

ORDINANCE NO. 1213

AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, REVISING SECTION 9 OF CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE (HISTORIC PRESERVATION)

WHEREAS, the Town Board for the Town of Berthoud (the “Town”) through the Berthoud Historic Preservation Committee (the “Committee”) has completed a complete review of the historic preservation ordinance for the Town which is located at Section 9 of Chapter 30 of the Town of Berthoud Code; and

WHEREAS, the Committee has recommended amendments to improve the ordinance and clarify its administration; and

WHEREAS, the Town Board, in order to better meet the cultural responsibilities associated with Berthoud’s history desires to modify Chapter 30 of the Berthoud Municipal Code to implement the recommendations of the Committee;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE IS HERBY REPEALED, AND THE REVISED SECTION 9 OF CHAPTER 30 IS ENACTED AND ADOPTED AS SET FORTH BELOW:

CHAPTER 30 – BERTHOUD DEVELOPMENT CODE SECTION 9 – HISTORIC RESOURCES

30-9-101 INTENT

THE TOWN OF BERTHOUD RECOGNIZES THAT CERTAIN SIGNIFICANT HISTORIC RESOURCES LOCATED WITHIN ITS BOUNDARIES CONTRIBUTE TO THE UNIQUE CHARACTER OF THE COMMUNITY AND ARE IRREPLACEABLE, AND AS SUCH, MERIT PRESERVATION. ORDINANCE #920 ESTABLISHED A HISTORIC PRESERVATION COMMISSION; A PROGRAM FOR THE IDENTIFICATION, EVALUATION, AND DESIGNATION OF LOCAL HISTORIC LANDMARKS AND DISTRICTS ; PROVIDING INFORMATION ON PUBLIC INCENTIVES FOR THE PRESERVATION OF DESIGNATED LOCAL HISTORIC LANDMARKS; AND LAND USE REGULATIONS REGARDING THE ALTERNATION, MOVING OR DEMOLITION OF DESIGNATED LOCAL HISTORIC LANDMARKS AND PROPERTIES ON THE STATE OR NATIONAL REGISTER OF HISTORIC PLACES. IN 2011, THE TITLE OF THE HISTORIC PRESERVATION COMMISSION WAS CHANGED TO THE BERTHOUD HISTORIC

PRESERVATION ADVISORY COMMITTEE BY RESOLUTION 4-11. RESOLUTION 4-11 ALSO IDENTIFIED PROCEDURES AND OPERATIONS FOR THE HISTORIC PRESERVATION ADVISORY COMMITTEE.

30-9-102 DEFINITIONS

THE FOLLOWING DEFINITIONS APPLY TO TERMS USED IN THIS SECTION. TERMS NOT DEFINED HAVE THEIR COMMONLY CONSTRUED MEANING.

ALTERATION - AN ADDITION, REMOVAL, CHANGE, OR RECONFIGURATION WHICH ALTERS THE EXTERIOR CHARACTER OF A DESIGNATED LOCAL HISTORIC LANDMARK INCLUDING NEW CONSTRUCTION IN HISTORIC DISTRICTS.

- I. MINOR ALTERATIONS SHALL INCLUDE PAINTING, REPAIR OR REPLACEMENT OF ROOF USING THE SAME OR SIMILAR MATERIALS AS THE EXISTING ROOF, OR FOUNDATION REPAIR.
- II. MAJOR ALTERNATIONS SHALL INCLUDE WINDOW OR DOOR REPLACEMENT, ADDITIONS, AND REMOVAL OF ARCHITECTURAL ELEMENTS.

BUILDING - CONSTRUCTION MADE FOR PURPOSES OF SHELTER OR HABITATION, E.G. HOUSE, BARN, STORE, THEATER, TRAIN STATION, GARAGE, SCHOOL AND OTHER SIMILAR STRUCTURES.

CONTRIBUTING PROPERTY - A BUILDING OR OBJECT ADDING TO THE HISTORIC SIGNIFICANCE OF A DISTRICT, OR THAT HAS BEEN IDENTIFIED AS CONTRIBUTING TO AN APPROVED LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT.

DEMOLITION - THE RAZING, DESTRUCTION, OR DISMANTLING OF A RESOURCE TO THE DEGREE THAT ITS HISTORIC CHARACTER IS SUBSTANTIALLY OBLITERATED.

DESIGNATED LOCAL HISTORIC LANDMARK A PROPERTY OFFICIALLY RECOGNIZED BY THE TOWN OF BERTHOUD, COLORADO, AS IMPORTANT TO ITS HISTORY.

