



**The Buena Vista Planning & Zoning Commission
Buena Vista Community Center, Piñon Room
715 East Main Street
February 20, 2019 at 6:00PM
*AGENDA***

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Adoption**
- V. Approval of Minutes – January 16, 2019**
- VI. Public Comment**
- VII. New Business**
 - 1. Historic Preservation Commission**
Presentation of Proposed Architectural Guidelines
 - 2. Vacant Property Maintenance Code**
Presentation of proposed amendments to section 7-40 of the Municipal Code
 - 3. Commissioner Training and Group Picture**
- VIII. Staff/Commission Interaction**
- IX. Adjournment**



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission January 16, 2019

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 6:00 pm, Wednesday, January 16, 2019 at the Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Preston Larimer. Also present were Vice Chair Annie Davis, and Commissioners Estes Banks, and Lynn Schultz-Writsel.

Staff Present: Principal Planner Mark Doering, Planner 1 Robert Messenger, and Planning Technician Robin Mesaric- King.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Mesaric- King proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Larimer called for approval of the agenda. Davis motioned to adopt the agenda as presented, **Motion #1** seconded by Schultz-Writsel. Motion carried.

APPROVAL OF MINUTES

The Commissioners requested a grammar and spelling correction. Davis motioned for approval of the December 12, 2018 Planning and Zoning Commission meeting minutes as amended. **Motion #2** was seconded by Schultz-Writsel. Motion carried.

The Commission requested a grammar and spelling correction. Davis motioned for approval of the December 12, 2018 joint work session minutes as amended. **Motion #3** was seconded by Schultz-Writsel. Motion carried.

PUBLIC COMMENT

Public comments opened at 6:07 pm. With no comments, public comment was closed at 6:07 pm.

NEW BUSINESS

Rezoning Application for 28374 County Road 317

Davis recused herself from the public hearing because she is the Trustee representing the Mountain View Baptist Church selling the property to the Heart of the Rockies Regional Medical Clinic.

Michael Wilbur, the attorney for the Salida Hospital dba HRRMC, explained the length he has been working on this project, the reasons for the project, the elimination of curb cuts, and hours and days of operation for the medical clinic and church.

Messenger gave a presentation on the rezoning application for HRRMC and he explained the zone district, the reason for the rezoning, size of the lot to be subdivided, vicinity map, the UDC criteria for approval, and the Town's recommendation.

The Commissioners verified the size of the piece of land being rezoned, the identities of surrounding property owners, the size of the addition, and if there would be community input.

Wilbur stated that the addition is still in the design phase, and the final size is not determined yet. He stated that the hospital would probably be willing to have a public input session.

Schultz-Writsel motioned to recommend that the Board of Trustees approve the Rezoning Application to allow a lot line adjustment between the Mountain View Baptist Church and the Heart of the Rockies Regional Medical Center (HRRMC) located at 28374 CR 317. **Motion #4** was seconded by Banks. Motion carried.

STAFF / COMMISSION INTERACTION

Doering presented the application for a new Planning and Zoning Commissioner candidate Craig Brown, and he explained the proposed length of Brown's term.

Doering informed the Commissioners of the Historic Preservation Commission approved by ordinance by the Board of Trustees. They are working on some architectural guidelines; particularly for East Main Street and possibly one block on each side of East Main Street. They will come before the Planning and Zoning Commission either in February or March. They are going to do a public outreach meeting on February 21st at the Community Center. The Commissioners felt that there was a need for historical architectural guidelines for the older and more historical buildings and the surrounding lots. They stated that several buildings in Town have a very significant history and the citizen's would be upset to lose those structures. They discussed the possibility of a historic district and historical guidelines for replacement of demolished or new structures in a specific location.

Larimer informed the Commissioners that Governor Hickenlooper designated Colorado as "Lifelong Colorado", having to do with making Colorado livable for seniors.

Banks inquired on the number of building permits issued in 2018. Doering stated that there were 71 new dwelling units for 2018. Larimer felt a marketing report on short term rentals should be compiled in Town.

Schultz-Writsel inquired if employee housing was going to be accommodated in the addition to the HRRMC building. Doering stated that he felt a local facility for the intoxicated in police custody would be beneficial.

Doering informed the Commission that in 2018 there were 64 licensed short term rentals, which accounts for approximately 94% of the ones being operated in Town limits. In 2019 there are 46 which have renewed.

