the necessity for review of a building permit application by the historic preservation commission and its recommendation on whether to issue a COA for residential infill in the NHL district necessary to properly interpret or apply the design guidelines.
- B. Applications for a COA shall be made on a form provided by the city, shall be accompanied by the required application fee (see Section 17.96.020) and shall include the following information:
 1. The application information specified in Section 17.44.050(B)(1) through (3);
 2. Site Plan. A site plan or plans no smaller than eleven by seventeen inches drawn to a scale and with a level of detail acceptable to the historic preservation commission showing: (a) for existing structures all existing exterior architectural features of the structure and all proposed external improvements and changes to the existing exterior architectural features of the structure; and (b) for new structures in the NHL district all proposed exterior architectural features of the structure and its proposed dimensions and location within the site and its dimensional relationship to neighboring buildings. In the case of businesses, off-street parking and loading shall be considered (see Chapter 17.76);
 3. Additional Drawings. Other such architectural renderings, elevation plans and related information the historic preservation commission may deem necessary to reach an informed decision.
 4. Photographs. Photographs reasonably and accurately depicting the current status of the building, structure, site, or the relevant portion thereof that is the subject of the application. Applicants shall include photographs depicting all sides of a structure, particularly the front and any side affected by the proposed project. Applicants shall also include detailed photographs of the building features affected by the proposed project.
 5. Bids. If proposing to replace existing historic materials or features with replicas rather than repairing or restoring the features, firm bids must be provided for both restoration and replication.

6. Materials. All materials and finishes and the manufacturer's product literature and material samples for the materials and finishes shall be provided. Product literature is required for replacement windows.
- C. Design Review Process. No building permit for work or activity requiring a COA shall be valid or issued by the city building official without the receipt by the official of the necessary COA as outlined in this section and chapter.
1. Pre-application Meeting.
 - a. An applicant shall meet with the HPC advisory committee to: (1) review and confirm the specific materials required to be submitted in conformance with subsection B; and (2) to make an initial determination of whether the proposed project is substantial or insubstantial in accordance with Section 17.44.040.
 - b. At such meeting, the applicant shall submit a written summary of the proposed activity in complete detail so that the HPC advisory committee may make an initial determination as to whether the project or activity is insubstantial or substantial, which initial determination is subject to the final determination of the planning official following submission of a complete application.
 2. Submittal of Complete Application.
 - a. The city shall not process any application until an applicant submits a complete application for a COA, including any required materials as confirmed through the pre-application meeting with the HPC advisory committee and payment of application fees as may be established by the city council.
 - b. Complete applications must include ~~seven copies~~ one (1) hard copy and one (1) digital copy of all materials for projects that were initially determined to be substantial during the pre-application meeting.
 - c. The city planning official or designee will review the application for completeness and will contact the applicant within seven business days of receipt if there are omissions or questions concerning the application.
 - d. Following receipt of a complete application, the planning official shall make a final determination of whether the application is for a substantial or insubstantial modification pursuant to section 17.44.040.
 - e. The planning official shall administratively issue a COA for any insubstantial modification within seven (7) days of the date the application is deemed complete.
 - f. If, following review of the application, the planning official determines a site visit would provide information necessary for the HPC to review and make an informed recommendation on the application to city council, the planning official or designee may, with written consent of the applicant or property owner if applicant is not the property owner, conduct a site visit prior to forwarding the application to the HPC. With written consent of the applicant or property owner, the HPC advisory members may attend the site visit. Any observations, information, photographs, and recommendations from the site visit shall be included in the planning official's written report to the HPC.
 - g. The planning official will forward the application for any substantial modification to the HPC for review. The planning official or designee shall also provide a written report to the HPC

which summarizes the application's compliance with the review standards contained in subsection D of this section and other applicable provisions of this chapter and the code. The technical and professional recommendations of other agencies, departments, and consultants shall be solicited in drafting the report as needed.