STATE OR NATIONAL REGISTER OF HISTORIC PLACES BUILDINGS, STRUCTURES, OBJECTS, SITES, AND DISTRICTS WHICH ARE LISTED ON THE STATE REGISTER OF HISTORIC PROPERTIES OR NATIONAL REGISTER OF HISTORIC PLACES. **DISTRICT** - A GEOGRAPHICALLY DEFINED AREA POSSESSING A SIGNIFICANT CONCENTRATION OF BUILDINGS, STRUCTURES, OBJECTS, AND/OR SITES WHICH ARE UNIFIED HISTORICALLY BY PLAN OR PHYSICAL DEVELOPMENT, E.G. DOWNTOWN, RESIDENTIAL NEIGHBORHOOD, MILITARY RESERVATION, RANCH COMPLEX. A SIGNIFICANT CONCENTRATION, LINKAGE, OR CONTINUITY OF SITES, BUILDINGS, STRUCTURES, OR OBJECTS UNITED HISTORICALLY OR AESTHETICALLY BY PLAN OR PHYSICAL DEVELOPMENT.

HISTORIC CONTEXT – AN ORGANIZING STRUCTURE FOR INTERPRETING HISTORY THAT GROUPS INFORMATION ABOUT HISTORIC PROPERTIES WHICH SHARE A COMMON THEME, COMMON GEOGRAPHICAL LOCATION, AND COMMON TIME PERIOD. THE DEVELOPMENT OF HISTORIC CONTEXTS IS A FOUNDATION FOR DECISIONS ABOUT THE PLANNING, IDENTIFICATION, EVALUATION, REGISTRATION, AND TREATMENT OF HISTORIC PROPERTIES BASED UPON COMPARATIVE SIGNIFICANCE.

HISTORIC INTEGRITY - THE AUTHENTICITY OF A PROPERTY'S HISTORIC IDENTITY, EVIDENCED BY THE SURVIVAL OF PHYSICAL CHARACTERISTICS THAT EXISTED DURING THE PROPERTY'S PREHISTORIC OR HISTORIC PERIOD AND THE COMPOSITE OF ITS LOCATION, DESIGN, SETTING, MATERIALS, WORKMANSHIP, FEELING AND ASSOCIATION.

HISTORIC LANDMARK - A BUILDING, STRUCTURE, OBJECT, SITE, OR DISTRICT WHICH IS OVER 50 YEARS OLD, MEETS THE SIGNIFICANCE AND

INTEGRITY CRITERIA FOR DESIGNATION, AND IS DESIGNATED AS A LOCAL HISTORIC LANDMARK BY THE TOWN.

HISTORIC SIGNIFICANCE – THE IMPORTANCE OF A PROPERTY TO THE HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE OF A COMMUNITY, ACHIEVED BY MEETING ONE OR MORE STANDARDS OF 30-9-105.4.

LISTING OF HISTORIC RESOURCES - THE RECORD OF INFORMATION IN THE FORM OF SURVEYS ABOUT RESOURCES POTENTIALLY SIGNIFICANT TO THE HISTORY OF THE TOWN OF BERTHOUD, COLORADO, BUT HAVE NOT BEEN DESIGNATED AS A LOCAL LANDMARK.

- ARE LOCALLY SIGNIFICANT HISTORIC PLACES DESIGNATED BY THE TOWN OF BERTHOUD BECAUSE THEY POSSESS EXCEPTIONAL VALUE OR QUALITY IN ILLUSTRATING OR INTERPRETING THE HERITAGE OF BERTHOUD, COLORADO.

OBJECT - CONSTRUCTION WHICH IS PRIMARILY ARTISTIC OR COMMEMORATIVE IN NATURE AND NOT NORMALLY MOVABLE, OR PART OF A BUILDING OR STRUCTURE, E.G. STATUE, FOUNTAIN, MILEPOST, MONUMENT, SIGN.

PRESERVATION - FOCUSES ON THE MAINTENANCE AND REPAIR OF EXISTING HISTORIC MATERIALS AND RETENTION OF A PROPERTY'S FORM AS IT HAS EVOLVED OVER TIME (SEE MINOR ALTERATIONS).

RELOCATION - THE REMOVAL OF A RESOURCE FROM ITS HISTORIC CONTEXT OR SITE TO ANOTHER LOCATION.

REHABILITATION - THE PROCESS OF RETURNING A PROPERTY TO A STATE OF UTILITY, THROUGH REPAIR OR ALTERATION, WHICH MAKES POSSIBLE AN EFFICIENT CONTEMPORARY USE WHILE PRESERVING THOSE PORTIONS AND

FEATURES OF THE PROPERTY WHICH ARE SIGNIFICANT TO ITS HISTORIC, ARCHITECTURAL, AND CULTURAL VALUES.

RESOURCE – ANY BUILDING, STRUCTURE, SITE, OR OBJECT THAT IS PART OF OR CONSTITUTES A HISTORIC PROPERTY

SITE - LOCATION OF A SIGNIFICANT EVENT, A PREHISTORIC OR HISTORIC OCCUPATION OR ACTIVITY, OR A BUILDING OR STRUCTURE, WHETHER STANDING RUINED, OR VANISHED, WHERE THE LOCATION ITSELF POSSESSES HISTORIC, CULTURAL, OR ARCHAEOLOGICAL VALUE REGARDLESS OF THE VALUE OF ANY EXISTING STRUCTURE WHICH MAY INCLUDE UNDERGROUND FEATURES, E.G. BATTLEFIELD, CAMPSITE; OR CEMETERY, NATURAL FEATURES, FOOD-GATHERING AREAS, ETC.