ADJOURNMENT

There being no further business to come before the Commission, Banks motioned to adjourn the meeting at 7:13 pm, Davis seconded. **Motion #5** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Robin Mesaric-King, Planning Technician



TOWN OF BUENA VISTA

P.O Box 2002
Buena Vista, CO 81211

DATE: February 15, 2019

MEETING DATE: February 20, 2019

APPLICANT: Town of Buena Vista Historic Preservation Commission

REQUEST: Proposed Architectural Guidelines

CITY STAFF: Mark N. Doering, Principal Planner

Summary: The Historic Preservation Commission (HPC) is seeking to create Architectural Guidelines for downtown Buena Vista. They have requested a presentation in front of the Planning and Zoning Commission to update you with the progress that they have made on the Architectural Guidelines since we last met with them. They also would like to review their schedule for progress moving forward for the draft document, final document and public outreach effort. The HPC will also be gathering information from the public to help inform their efforts at an open house scheduled for February 21, 2019 at 5:30 pm in the Community Center.

Analysis: Staff is not providing an analysis at this time due to the nature of the request. Please review the attached minutes (with their attachments regarding the proposed Architectural Guidelines (AG)) from their last two meetings along with the attachments to discuss with the Historic Preservation Commission.

Recommendations: That the Planning and Zoning Commission provide feedback to the Historic Preservation Commission as it prepares to draft its proposed Architectural Guidelines and provide input, including specifically as they may relate to the current Unified Development Code.

Attachments:

Attachment A: Minutes of the previous two HPC meetings that include their attachments
Attachment B: National Park Service Rehabilitation Standards and Guidelines



MINUTES

HISTORIC PRESERVATION COMMISSION TOWN OF BUENA VISTA, COLORADO

October 24, 2018

3:00 PM

**Watershed
410 E. Main Street**

I. CALL TO ORDER

Meeting called to order at 3:05pm.

II. ROLL CALL

Present: Robin Hall, Katy Welter, Vic Kuklin, Suzy Kelly, Melanie Roth, John O'Brien,
Nancy Locke

Absent: Dan Courtright

III. AGENDA ADOPTION

John moves to adopt the agenda, Suzy seconds. Motion carries unanimously.

IV. APPROVAL OF MINUTES – October 24, 2018

Katy moves to approve minutes Suzy seconds. Motion carries unanimously.

V. PUBLIC COMMENT

None

VI. BUSINESS ITEMS

- A.** Phillip Puckett (Town Administrator) and Mark Doering (Town Planner) attended the meeting on behalf of the Town of Buena Vista. Katy repeated a previous conversation with Phillip in which she hopes that the Town will continue to provide some staff and occasional materials in support of this commission. This will be particularly needed in the realm of grant applications, following the departure of Emily Katsimpalis. Phillip stated that he doesn't see much change happening in the way the commission functions and applies for grants. He requested a discussion before grant cycles occur so that work can be divvied up and assigned. It was also suggested that the commission may be able to request additional help from History Colorado.
- B.** A January 15th 2019 deadline is in effect for the upcoming CLG grant cycle. The commission previously discussed a photo digitizing and archiving project and planned to pursue a CLG grant for that work. With holidays fast approaching and changes in staff, this may be an unrealistic goal. Katy suggested that a better fit for that particular project would be a grant

from the Colorado Historic Records Advisory Board. The grants available are in smaller amounts and require matching funds. The deadline for that grant application is between mid-April and mid-June. Melanie and Suzy voiced some concerns about missing the opportunity to apply for Phase II of the historic survey work that was completed this year. The commission feels that there is some urgency in trying to move ahead with historic preservation efforts due to the many changes rapidly affecting our town. Melanie, Suzy and Nancy Locke volunteered to help pull together information for a CLG application from the previous submission and try to make the deadline. Subsequent discussion seems to make this an unrealistic goal and the group will work toward a State Historic Fund Grant to be submitted between April and October.