3. Review of Application for Substantial Projects. The HPC will schedule a formal review at a duly noticed public meeting of the HPC to be held within twenty (20) days of receipt of a complete application and report from the planning official, or such other time frame as agreed upon between the HPC and applicant. The planning official shall provide notice to the applicant of such review date and time at least ten (10) days prior to the review date.
 4. HPC Decision. All HPC recommendations on COA applications shall be in writing and shall state the reasons for approval, conditional approval, or denial. The HPC will base its recommendation on the applicable guidelines. The HPC may continue the consideration of an application if necessary to obtain additional information from the applicant.
 5. Council Review. HPC's recommendation will be forwarded to city council for a final determination at a public hearing. City council's decision must be in writing and shall state the reasons for approval, conditional approval, or denial. City council may condition approval on terms, limitations, or conditions deemed necessary to protect and preserve the structural, aesthetic or historic integrity of the building, structure or site to which it pertains. Building permits may be issued only after approval of a COA.
 6. Actions Following Approval. By submitting an application the applicant certifies that the project will be completed as approved. The applicant should receive all HPC approvals before proceeding with final construction documents and must obtain COA before issuance of any required building permits. An approved application is an implied contract with the city and no deviations therefrom shall be allowed. If design changes are made after approval, the applicant must amend and resubmit the application for consideration and approval in accordance with the process set forth in this section.
- D. In deciding whether to issue a COA for a historic structure, national historic landmark, or contributing building or structure, the historic preservation commission and city council shall take into consideration the criteria contained in Section 17.44.050(D) and the following additional criteria:
1. Reasonable efforts shall be made to provide for uses of a structure that require minimal alteration and redesign of the structure;
 2. The distinguishing original characteristics of a structure and its relationship to the environment shall not be destroyed and the removal or alteration of any historic material or architectural features shall be avoided when possible;
 3. Architectural changes that have taken place to a building since its construction often acquire significance in their own right and this significance shall be recognized and respected;
 4. Distinctive stylistic features or skilled craftsmanship that characterize or are in evidence on a structure shall be treated with sensitivity and preserved whenever possible;
 5. Deteriorated architectural features shall be repaired rather than replaced whenever possible and when replaced, the new material shall match the material being replaced in composition, color, texture and shape in so far as feasible;
 6. Cleaning and restoring exterior surfaces shall be undertaken with the least possible disruptive methods; sandblasting and similar techniques that damage historic exterior surfaces shall be discouraged;

7. Additions and alterations to a structure shall be undertaken in a manner such that if the addition or alteration were removed in the future, the essential form and integrity of the original structure would be undamaged;
 8. All structures shall be recognized as products of their own time and place. Alterations or new structures with no historical basis and that seek to artificially create an earlier appearance shall be discouraged;
 9. Contemporary style structures, alterations and additions shall not be discouraged so long as they are compatible with the size, scale, texture and color of the existing structure and/or existing structures in the area;
 10. The unique historical and visual appearance of Leadville, as it exists at the present, shall be honored and protected in so far as possible.
- E. In deciding whether to issue a COA for a non-historic, non-landmark, or noncontributing building, structure or site within the NHL district, the HPC and city council shall consider the following minimum criteria:
1. **Enhance District.** Whether and/or to what extent the proposed work will enhance and advance the purposes and intent underlying the establishment of the NHL district.
 2. **Overall Character.** New structures and additions to, or the exterior repair or alteration of, existing non-historic, non-landmark, or noncontributing structures shall be compatible with the historic architectural character, scale, shapes, sizes, heights, façades and materials predominant in the district to the maximum extent feasible.
 3. **Specific Compatibility.** New structures and additions to, or the exterior repair or alteration of, existing non-historic, non-landmark, or noncontributing structures shall harmonize with neighboring historic, landmark and/or contributing structures or sites with regard to height, scale, shape, size, façade, materials, setback, landscaping and exterior architectural features to the maximum extent feasible.