STRUCTURE - CONSTRUCTION MADE FOR FUNCTIONS OTHER THAN SHELTER OR HABITATION, E.G. BRIDGE, WINDMILL, DAM, HIGHWAY, SILO, KILN.

SURVEY – THE PROCESS OF IDENTIFYING AND EVALUATING OR RE-EVALUATING PROPERTIES AND AREAS TO RECOMMEND ELIGIBILITY FOR DESIGNATION AS A LOCAL HISTORIC LANDMARK. THE PROCESS OF IDENTIFYING, DOCUMENTING AND EVALUATING OR RE-EVALUATING PROPERTIES TO DETERMINE THEIR POTENTIAL FOR ELIGIBILITY AND DESIGNATION AS A LOCAL HISTORIC LANDMARK.

30-9-103 AUTHORITY & DUTIES

1. THE HISTORIC PRESERVATION ADVISORY COMMITTEE SHALL CONDUCT ALL ACTIVITIES NECESSARY AND APPROPRIATE TO MAINTAIN BERTHOUD'S CERTIFIED LOCAL GOVERNMENT STATUS WITH THE STATE OF COLORADO AND HISTORY COLORADO.

2. THE HISTORIC PRESERVATION ADVISORY COMMITTEE SHALL ALSO MAKE RECOMMENDATIONS TO TOWN STAFF AND THE TOWN BOARD OF TRUSTEES CONCERNING:

- (A) CRITERIA FOR REVIEW OF HISTORIC RESOURCES AND FOR REVIEW OF PROPOSALS TO DEMOLISH DESIGNATED RESOURCES.
- (B) RESOURCES TO BE NOMINATED FOR DESIGNATION AS EITHER A HISTORIC STRUCTURE OR HISTORIC DISTRICT AND DESIGNATION OF THOSE RESOURCES QUALIFYING FOR SUCH DESIGNATION.
- (C) APPLICATION FOR ALTERATIONS TO THE EXTERIOR OF DESIGNATED HISTORIC STRUCTURES OR ELEMENTS OF HISTORIC DISTRICTS.
- (D) APPLICATION FOR MOVING OR DEMOLISHING A DESIGNATED LOCAL HISTORIC LANDMARK.
- (E) MATTERS RELATED TO PRESERVING THE HISTORIC CHARACTER OF THE TOWN.
- (F) SUPPORT OR FINANCIAL ASSISTANCE FOR PRESERVATION-RELATED PROGRAMS.
- (G) REMOVAL OF PROPERTIES FROM THE REGISTER FOR REASONS INCLUDING, BUT NOT LIMITED TO, ACTS OF GOD, UNDUE HARDSHIP AND PUBLIC HEALTH/SAFETY CONCERNS.
- (H) APPLICATION FEES FOR APPLICATIONS MADE BY CITIZENS APPLYING FOR HISTORIC DESIGNATION OR WHO ARE APPLYING TO ALTER OR DEMOLISH A HISTORICALLY DESIGNATED PROPERTY.

ADVISE AND ASSIST OWNERS OF HISTORIC PROPERTIES ON PHYSICAL AND FINANCIAL ASPECTS OF PRESERVATION, RENOVATION, REHABILITATION, AND REUSE, INCLUDING NOMINATIONS TO THE LOCAL, STATE OR NATIONAL REGISTERS OF HISTORIC PLACES WITHIN THE TOWN LIMITS.

4. INITIATE PUBLIC EDUCATION PROGRAMS INCLUDING, BUT NOT LIMITED TO, WALKING TOURS, BROCHURES, MARKER PROGRAMS FOR HISTORIC PROPERTIES, LECTURES AND CONFERENCES WITHIN BOTH THE TOWN AND THE GREATER BERTHOUD AREA.

5. SURVEY HISTORIC PROPERTIES FOR THE PURPOSE OF DEFINING THOSE OF HISTORIC SIGNIFICANCE, AND TO PRIORITIZE THE IMPORTANCE OF IDENTIFIED HISTORIC PROPERTIES AND AREAS.