- C. Phillip asked if there is an effort by the commission to interest property owners in historic tax credits and pursuing applications. John explained one-on-one efforts taken previously by members of the commission and plans to reach out again with the upcoming drafting of Architectural Guidelines.
- D. John O'Brien presented results from the Architectural Guidelines Subcommittee meeting immediately preceding the regular commission meeting. On four subjects, the subcommittee voted to present the following suggestions to the Historic Preservation Commission.
 1. Building height – The subcommittee recommends a building height limit of 2 stories - 30 feet plus parapet , chimneys, a/c units, etc. In discussion with commission members and staff from the Town of Buena Vista, it was suggested that we obtain a map or log of existing building heights to see if this is a feasible height limit.
 2. Should guidelines be drafted in a way that they can easily be expanded for geographical additions or the historic preservation district? The subcommittee voted yes, that we should make allowance to expand the area covered by architectural guidelines out from just East Main Street per the phased plan discussed early in the commission's efforts.
 3. How should paint colors be recommended? The subcommittee was in favor of a general type of wording expressing that paint colors should be compatible or harmonious with existing historic paint schemes on East Main. Discussion followed with Mark Doering pointing out that leaving vague language makes things hard to sell/enforce, while too specific language that limits a property owner's choices can cause more of a disagreeable environment.
 4. Should non-structural guidelines be included in our draft (i.e. sidewalks, landscape, fencing, etc.)? The subcommittee voted to recommend that this be included.

Discussion of the ultimate goals of the architectural guidelines included sense of place, inappropriate building types (i.e. 4 story), etc. Suzy asked Phillip and John if there had been any applications yet for 4 story buildings on Main Street, and there have not. Phillip suggested that pictures of buildings with heights documented would be helpful in making a point to the public.

Suzy moves to approve 2 stories/30 feet (plus cupola, a/c, etc) be incorporated in the draft of the architectural guidelines, and Vic seconds. Katy abstains from the vote, and the motion carries unanimously.

Vic moves to approve that the architectural guidelines be drafted in a way that they can easily be geographically expanded, and Suzy seconds. Katy abstains and the motion carries unanimously.

On the subject of paint colors, Melanie moves that a stronger definition be investigated for inclusion in the draft architectural guidelines. John seconds, Katy abstains, and the motion carries unanimously.

Melanie moves that the commission include non-structural features in their draft Architectural Guidelines, Suzy seconds. Katy abstains, and the motion carries unanimously.

- E. The commission discussed the subcommittee's plan to hold public meetings starting the first full week of January and decided that it would be better to schedule them the first of February. This gives the commission time to make the proper outreach efforts and plans.

VII. STAFF/COUNSEL REPORTS

- A. John and Katy both have plans to attend the upcoming Saving Places Conference

B. John moves that the draft of the Frequently Asked Questions document as circulated at the last regular meeting be approved, and Vic seconds. The motion carries unanimously.

VIII. Katy adjourns the meeting at 510 p.m.

Respectfully Submitted:

Katy Welter, Chair



AGENDA

HISTORIC PRESERVATION COMMISSION TOWN OF BUENA VISTA, COLORADO

February 14, 2019

3:00 PM

**Watershed
410 E. Main Street**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. AGENDA ADOPTION**
- IV. PUBLIC COMMENT**
- V. BUSINESS ITEMS**
 - A.** Update Board and Nomination of HPC Officers
 - B.** Architectural Guidelines Subcommittee
 - a. Progress Report
 - b. February 21 public outreach event
 - C.** Saving Places Conference Update
 - D.** State Historic Fund Grant – Residential Survey Update
 - a. Bid and budget
 - b. February 26 Board of Trustees Presentation
 - E.** Updates from related organizations
- VI. ADJOURNMENT**

This Agenda may be Amended

Posted at Buena Vista Town Hall and www.buenavistaco.gov



MINUTES

HISTORIC PRESERVATION COMMISSION TOWN OF BUENA VISTA, COLORADO

January 9, 2019

3:00 PM

**Watershed
410 E. Main Street**

I. CALL TO ORDER

Meeting called to order at 3:05pm.

II. ROLL CALL

Present: Katy Welter, Vic Kuklin, Suzy Kelly, Melanie Roth, John OBrien, Dan Courtright, Nancy Locke

Staff: Mark Doering

III. AGENDA ADOPTION

Katy noted that the agenda was amended and it was approved.

IV. APPROVAL OF MINUTES – December 5, 2018

Vick moves to approve minutes Nancy seconds. Motion carries unanimously.

V. PUBLIC COMMENT

None

VI. BUSINESS ITEMS

A. Board Positions and Officers

- a. Vick, Suzy and Melanie agreed to serve a second 2 yr term. Katy motioned to approve, John seconded and all approved.

