

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 16
(SERIES OF 2022)**

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 19 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING REVIEW OF CERTAIN WORK ON HISTORIC STRUCTURE WITHIN THE MIXED USE MAIN STREET DISTRICT

WHEREAS, the Board of Trustees desire to amend the Town’s Historic Preservation Regulations to require mandatory review for certain work within the Mixed Use Main Street Zone District, recognized as a historic area of the Town;

WHEREAS, such review is mandatory, the recommendations from staff or the Historic Preservation Commission are only advisory; and

WHEREAS, the Board of Trustees finds that these amendments are necessary to assist the preservation of this historic East Main Street area.

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

Section 1. Section 19-5 of Buena Vista Municipal Code is amended to read as follows:

- (a) To propose for adoption criteria for review of development activities within the MU-MS Zone District.
- (b) To conduct reviews of exterior alterations to historic structures, alterations affecting a party wall between units in a historic structure or between historic buildings, changes in use of a historic structure, or new construction within the MU-MS Zone District consistent with the criteria set forth in this Chapter.
- (b) To review structures, sites and districts nominated for designation and make recommendations to the Board of Trustees regarding historic designation.
- (c) To advise and assist owners of designated structures or sites on physical and financial aspects of preservation, renovation, rehabilitation, and restoration, including nomination to the National Register of Historic Places and State Register of Historic Properties.
- (d) To develop and assist in public education programs, including but not limited to school programs, walking tours, brochures, a marker program for historic properties, interpretive sites and programs, lectures, and conferences about the history of the local and regional community, the value of preserving historic properties, and the materials and methods of preservation.
- (e) To determine applications for certificates of historic appropriateness pursuant to this Chapter.

- (f) To conduct surveys of historic structures, sites and district in order to define those of historic significance, for the purpose of creating a preservation plan of historic properties and districts.
- (g) To pursue financial assistance for preservation and history-related programs.
- (h) To maintain records and files on all board actions and provide documentation as necessary to History Colorado, Colorado's State Historic Preservation Office (SHPO).
- (i) To identify and implement other incentives for owners of historic properties.
- (j) To authorize and implement such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation, and use of any historic structure, site or historic district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such structures.
- (k) To fulfill any other duties required by state and federal law in order to qualify the Town as a Certified Local Government (CLG).

Section 2. Section 19-18 of the Buena Vista Municipal Code shall be repealed and reinstated to read as follows:

Sec. 19-18. Mandatory Review for Certain Work.

- (a) Exterior alterations to a historic structures, alterations affecting a party wall between units in a historic structure or between historic structures, a change in use of a historic structure, or new construction in the MU-MS district shall be subject to a mandatory review by the Commission.
- (b) Any Commission review may be concurrent with other review procedures as defined in Chapter 16 of this code.
- (c) Unless otherwise noted herein, the Commission shall use the Architectural Design Guidelines as adopted and amended by the Board of Trustees as a basis for its review of applicable applications.
- (d) All development applications for work described in subsection 19-18(a) above shall require the applicant to hold a pre-application meeting with at least one member of the Commission, as coordinated and attended by planning staff.
- (e) Upon submission and acceptance by staff of the relevant application, staff will determine whether Commission review will be required. Changes in use which do not result in alteration to the structure, or only propose interior modifications may be reviewed only by staff. Staff will use the Architectural Design Guidelines during the staff review process.

- (f) If staff refers the application to the Commission for review, within 45 days of the referral, the Commission shall consider the application and staff report. The Commission will provide recommendations to the applicant based on the Architectural Design Guidelines. The Commission recommendations will be provided to the applicant within 10 days following the meeting. Any recommendations from the Commission are not binding on the applicant or owner.

Section 3. 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 4. 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 24th day of May 2022.

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

TOWN OF BUENA VISTA, COLORADO

By: 
Libby Fay, Mayor

ATTEST:


Lillian Simpson, Deputy Town Clerk