30-9-104 INVENTORY LISTING STANDARDS

A. INVENTORY LISTING

1. THE COMMITTEE SHALL DETERMINE AND PERIODICALLY REVISE PRIORITIES FOR THE IDENTIFICATION AND EVALUATION OF HISTORIC RESOURCES.
2. UNLESS THE COMMITTEE FINDS EXTRAORDINARY HISTORIC IMPORTANCE, ONLY PROPERTIES OVER FIFTY YEARS OF AGE SHALL BE CONSIDERED FOR INCLUSION IN THE REGISTER OF LOCAL HISTORIC LANDMARKS INVENTORY OF HISTORIC RESOURCES.
3. THE COMMITTEE SHALL APPLY CRITERIA BASED ON HISTORIC INTEGRITY AND SIGNIFICANCE, FOR EVALUATING HISTORIC RESOURCES. THE CRITERIA SHALL BE USED TO IDENTIFY HISTORIC RESOURCES AS ELIGIBLE, POTENTIALLY ELIGIBLE, OR INELIGIBLE FOR LISTING ON THE DESIGNATED LOCAL HISTORIC LANDMARKS REGISTER. OWNERS OF SURVEYED PROPERTIES WILL BE NOTIFIED OF THESE FINDINGS.
4. DOCUMENTATION OF PROPERTIES IN THE INVENTORY LISTING OF HISTORIC RESOURCES SHALL BE ON FORMS IN A FORMAT COMPATIBLE WITH FORMS DEVELOPED BY HISTORY COLORADO, AND UPON COMPLETION, COPIES OF THE FORMS SHALL BE SUPPLIED TO HISTORY COLORADO.
5. RECORDS CONCERNING THE LOCATIONS OF ANY ARCHAEOLOGICAL SITES SHALL BE FILED WITH HISTORY COLORADO TO INSURE THE SAFETY AND SECURITY OF AN ARCHAEOLOGICAL SITE.

1. STATE REGISTER OF HISTORIC PROPERTIES AND NATIONAL REGISTER OF HISTORIC PLACES, INCLUDING ALL PROPERTIES WITHIN STATE OR NATIONAL REGISTER HISTORIC DISTRICT BOUNDARIES, ARE ELIGIBLE FOR AUTOMATIC LISTING ON THE DESIGNATED LOCAL HISTORIC LANDMARK REGISTER.
2. NO PROPERTY SHALL BE DESIGNATED WITHOUT THE WRITTEN CONSENT OF THE OWNER. IN THE CASE OF THE FORMATION OF A HISTORIC DISTRICT WHERE THERE ARE MULTIPLE OWNERSHIPS, A MAJORITY OF THE OWNERS WITHIN THE AREA OF THE PROPOSED DISTRICT MAY FORM THE DISTRICT BUT THE REGULATIONS OF THAT DISTRICT SHALL ONLY APPLY TO PROPERTIES THAT ARE IDENTIFIED AS CONTRIBUTING WITHIN THE DISTRICT AT THE TIME OF FORMATION, OR LATER AS APPROVED BY THE TOWN BOARD OF TRUSTEES ON A CASE BY CASE BASIS.
3. UPON ACCEPTANCE OF A COMPLETED APPLICATION, THE TOWN STAFF SHALL SCHEDULE TWO PUBLIC HEARINGS; ONE BEFORE THE COMMITTEE FOR A RECOMMENDATION, AND ONE BEFORE THE TOWN BOARD OF TRUSTEES PURSUANT TO APPLICABLE STATE LAWS.
4. DESIGNATED LOCAL HISTORIC LANDMARK REGISTER, THE COMMITTEE MAY RECOMMEND AND THE TOWN BOARD OF TRUSTEES MUST FIND THAT: THAT THE BUILDING, SITE, STRUCTURE, OBJECT, OR DISTRICT IS OVER FIFTY YEARS OF AGE OR OF EXTRAORDINARY HISTORIC IMPORTANCE, AND POSSESSES SUFFICIENT HISTORIC INTEGRITY, AND:

THE QUALITY OF SIGNIFICANCE IN BERTHOUD HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, AND CULTURE IS PRESENT IN DISTRICTS, SITES, BUILDINGS, STRUCTURES, AND OBJECTS THAT POSSESS INTEGRITY OF LOCATION, DESIGN, SETTING, MATERIALS, WORKMANSHIP, FEELING, AND ASSOCIATION, AND:

- A. THAT ARE ASSOCIATED WITH EVENTS THAT HAVE MADE A SIGNIFICANT CONTRIBUTION TO THE BROAD PATTERNS OF OUR HISTORY; OR**
 - B. THAT ARE ASSOCIATED WITH THE LIVES OF SIGNIFICANT PERSONS IN BERTHOUD'S PAST; OR**
 - C. THAT EMBODY THE DISTINCTIVE CHARACTERISTICS OF A TYPE, PERIOD, OR METHOD OF CONSTRUCTION; REPRESENT THE WORK OF A MASTER; OR POSSESS HIGH ARTISTIC VALUES; OR REPRESENT A SIGNIFICANT AND DISTINGUISHABLE ENTITY WHOSE COMPONENTS MAY LACK INDIVIDUAL DISTINCTION; OR**
 - D. THAT HAVE YIELDED OR MAY BE LIKELY TO YIELD, INFORMATION IMPORTANT IN HISTORY OR PREHISTORY.**