B. Architectural Guidelines (AG's) Subcommittee update

- a. Dan provided an update with handout – see attachment 1

- i. Reviewed proposed schedule with goal being a deliverable of AG's to the Trustees for their consideration by mid-May 2019. Mark recommended that the deliverable be submitted to the P&Z board prior to going to the Trustees. This may push the deliverable being submitted to the Trustees to June.
 - ii. Discussion of requirement for public notice for agenda items for P&Z and Trustee meetings
 - iii. Dan will proceed to coordinate public outreach for the first public meeting to discuss AG's drafting process. The first public meeting will be scheduled in February.
 - iv. The area for the AG's will be called "Historic East Main"
 - v. A list of goals for the AG's were approved by the subcommittee and discussed.
 - vi. A list of talking points for the AG's was approved by the subcommittee and discussed.
- C. State Historic Fund Grant – Residential Survey**
 - a. A long list of about 50 potential survey properties was reviewed and narrowed down to about 39 residential properties.
 - b. The draft for the grant has to be to the state by 3/1/19 for comments and the final application is due 4/1/19.
 - c. Katy will seek bid for survey.
 - d. Town will have to sign off on final application prior to submittal, potentially on 3/25/19.
- D. Colorado Historic Records Grant update**
 - a. The plan is to apply for a grant to digitize and catalog the 2000+ historic photos belonging to the BV Heritage organization.
 - b. Rather than subcontracting the work it was recommended that we purchase the scanner and computer and do the work in coordination with BV Heritage and HPC.
 - c. It was recommended that we look into possible training from the Denver Library who has an extensive collection of historic cataloged photos.
 - d. The photos would remain the property of BV Heritage
- E. Saving Places Conference**
 - a. Katy, Melanie and John to attend.
- F. Updates from related organizations**
 - a. BV Heritage has completed the roof restoration and is pursuing a commercial historic tax credit. It is actively fundraising to restore the cupola.
 - b. Chaffee County Heritage Area is looking to fund more historic property surveys.
- G. Next Meeting**
 - a. Next meeting schedule for February 13th at 3pm at Watershed
- H. Adjournment**
 - a. Meeting was adjourned at 4:30 pm

Respectfully Submitted:

Katy Welter, Chair

BV HPC AG SUBCOMMITTEE

UPDATE 1/9/19

The HPC Subcommittee for the Drafting of Architectural Guidelines met at 3pm on January 8th 2019. The AG Subcommittee makes the following recommendations to the full HPC based on that meeting:

1. That the HPC and the Town of BV plan on the Subcommittee having a draft ready for Town consideration and possible adoption by mid May 2019.
2. That the specific goals for the Architectural Guidelines (attached) be formally adopted for publication in Chapter 1 of the Guidelines
3. That talking points (attached) be adopted by the HPC to assist members when discussing the AG Draft Process with the public and/or press
4. That the Town review and approve (as necessary) print, radio and social media releases to notify the community of pending opportunitie(s) for public comment times and dates TBD in early February 2019
5. That the town approve the HPC to host a forum for public comment on the drafting process
6. That the area to which the Architectural Guidelines are intended to apply will be consistently be referred to as "Historic East Main" in the Draft Guidelines and all associated correspondence. This area should be defined as West, from the intersection of Highway 24 and Main Street; to the East, the intersection of Main St. with South Main St.; and one full block to the North and South of Main Street as defined above

AG Draft Goals as approved by the Subcommittee:

1. Maintain potential for historic districting by providing a resource to preserve existing historic structures that could be considered contributing to historic districts
2. Provide property owners and developers with a ready reference for design options that will maintain historic integrity and eligibility for local, state and federal incentives for historic preservation
3. To protect the sense of time and place conveyed by the collection of historic buildings within the potential historic district(s)
4. To enhance livability
5. To protect property values, investments and economic value of the Town's historic character
6. To retain a small town image and atmosphere
7. To encourage pedestrian activity
8. To convey a sense of human scale
9. To protect significant views
10. To protect the existing sense of community

BV HPC AG SUBCOMMITTEE

Talking Points to Assist with Public Outreach

1. The historic character of the structures on BV's East Main St is vital to the identity, economy, and appeal of the town.
2. Current town Municipal Code and UDC do not adequately address the preservation of this historic character, especially for projects updating existing structures or new infill structures; Architectural Guidelines will complement not replace current design review processes.
3. The town of BV board of trustees has designated the HPC to draft architectural guidelines to provide a reference when considering the appropriateness of design aspects for these types of projects.
4. A draft of these architectural guidelines will be submitted to the town via the trustees for consideration and potential adoption.
5. The trustees and the town will determine how the architectural guidelines will be applied (enforced).
6. Public input and trust are critical to the successful development and employment of these guidelines and to maintaining the historic character of East Main St. in BV.
7. These guidelines will be drafted with property owners and developers in mind to provide clear and concise guidance on appropriateness of design in light of accessing state/federal tax incentives and maintaining the possibility of future local/state/national land marking and/or districting.
8. The current drafting process is developing architectural guidelines to be applicable to the East Main area of BV. Any future expansion of the applicability of architectural guidelines will be solely at the discretion of the BV board of trustees.
9. The BV HPC is...made up of community members dedicated to preserving the outstanding historic value of our town. Learn more about your HPC at <http://www.buenvistaco.gov/2427/Historic-Preservation-Commission>
10. Considering the pace of development in BV, presentation of a set of guidelines to the Trustees in the first half of CY19.