17.44.070 Procedures for issuing a certificate of appropriateness (COA) for the demolition of historic structures.

- A. Unless otherwise provided for in this chapter, any demolition of a designated historic structure or the demolition of a portion of such structure shall be prohibited unless the historic preservation commission shall review and city council shall approve such action by the issuance of a COA.
- B. Applications for a COA shall be made on a form provided by the city, shall be accompanied by the required application fee (see Section 17.96.020) and shall include the following information:
 1. The application information specified in Section 17.44.050(B)(1) through (3) and 17.44.060(B);
 2. A statement of the reasons such demolition is necessary, the visual and economic consequences of such demolition on the surrounding neighborhood, the consequences to the city and the Leadville NHL district, and the economic hardships that would result if such demolition did not occur;
 3. Evidence that the applicant has made a good faith effort to preserve the structure;
 4. Any report or other official document issued by a fire department official or the building official declaring the structure proposed for demolition to be unsafe.

5. For historic, landmark, or contributing structures that have not been declared unsafe by the fire marshal or building official, the applicant must submit a report prepared by an architect, appraiser, engineer, or other qualified person experienced in the rehabilitation, renovation, and/or restoration of historic structures addressing:
 - a. The structural soundness of the building or structure and its suitability for rehabilitation, renovation, restoration, or relocation;
 - b. The economic and structural/engineering feasibility of the rehabilitation, renovation or restoration of the structure at its current location; and
 - c. The economic and structural/engineering feasibility of relocating the structure.
- C. Application Review Process.
1. Pre-Application Meeting. Applicants for a COA for demolition shall meet with the planning official or designee in an informal pre-application meeting to discuss the proposed demolition and the possible alternatives to demolition.
 2. Submission of Complete Application.
 - a. The city shall not process any application until an applicant submits a complete application for a COA, including any required materials, as confirmed through the pre-application meeting with the planning official and payment of application fees as may be established by the city council.
 - b. Complete applications must include seven copies of all materials.
 - c. The city planning official will review the application for completeness and will contact the applicant within seven (7) business days of receipt if there are omissions or questions concerning the application.
 - d. If, following review of the application, the planning official determines a site visit would provide information necessary for the HPC to review and make an informed recommendation on the application to city council, the planning official or designee may, with consent of the applicant or property owner if applicant is not the property owner, conduct a site visit prior to forwarding the application to the HPC. With consent of the applicant or property owner, the HPC advisory members may attend the site visit. Any observations, information, photographs, and recommendations from the site visit shall be included in the planning official's written report to the HPC.
 - e. Following receipt of a complete application, the planning official will forward the application to the HPC for consideration at a public hearing. The planning official or designee shall also provide a written report to the HPC which summarizes the application's compliance with the review standards contained in subsection F of this section and other applicable provisions of this chapter. The technical and professional recommendations of other agencies, departments, and consultants shall be solicited in drafting the report as needed.
- D. HPC Hearing. Applications for a COA shall be considered by the HPC at a public hearing that is noticed in accordance with the hearing notice requirements for a conditional use permit (see Chapter 17.52). HPC recommendations to city council on COA applications following the public hearing shall be in writing and shall state the reasons for HPC's recommendation. The HPC will base its decision on the applicable guidelines, including the application approval criteria set forth in this section. The

HPC may continue the hearing on an application to a time and date certain if necessary to obtain additional information from the applicant.

- E. City Council Hearing. HPC's recommendation will be forwarded to city council for a final determination at a public hearing that is noticed in accordance with the hearing notice requirements for a conditional use permit set forth in chapter 17.52. City council's decision must be in writing and shall state the reasons for approval, conditional approval, or denial. City council may condition approval on terms, limitations, or conditions deemed necessary to protect and preserve the structural, aesthetic or historic integrity of the building, structure or site to which it pertains. Building permits or other permits necessary to complete the proposed work may be issued only after approval of a COA.
- F. No demolition of a historic structure may occur except as provided in this subsection F. Applicants requesting a COA for demolition must provide evidence to clearly demonstrate that the request meets all of the following criteria:
 - a. Review Criteria for Total Demolition:
 - 1. The structure proposed for demolition is not structurally sound; and
 - 2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
 - 3. The structure cannot be practically moved to another site in the City of Leadville; and
 - 4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - b. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties.
 - c. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties.
 - 5. In the case of archeological sites, whether archaeological information can be recovered as part of the demolition process.
 - b. Review Criteria for Partial Demolition:
 - 1. The partial demolition is required for the preservation, restoration or rehabilitation of the building, structure or object;
 - 2. The applicant has mitigated, to the greatest extent possible:
 - a. Impacts on the historic importance of the buildings, structures or objects located on the property, and
 - b. Impacts on the architectural integrity of the buildings, structures or objects located on the property.
- G. In acting upon an application for a COA for the demolition of a designated historical structure, the historic preservation commission shall recommend and city council act to either:
 - 1. Issue the requested certificate with or without reasonable conditions; or
 - 2. Deny the issuance of a certificate.