- A. IS ASSOCIATED WITH EVENTS THAT HAVE MADE A SIGNIFICANT CONTRIBUTION TO THE BROAD PATTERNS OF LOCAL, STATE, OR NATIONAL HISTORY; OR**
 - B. IS ASSOCIATED WITH THE LIVES OF PERSONS, OR GROUPS OF PEOPLE, SIGNIFICANT IN LOCAL, STATE, OR NATIONAL HISTORY; OR**
 - C. EMBODIES THE DISTINCTIVE CHARACTERISTICS OF AN ARCHITECTURAL TYPE, STYLE, PERIOD, OR METHOD OF CONSTRUCTION OR THAT REPRESENTS THE WORK OF A MASTER, OR THAT POSSESSES HIGH ARTISTIC VALUES, OR THAT REPRESENTS A SIGNIFICANT AND DISTINGUISHABLE ENTITY WHOSE COMPONENTS MAY LACK INDIVIDUAL DISTINCTION; OR**
 - D. HAS YIELDED OR IS LIKELY TO YIELD INFORMATION WHICH IS IMPORTANT IN LOCAL, STATE, OR NATIONAL HISTORY.**
- 5. THE COMMITTEE IN MAKING A RECOMMENDATION AND THE TOWN BOARD OF TRUSTEES IN MAKING A DECISION SHALL DEVELOP FINDINGS BASED UPON THE CRITERIA SET FORTH IN THIS CODE, TO SUPPORT ITS RECOMMENDATION AND DECISION. THESE FINDINGS SHALL INDICATE THOSE ELEMENTS OF A PROPERTY, INCLUDING ANY LANDSCAPE, AND ARCHAEOLOGICAL FEATURES THAT ARE INCLUDED IN THE DESIGNATION AND SUBJECT TO REGULATION UNDER THE PROVISIONS OF THIS ORDINANCE.**

A. RECOMMENDATIONS FOR DESIGNATION OF LOCAL HISTORIC LANDMARKS. PURSUANT TO THE PROCEDURES SET FORTH IN THIS SECTION, THE COMMITTEE MAY SHALL MAKE WRITTEN RECOMMENDATION TO THE BOARD OF TRUSTEES THAT A SITE, BUILDING, STRUCTURE, OBJECT, OR DISTRICT BE DESIGNATED AS A LOCAL HISTORIC LANDMARK FOR PRESERVATION, MEETING THE CRITERIA SET FORTH IN THIS SECTION. EACH SUCH RECOMMENDATION SHALL INCLUDE A DESCRIPTION OF THE CHARACTERISTICS OF THE SITE, BUILDING, STRUCTURE, OBJECT, OR DISTRICT'S HISTORIC SIGNIFICANCE AND INTEGRITY, WHICH JUSTIFY ITS DESIGNATION AND SHALL INCLUDE A LEGAL DESCRIPTION OF THE PROPERTY. THE RECOMMENDATION MAY SHALL INDICATE ALTERATIONS THAT WOULD HAVE A SIGNIFICANT IMPACT ON, OR BE POTENTIALLY DETRIMENTAL TO, THE HISTORIC FEATURES OF THE SITE, BUILDING, STRUCTURE, OBJECT, OR DISTRICT. ANY SUCH DESIGNATION SHALL BE IN FURTHERANCE OF AND IN CONFORMANCE WITH THE PURPOSES AND STANDARDS OF THIS SECTION.

B. PROCEDURES FOR DESIGNATING LOCAL HISTORIC LANDMARKS.

1. **APPLICATIONS.** APPLICATIONS FOR DESIGNATION OF LOCAL HISTORIC LANDMARKS MUST BE MADE TO THE TOWN STAFF ON FORMS PROVIDED BY THE TOWN. APPLICATIONS SHALL BE MADE ONLY BY THE OWNERS OF ONE HUNDRED PERCENT OF THE SITE PROPERTY FOR WHICH THE APPLICATION IS SUBMITTED, EXCEPT AS PROVIDED IN SECTION 30-9-105.2.
2. **STAFF REVIEW.** THE TOWN STAFF SHALL REVIEW APPLICATIONS FOR DESIGNATION OF LOCAL HISTORIC LANDMARKS FOR CONTENT AND FOR COMPLETENESS. THE STAFF SHALL, WITHIN A REASONABLE TIME OF RECEIPT, FORWARD COMPLETE APPLICATIONS AND STAFF RECOMMENDATIONS TO THE COMMITTEE.

3. **COMMITTEE REVIEW.** THE COMMITTEE SHALL CONSIDER AND MAKE RECOMMENDATIONS UPON APPLICATIONS AT REGULARLY SCHEDULED OR SPECIAL MEETINGS WITHIN A REASONABLE TIME OF RECEIPT OF STAFF RECOMMENDATIONS. THE COMMITTEE SHALL RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DISAPPROVAL OF APPLICATIONS, AND SHALL IMMEDIATELY FORWARD WRITTEN NOTICE OF THEIR RECOMMENDATIONS TO THE TOWN BOARD OF TRUSTEES. IN THE EVENT OF FAILURE OF THE COMMITTEE TO ACT IN A TIMELY MANNER, THE TOWN BOARD MAY PROCEED WITHOUT A COMMITTEE RECOMMENDATION.
4. **TOWN BOARD OF TRUSTEES ACTION.** AFTER A RECOMMENDATION BY THE COMMITTEE, AND WITH PUBLIC NOTICE GIVEN AS PROVIDED IN SECTION 30-1-117, THE TOWN BOARD OF TRUSTEES SHALL BY RESOLUTION APPROVE, APPROVE WITH CONDITIONS, OR SHALL DENY THE PROPOSED LOCAL HISTORIC LANDMARK DESIGNATION.
5. **WITHDRAWAL OF APPLICATIONS.** PRIOR TO ACTION ON AN APPLICATION BY THE TOWN BOARD OF TRUSTEES, AN APPLICANT MAY WITHDRAW THE APPLICATION BY SUBMITTING A WRITTEN REQUEST TO THE TOWN CLERK.
6. **RECORDING.** THE RESOLUTION DESIGNATING A SITE, BUILDING, STRUCTURE, OBJECT, OR DISTRICT AS A LOCAL HISTORIC LANDMARK SHALL BE RECORDED IN THE RECORDS OF THE LARIMER OR WELD COUNTY CLERK AS APPROPRIATE.