Buena Vista Residential Core - Proposed Intensive Survey

Strong Candidates

- 1 303 Cedar Street
- 2 305 Cedar Street
- 3 309 Cedar Street
- 4 319 Cedar Street
- 5 320 Cedar Street
- 6 328 Cedar Street
- 7 330 Cedar Street
- 8 406 Cedar Street
- 9 430 Cedar Street
- 10 501 Cedar Street
- 11 518 Cedar Street
- 12 305 Evans Street
- 13 637 East Main Street
- 14 219 North Colorado Avenue
- 15 207 North Colorado Avenue
- 16 209 North Colorado Avenue
- 17 202 North Colorado Avenue
- 18 119 North Colorado Avenue
- 19 115 North Colorado Avenue
- 20 302 North Colorado Avenue
- 21 406 Pinon Street
- 22 410 Pinon Street
- 23 424 Pinon Street
- 24 202 Railroad Street
- 25 203 Chestnut
- 26 323 Chestnut
- 27 112 South Colorado Avenue
- 28 115 South Colorado Avenue
- 29 209 South Colorado Avenue
- 30 213 South Colorado Avenue
- 31 219 South Colorado Avenue
- 32 301 South Colorado Avenue
- 33 111 Tabor Street
- 34 203 Tabor Street
- 35 207 Tabor Street
- 36 209 Tabor Street
- 37 243 Tabor Street

Possible Candidates

- 513 Cedar Street
- 205 Cedar Street
- 308 River Street
- 308 S Evans Street.
- 319 Chestnut



[Home](#) > [The Standards](#) > Rehabilitation Standards and Guidelines

Rehabilitation Standards and Guidelines

The Secretary of the Interior's Standards for Rehabilitation, codified as 36 CFR 67, are regulatory for the [Historic Preservation Tax Incentives program](#). The Guidelines for Rehabilitating Historic Buildings and the Guidelines on Sustainability for Rehabilitating Historic Buildings, which assist in applying the Standards, are advisory.

[Applying the Standards for Rehabilitation](#)

[Guidelines for Rehabilitating Historic Buildings](#)

[Guidelines on Sustainability](#)

Other Standards and Guidelines:

[Four Treatment Standards: Preservation, Rehabilitation, Restoration, and Reconstruction](#)

[Guidelines for the Treatment of Historic Properties](#)

[History of the Standards](#)

Secretary's Standards for Rehabilitation

The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located. The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. 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.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Guidelines for Rehabilitating Historic Buildings

The [Guidelines](#) assist in applying the Standards to rehabilitation projects in general; consequently, they are not meant to give case-specific advice or address exceptions or rare instances. For example, they cannot tell a building owner which features of an historic building are important in defining the historic character and must be preserved or which features could be altered, if necessary, for the new use. Careful case-by-case decision-making is best accomplished by seeking assistance from qualified historic preservation professionals in the planning stage of the project. Such professionals include architects, architectural historians, historians, archeologists, and others who are skilled in the preservation, rehabilitation, and restoration of the historic properties. These Guidelines are also available in [PDF format](#).

The [Guidelines on Sustainability for Rehabilitating Historic Buildings](#) stress the inherent sustainability of historic buildings and offer specific guidance on “recommended” rehabilitation treatments and “not recommended” treatments, which could negatively impact a building’s historic character. These Guidelines are also available as an [interactive web feature](#).





TOWN OF BUENA VISTA

P.O Box 2002
Buena Vista, CO 81211

DATE: February 13, 2019

HEARING DATE: February 20, 2019

ADDRESSES: Town Limits

APPLICANT: Town of Buena Vista

REQUEST: Proposed Amendment to the Nuisance Code Regarding Vacant Property (Section 7-40)

CITY STAFF: Grant Bryans, Code Enforcement Officer

Summary: A proposal to change the Section 7-40 of the Town of Buena Vista Municipal Code (BVMC) to address properties in Town that are vacant and not maintained. The proposed changes would allow enforcement on residential properties, and not just address those violations on nonresidential properties.