- H. In the event city council acts to deny an initial application for a COA to demolish a designated historic structure, the city shall notify the applicant in writing by certified mail within ten (10) days of taking its action, stating the reasons why such application was denied. The notification shall also inform the applicant of the applicant's right to reapply for a COA to demolish the structure so long as such reapplication is made no less than six months from the date of the original application to demolish the structure. Reapplications shall be subject to the procedures and approval criteria in effect at the time of the reapplication.

17.44.080 Special variance provisions.

- A. When deemed necessary for the conservation or restoration of a designated historic structure or a structure in the NHL district, the owner(s) or authorized agent of such structure may apply for a variance from any provision of this title, including but not limited to use variances, so long as the board of adjustment determines, in addition to the criteria contained in Section 17.88.020(C), that:
1. Such variance is necessary and in the public interest;
 2. Such variance would not prove harmful to the public health, safety, welfare and convenience of neighboring residents.
- B. Such special variance applications shall be processed in the normal manner for variance applications, as otherwise specified in Chapter 17.88.

17.44.090 Relationship of the NHL district to underlying districts.

Except as specified in this chapter, all of the regulations within the NHL district shall be as specified for the underlying district(s) and the procedures for district rezonings shall be as for all underlying zoning districts.

17.44.100 Standards for construction within the NHL district.

- A. All work performed in completion of an approved COA shall be in conformance with the most recent edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, Washington, D.C., which is adopted herein by reference and referred to in this chapter as "Secretary of Interior Standards" and a copy of which is available for review in the Administrative Services Department, City of Leadville, 800 Harrison Avenue, Leadville.
- B. Subject to final approval by the city council, the HPC may devise, adopt, publish and implement design guidelines to supplement the criteria set forth in this chapter for the review, evaluation and approval of COAs, provided however, that in the event of conflict between HPC adopted design guidelines and the Secretary of Interior Standards, the Secretary of Interior Standards shall govern and take priority over HPC adopted design guidelines.
- C. The HPC has adopted, and city council has approved, the design guidelines for residential infill within the Leadville NHL District. The design guidelines set forth criteria for what shall and what should be considered with designing and approving residential infill plans within the NHL district. A copy of the design guidelines is on file with the city clerk. The design guidelines as adopted by the city's historic preservation commission are hereby adopted by reference as the City of Leadville Residential Infill Design Guidelines and Standards as if fully set out in this section.

17.44.110 Violations and penalties.

- A. Violation of the provisions of this chapter shall be punishable as set forth in Section 17.100.020 of this code. Additionally, each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this section.
- B. Any development, activity, facility or structure which is continued, operated or maintained in violation of the provisions of this chapter, or the terms and conditions of a COA or any other permit, shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the city, in which event the city will be entitled to recover its reasonable costs and attorney fees from the offending party or parties.
- C. All penalties and remedies for violations of the provisions of this chapter shall be nonexclusive and cumulative, and the city's exercise of one remedy or penalty shall not foreclose or prohibit the exercise of alternative or other remedies.

Section 3. Severability. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this ____ day of _____, 2023.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the _____ day of _____, 2023.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this _____ day of _____, 2023.

CITY OF LEADVILLE, COLORADO:

Greg Labbe, Mayor

ATTEST:

Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this _____ day of _____, 2023.