30-9-107 LIMITATION ON RRESUBMISSION AND RRECONSIDERATION

WHENEVER THE TOWN BOARD OF TRUSTEES DENIES AN APPLICATION FOR LOCAL HISTORIC LANDMARK DESIGNATION, OR WHENEVER AN OWNER

WITHDRAWS AN APPLICATION, NO APPLICATION FOR THE SAME SITE PROPERTY SHALL MAY BE SUBMITTED WITHIN ONE YEAR OF THE DISAPPROVAL OR WITHDRAWAL.

30-9-108 AMENDMENT OF DESIGNATION

THE DESIGNATION OF A LOCAL HISTORIC LANDMARK MAY BE AMENDED TO ADD ADDITIONAL FEATURES TO THE PROPERTY TO THE SITE ACCORDING TO THE APPLICATION PROCESS DESCRIBED IN SECTION 30-9-106 FOR NEW DESIGNATIONS.

30-9-109 ALTERATION OF A DESIGNATED LOCAL HISTORIC LANDMARK

TO DESIGNATED LOCAL HISTORIC LANDMARKS SHALL BE DONE IN CONFORMANCE WITH THE *SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES REHABILITATION* AS PUBLISHED BY THE U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE.

30-9-110 NOTIFICATION OF INTENT TO ALTER A DESIGNATED LOCAL HISTORIC LANDMARK

ANY OWNER FILING AN APPLICATION FOR DESIGNATION OF A SITE, BUILDING, STRUCTURE, OBJECT, OR DISTRICT SHALL, AS A PART OF THE APPLICATION, AGREE THAT ANY TIME AFTER DESIGNATION AS A THE OWNER OF A LOCAL HISTORIC LANDMARK AGREES TO NOTIFY THE TOWN STAFF OF THE OWNER'S INTENTION TO ALTER (ANY DEFINED MINOR OR MAJOR ALTERATION), DEMOLISH, MOVE OR REMOVE THE LANDMARK AND PROVIDE PLANS FOR THE WORK AT LEAST THIRTY DAYS PRIOR TO BEGINNING SUCH WORK. THIS NOTIFICATION REQUIREMENT SHALL RUN WITH THE LAND AND SHALL BIND SUCCESSORS AND ASSIGNS. THE TOWN STAFF SHALL, UPON RECEIPT, FORWARD THE NOTIFICATION AND PLANS TO THE COMMITTEE FOR REVIEW AND RECOMMENDATION. THE COMMITTEE SHALL REVIEW THE PLANS AND MAY ADVISE THE OWNER ON THE POTENTIAL EFFECT OF THE PLANS ON THE LOCAL LANDMARK DESIGNATION. THE COMMITTEE MAY FORWARD A

RECOMMENDATION TO THE TOWN BOARD THAT, BASED ON THE PLANS, THE HISTORIC DESIGNATION BE MODIFIED OR REVOKED.

30-9-111 ALTERATIONS, RELOCATIONS OR DEMOLITIONS

1. NO EXTERIOR, LANDSCAPE, OR ARCHAEOLOGICAL ELEMENT OF A DESIGNATION LOCAL HISTORIC LANDMARK WHICH IS SPECIFIED AS SIGNIFICANT IN ITS DESIGNATION SHALL BE ALTERED, REMOVED, OR DEMOLISHED WITHOUT AUTHORIZATION ISSUED BY THE TOWN STAFF PURSUANT TO THIS SECTION AND A BUILDING PERMIT ISSUED, IF REQUIRED UNDER THE CURRENTLY ADOPTED BUILDING CODE.
2. NO MAJOR EXTERIOR ALTERATION, RELOCATION, OR DEMOLITION OF A DESIGNATED LOCAL HISTORIC LANDMARK OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT SHALL BE ALLOWED WITHOUT AUTHORIZATION ISSUED BY THE TOWN STAFF PURSUANT TO THIS SECTION. AUTHORIZATION FOR MAJOR EXTERIOR ALTERNATIONS, RELOCATION, OR DEMOLITION OF A DESIGNATED LOCAL HISTORIC LANDMARK SHALL BE GIVEN BY THE TOWN BOARD OF TRUSTEES WITH A RECOMMENDATION BY THE COMMITTEE.
3. PRIOR TO SUBMITTING AN APPLICATION FOR A PERMIT PURSUANT TO THIS SECTION, THE APPLICANT (S) IS ENCOURAGED TO REQUEST A PRE-APPLICATION CONFERENCE WITH TOWN STAFF AND/OR THE COMMITTEE TO REVIEW CONCEPTS AND PROPOSALS. THE COMMITTEE MAY FORM AD-HOC SUB-COMMITTEES FOR THIS PURPOSE. COMMITTEE MEMBERS PARTICIPATING IN PRE-APPLICATION CONFERENCES SHALL DISCLOSE THEIR EX-PARTE CONTACT AT THE TIME OF ANY PUBLIC HEARING ON THE PROPOSAL.
4. IN CASES REQUIRING A PUBLIC HEARING FOR THE RELOCATION OR DEMOLITION OF A DESIGNATED LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT, THE COMMITTEE SHALL REVIEW AND RECOMMEND TO THE TOWN BOARD OF TRUSTEES AND THE BOARD SHALL TAKE ACTION UPON SUCH APPLICATIONS.