Analysis: The proposed ordinance, as shown in Attachment A, would allow the Town to address properties throughout Town that are vacant and have fallen into disrepair, and would apply to both commercial and residential use. Currently, the Town code only addresses nonresidential property (BVMC Chapter 7 Section 40). This proposal changes the original ordinance that was limited to nonresidential properties and expands the scope to vacant properties. Vacant will be defined as,

“A property which is not legally in use or occupied in accordance with Town Code.”

This code would be used to ensure that vacant properties would be maintained in a safe and orderly manner whether they are commercial or residential. With the proposed ordinance, there are parameters in which a property that is looked at and evaluated on for proper maintenance. Once a property is alleged to be in violation for improper property maintenance, the Town could require the property owners to submit a plan to keep the property up to a minimum standard. This proposed code would ensure that when any property that has received a certificate of occupancy, or has obtained a building permit but has never finished, would remain in compliance with the minimum requirements of the code.

Recommendations: It is recommended that the Planning and Zoning Commission recommend this ordinance for approval from the Board of Trustees.

Attachments:

Attachment A: Redlined Draft of Section 7-40 of the Town of Buena Vista Municipal Code

Attachment A - Redlined Draft of Section 7-40 of the Town of Buena Vista Municipal Code

Sec. 7-40. - ~~Nonresidential Vacant~~ property maintenance.

- (a) Any person, or the agent thereof, owning, leasing or having charge or possession of any ~~nonresidential vacant~~ properties in the Town shall keep and maintain such properties and the rights-of-way abutting such properties in a safe, clean, orderly, and sanitary ~~and aesthetic~~ condition. For the purpose of this Section, *vacant* shall mean any ~~nonresidential building not in use or occupied for commercial activity.~~ building or property not legally in use or occupied in accordance with Town Code.
- (1) Any person, or the agent thereof, owning, leasing or having charge or possession of vacant ~~nonresidential~~ property alleged to be in violation in the Town shall be required to submit a landscaping, fencing and maintenance plan to the Town Administrator or his or her designee for approval.
 - (2) As a condition of any approval of the landscaping, fencing and maintenance plan by the Town Administrator, the plan must be accompanied by an agreement with the Town, wherein the vacant ~~nonresidential~~ property owner or person having lawful control of the vacant ~~nonresidential~~ property agrees to landscape, fence and maintain the property in accordance with the plan and the provisions of this Code and to provide for reasonable exterior security of the vacant property.
 - (3) The maintenance of a vacant property shall conform to the maintenance plan approved the Town Administrator or his or her designee.
 - (4) **Failure to supply a maintenance plan can result in a summons to municipal court.**
- (b) Conditions prohibited on vacant ~~nonresidential~~ properties. The following conditions do not comport with a safe, clean, orderly, and sanitary ~~and aesthetic~~ condition on vacant ~~nonresidential~~ properties, and are prohibited:
- (1) Buildings which are abandoned, boarded up, partially destroyed or partially constructed or incomplete after building permits have expired;
 - (2) Improperly maintained landscaping which is visible from streets, alleys, or adjoining properties, including but not limited to:
 - a. Lawns with non-native vegetation in excess of ~~six (6)~~ twelve (12) inches in height;
 - b. Dying trees, shrubbery, lawns and other plant life due to lack of water or inadequate maintenance; and
 - c. Overgrown vegetation and /or dead, decayed or diseased trees, weeds and other vegetation.
 - (3) Lumber, junk, trash, debris or salvage material stored upon vacant nonresidential properties, which is visible from a public street, alley or adjoining property;
 - (4) Vacant ~~nonresidential~~ properties having a topography, geology or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable

soil conditions or surface or subsurface drainage problems that are potentially injurious to adjacent properties;

(5) Vacant ~~nonresidential~~ properties with mounds of soil, dry grass, weeds, dead trees, tin cans, abandoned asphalt or concrete, rubbish, refuse or waste or other unsanitary material of any kind;

(6) Any unsightly, partly completed, or partly destroyed buildings, structures or improvements on vacant ~~nonresidential~~ properties, which endanger neighboring properties or the public health, safety or general welfare; and

(7) Any other condition which adversely affects the public health, welfare or safety.

(8) Sidewalks that have not been cleared of snow and ice deposits in accordance with Section 7-56.

(c) This Section shall not be construed to limit the applicability of other provisions of this Code regulating maintenance of property within the Town.