

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 02
(SERIES OF 2021)**

**AN ORDINANCE AMENDING SECTIONS OF THE BUENA VISTA MUNICIPAL
CODE CONCERNING HISTORIC PRESERVATION**

WHEREAS, the Town of Buena Vista Historic Preservation Commission has reviewed and recommended for approval by the Board of Trustees, Architectural Design Guidelines for structures and sites within the Town’s Historic East Main area;

WHEREAS, the Board of Trustees has adopted the Architectural Design Guidelines for Historic East Main Street as recommended by the Historic Preservation Commission; and

WHEREAS, the Board of Trustees desires to update certain provisions of the Code related to historic preservation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. The following definitions in Section 19-2 of the Buena Vista Municipal Code are hereby amended to read as follows:

Alteration means any act or process that changes exterior architectural features of a structure; the physical features of a site or district; additions to a structure or site; or rehabilitation, restoration or remodeling which impacts the exterior of the structure, but does not include demolition or partial demolition of the structure or site.

Certificate of historic appropriateness means a certificate issued by the Town showing approval of plans for alteration of any designated structure or site or of any structure in a designated district.

Rehabilitation means the act or process of making a compatible use for a structure or site through repair, and additions, while preserving those portions or features that convey its historic, cultural, or architectural values.

Significant change means an alteration in the external appearance that has or is likely to have influence or effect on the historic or architectural merit of a structure or site, including but not limited to all activities for which a building permit is required.

Section 2. The definition of the term “construction” in Section 19-2 of the Buena Vista Municipal Code is hereby deleted and the following definitions are added in alphabetical order:

Historic structure means anything constructed or erected, the use of which requires permanent or near permanent location on or in the ground, or attachment to something having permanent location on the ground and which is at least 50 years old.

Historic site means a location of a significant event, historic occupation or activity where the location itself maintains historical, cultural or architectural value and significance to the community regardless of the value of any existing building or structure, and which may be eligible for designation pursuant to this Chapter.

Section 3. Section 19-10 of the Buena Vista Municipal Code is hereby repealed and reenacted as follows:

Sec. 19-10. - Duties and obligations of owners.

- (a) It shall be unlawful for the owners of designated structures, site or contributing structures in a designated district to allow the deterioration of the property, its character defining features, or its surrounding environment. Landscaping must be maintained and the property kept free from any hazardous or unsafe conditions.
- (b) Before an owner is cited for failure to maintain the designated site or structure, or contributing structure in a designated district, the Commission shall notify the property owner, lessee, or occupant of the need to repair or maintain, shall assist the owner, lessee, or occupant in determining how to preserve the property, and shall give the owner a reasonable time to perform such work, which time shall not exceed one hundred twenty (120) days. The Commission may grant extensions of the time period for good cause.

Section 4. Section 19-11(a) of the Buena Vista Municipal Code is hereby amended to read as follows:

A certificate of historic appropriateness is required for alteration, other than maintenance and repair, on a designated structure or site. It shall be unlawful for any person to undertake any alteration, other than maintenance and repair, without having first obtained a certificate of historic appropriateness.

Section 5. Section 19-11(d) of the Buena Vista Municipal Code is hereby amended to read as follows:

- (d) The following criteria shall apply to all alterations:
 - * * *
 - (1) All proposed alterations must be consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties and any design guidelines approved by the Board of Trustees.
 - * * *
 - (7) Alterations shall not destroy historic materials that characterize the property and shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic landmark and its environment would be unimpaired. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Section 6. Section 19-12(a) and (b) of the Buena Vista Municipal Code is hereby amended to read as follows:

- (a) The Commission may exempt a structure or site from the requirement of obtaining a certificate of historic appropriateness or certificate of demolition if the Commission finds that the property owner has shown that the obtaining of a certificate creates or would create an undue hardship.
- (b) An exemption based on noneconomic hardship may be found by the Commission when requirement to obtain a certificate creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues.

Section 7. Section 19-13(a) of the Buena Vista Municipal Code is hereby amended to read as follows:

- (a) It shall be unlawful for any designated structure or site or contributing structure in a historic district to be demolished without having first obtained a certificate for demolition. If a certificate for demolition is requested on any basis other than that of an imminent hazard or economic hardship, a certificate of demolition will not be issued until all criteria in subsection (b) of this Section are met.

Section 8. Chapter 19 of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection 19-18.

Sec. 19-18. – New Construction

Property owners undertaking construction of a new structure within MU-MS Mixed Use Main Street Zone District may seek guidance and recommendations from the Commission on the project. Any guidance or recommendations from the Commission are not binding on the property owner.

Section 9. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 10. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

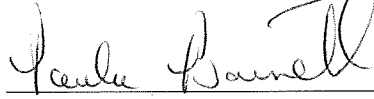
INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 26th day of January, 2021.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 
Duff Lacy, Mayor

ATTEST:


Paula Barnett, Town Clerk