- THE BURDEN OF PROOF, AS PER THE FACTORS FOUND IN SECTION 30-9-111 6, LIES WITH THE APPLICANT. APPLICATIONS MAY BE APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY THE TOWN BOARD OF TRUSTEES. THE TOWN STAFF SHALL INCLUDE ANY CONDITIONS IMPOSED BY THE TOWN BOARD OF TRUSTEES IN PERMITS ISSUED PURSUANT TO THIS SECTION.

5. MINOR ALTERATION: AUTHORIZATION FROM THE TOWN STAFF IS REQUIRED FOR WORK IDENTIFIED AS MINOR ALTERATIONS TO THE EXTERIOR INCLUDING REPAINTING, ROOF REPLACEMENT, AND FOUNDATION REPAIR. IN ORDER TO APPROVE AN APPLICATION FOR THE MINOR ALTERATION OF A LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT, THE COMMITTEE SHALL FIND THAT THE PROPOSAL MEETS THE FOLLOWING STANDARDS:

- A. A PROPERTY SHALL BE USED AS IT WAS HISTORICALLY OR BE GIVEN A NEW USE THAT REQUIRES MINIMAL CHANGE TO ITS DISTINCTIVE MATERIALS, FEATURES, SPACES, AND SPATIAL RELATIONSHIPS.
- B. THE HISTORIC CHARACTER OF A PROPERTY SHALL BE RETAINED AND PRESERVED. THE RELOCATION OF DISTINCTIVE MATERIALS OR ALTERATION OF FEATURES, SPACES, AND SPATIAL RELATIONSHIPS THAT CHARACTERIZE A PROPERTY SHALL BE AVOIDED.
- C. A 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 ELEMENTS FROM OTHER HISTORIC PROPERTIES, SHALL BE DISCOURAGED.
- D. CHANGES TO A PROPERTY THAT HAVE ACQUIRED HISTORIC SIGNIFICANCE IN THEIR OWN RIGHT SHALL BE RETAINED AND PRESERVED.

- E. DISTINCTIVE MATERIALS, FEATURES, FINISHES, AND CONSTRUCTION TECHNIQUES OR EXAMPLES OF CRAFTSMANSHIP THAT CHARACTERIZE A PROPERTY SHALL BE PRESERVED.
- F. 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, WHERE POSSIBLE, MATERIALS. REPLACEMENT OF MISSING FEATURES SHALL BE SUBSTANTIATED BY DOCUMENTARY AND PHYSICAL EVIDENCE.
- G. CHEMICAL AND PHYSICAL TREATMENTS, IF APPROPRIATE, SHALL BE UNDERTAKEN USING THE GENTLEST MEANS POSSIBLE. TREATMENTS THAT CAUSE DAMAGE TO HISTORIC MATERIALS SHALL NOT BE USED UNLESS OTHERWISE APPROVED BY THE COMMITTEE TOWN STAFF, AFTER RECOMMENDATION BY THE HISTORIC PRESERVATION ADVISORY COMMITTEE.
- H. ARCHAEOLOGICAL RESOURCES SHALL SHOULD BE PROTECTED AND PRESERVED IN PLACE. IF SUCH RESOURCES MUST BE DISTURBED, MITIGATION MEASURES SHALL SHOULD BE ENCOURAGED UNDERTAKEN.
- I. NEW ADDITIONS, EXTERIOR ALTERATIONS, OR RELATED NEW CONSTRUCTION SHALL NOT DESTROY HISTORIC MATERIALS, FEATURES, AND SPATIAL RELATIONSHIPS THAT CHARACTERIZE THE PROPERTY. THE NEW WORK SHALL BE DIFFERENTIATED FROM THE OLD AND SHALL BE COMPATIBLE WITH THE HISTORIC MATERIALS, FEATURES, SIZE, SCALE AND PROPORTIONS, AND MASSING TO PROTECT THE INTEGRITY OF THE PROPERTY AND ITS ENVIRONMENT.
- J. 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.

