

**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 Chapter 17.44 of the Leadville Municipal Code, titled National Historic Landmark District Overlay (NHL) District, is repealed in its entirety and reenacted in full to read as follows: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 6 day of June, 2023.



ATTEST:


Deputy City Clerk

CITY OF LEADVILLE, COLORADO:


Greg Labbe, Mayor


PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the 15 day of June, 2023.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 5 day of July, 2023.



ATTEST:

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor



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 13th day of July, 2023.