6. IN ORDER TO APPROVE AN APPLICATION FOR THE RELOCATION OR DEMOLITION OF A DESIGNATED LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT, THE COMMITTEE AND THE TOWN BOARD OF TRUSTEES MUST FIND THAT:

 - A. NO PRUDENT AND FEASIBLE ALTERNATIVE EXISTS, OR
 - B. THE DESIGNATED PROPERTY IS DETERIORATED BEYOND REPAIR, OR
 - C. THE VALUE TO THE COMMUNITY OF THE PROPOSED USE OF THE PROPERTY OUTWEIGHS THE VALUE OF RETAINING THE DESIGNATED LOCAL HISTORIC LANDMARK.
7. AT THE PUBLIC HEARING OF AN APPLICATION TO RELOCATE OR DEMOLISH A DESIGNATED LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT THE TOWN BOARD OF TRUSTEES, UPON RECOMMENDATION BY THE COMMITTEE, MAY, IN THE INTEREST OF EXPLORING REASONABLE ALTERNATIVES, DELAY ISSUANCE OF A PERMIT FOR UP TO NINETY DAYS FROM THE DATE OF THE HEARING. IF, TEN DAYS PRIOR TO THE EXPIRATION OF THE DELAY PERIOD THE COMMITTEE FINDS THAT THERE ARE STILL REASONABLE ALTERNATIVES TO EXPLORE, IT MAY RECOMMEND TO THE BOARD OF TRUSTEES A DELAY FOR AN ADDITIONAL PERIOD OF UP TO NINETY DAYS.
8. IN APPROVING AN APPLICATION FOR THE DEMOLITION OF A DESIGNATED LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT THE COMMITTEE MAY RECOMMEND TO THE TOWN BOARD OF TRUSTEES AND THE BOARD MAY IMPOSE THE FOLLOWING CONDITIONS:

- A. PHOTOGRAPHIC, VIDEO, OR DRAWN RECORDATION OF THE PROPERTY TO BE DEMOLISHED, AND/OR
- B. SALVAGE AND CURATION OF SIGNIFICANT ELEMENTS, AND/OR
- C. OTHER REASONABLE MITIGATION MEASURES.

9. SECTION SHALL BE CONSTRUED TO PREVENT THE ORDINARY REPAIR OR MAINTENANCE OF A DESIGNATED LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT, WHEN SUCH ACTION DOES NOT INVOLVE A CHANGE IN DESIGN, MATERIALS OR APPEARANCE.

10. SECTION SHALL BE CONSTRUED TO PREVENT THE ALTERATION, DEMOLITION OR RELOCATION OF A DESIGNATED LOCAL HISTORIC LANDMARK, OR A CONTRIBUTING STRUCTURE IN AN APPROVED HISTORIC DISTRICT WHEN THE BUILDING OFFICIAL CERTIFIES THAT SUCH ACTION IS REQUIRED FOR THE PUBLIC SAFETY.

30-9-112 REVOCATION OF LOCAL HISTORIC LANDMARK DESIGNATION

THE TOWN BOARD OF TRUSTEES MAY, BY RESOLUTION, REVOKE OR MODIFY THE DESIGNATION OF A LOCAL HISTORIC LANDMARK, AFTER TEN DAYS' NOTICE TO THE OWNER AND AFTER PUBLIC HEARING, AND WITH A RECOMMENDATION BY THE COMMITTEE IF ANY OF THE FOLLOWING CONDITIONS EXIST:

- A. IF ANY OWNER OF A DESIGNATED LOCAL HISTORIC LANDMARK FAILS TO PROVIDE NOTIFICATION AS REQUIRED IN THIS SECTION, OR IF ALTERATIONS TO THE LANDMARK WILL SIGNIFICANTLY ALTER THE HISTORIC CHARACTER AND/OR INTEGRITY OF THE LANDMARK;
- B. IF AN OWNER OF A DESIGNATED LOCAL HISTORIC LANDMARK SUBMITS A WRITTEN REQUEST TO THE TOWN FOR REVOCATION OF A DESIGNATION;

C. IF THE COMMITTEE MAKES A RECOMMENDATION TO THE TOWN BOARD OF TRUSTEES FOR MODIFICATION OR REVOCATION BASED ON AN OWNER'S WRITTEN INTENT TO ALTER A DESIGNATED LOCAL HISTORIC LANDMARK; OR

D. IF MODIFICATIONS ARE MADE TO A DESIGNATED LOCAL HISTORIC LANDMARK THAT ARE FOUND BY THE COMMITTEE AND THE TOWN BOARD OF TRUSTEES TO NOT BE IN ACCORDANCE WITH THE STANDARDS SPECIFIED IN THIS SECTION.

PASSED, ADOPTED, SIGNED AND APPROVED this the 8th day of March, 2016.

TOWN OF BERTHOUD

By:



David Gregg, Mayor

ATTEST:

By:



Alisa Darrow, Town Clerk