MANITOU SPRINGS
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING AGENDA

All upcoming HPC meetings are scheduled to be hybrid,
Zoom (remote) or in-person at Memorial Hall.
In Person: Memorial Hall
606 Manitou Avenue
Manitou Springs, CO 80829
Remote: A link is provided on the City's Official Website at
https://www.manitouspringsgov.com/544/All-Boards-and-Commissions

July 1, 2026 **5:30 PM**

A. CALL TO ORDER

B. APPROVAL OF MINUTES

1. HPC Minutes 06.03.2026

C. PUBLIC COMMENT ON NON-AGENDA ITEMS

D. NOTICE OF COUNCIL ACTION

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. MCAC 2610 - 965 Manitou Ave - Exterior Improvements
2. MCAC 2611 - 80 Waltham Avenue (Exterior Alterations)
3. MCAC 2612 - 2 Grand Avenue - New Construction of Accessory Structure

G. OTHER BUSINESS

1. Consideration of Jehan-Ara Kahn's for Historic Preservation Committee Commissioner
2. Sub-Committee Appointments for HPC Public Outreach Efforts
3. Chapter 17 - Code Revisions Discussion

H. ADJOURNMENT

Commissioners:
Matthew Rose, Chair (03/31/2028)
Matthew Murphy, Vice Chair (03/31/2028)
Erin Handlin (03/31/2029)
Ann Nichols (03/31/2029)
Joy Porter (3/31/2029)
Avrie Tomsik (03/31/2029)
Jehan-Ara Khan, Alternate Commissioner (03/31/2030)
Tammila Wright, Alternate Commissioner (03/31/2028)

Staff and Liaisons:
Julie Wolfe, City Council Liaison
Fred Rollenhagen, Planning Director
Chelsea Royston, Senior Planner
Erin Ringsred, Planner and Landscape Architect II
Zachary Davison, Planner II

1 *regular and 1 alternate position available*

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Interested citizens are invited to serve on any of the City's Boards or Commissions. Please contact the City Clerk's Office for more information or visit our website at: www.manitouspringsgov.com.

CITY OF MANITOU SPRINGS
HISTORIC PRESERVATION COMMISSION
Regular Meeting Minutes
Hybrid Meeting via Zoom and at Memorial Hall
June 3, 2026

A. CALL TO ORDER

A Regular Meeting of the Manitou Springs Historic Preservation Commission (HPC) was held at Manitou Springs Memorial Hall, 606 Manitou Avenue. Chair Kindseth called the meeting to order at 5:30 PM and declared a quorum present.

COMMISSIONERS PRESENT FOR ROLL CALL:

Chair Laura Kindseth
Vice Chair Matthew Rose
Commissioner Ann Nichols
Commissioner Avrie Tomsik
Commissioner Matthew Murphy
Commissioner Joy Porter
Alternate Commissioner Jehan-Ara Khan

COMMISSIONERS ABSENT FOR ROLL CALL

Commissioner Erin Handlin (Arrived at 5:45 PM)
Alternate Commissioner Tammila Wright

STAFF PRESENT:

Planning Director Frederick Rollenhagen
Senior Planner Chelsea Royston
Planner and Landscape Architect II Erin Ringsred
Planner II Zachary Davison

GUESTS PRESENT:

City Attorney Representative Katherine Vera

B. APPROVAL OF MINUTES

1. May 6, 2026 HPC Meeting Minutes

Commissioner Porter moved to approve the minutes as presented. Commissioner Tomsik seconded the motion. The motion passed (6-0).

C. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

D. NOTICE OF COUNCIL ACTION

There was no notice of council action.

E. UNFINISHED BUSINESS

There was no Unfinished Business.

F. NEW BUSINESS

1. MCAC 2609 – 3 Oklahoma Road (Exterior Alterations)

Planner Davison presented Material Change of Appearance Certification (MCAC) 2609. The project involves a detached garage, a secondary structure located closest to the street. Alterations proposed included replacing aluminum windows with vinyl windows on the southern street facing façade.

Applicant Doug Baker, explained that the existing windows were from the 1970's and noted that only one is visible to the street. He claimed that vinyl would fit in better with the historic aspect of town. Applicant Baker confirmed that the garage windows would be white, while the windows on the main residence are tan.

Commissioner Tomsik motioned to approve MCAC 2609. The motion was seconded by Commissioner Nichols. The motion passed unanimously (6-0).

Note for the Record – Commissioner Handlin arrived at 5:45 PM.

2. MCAC 2610 – 965 Manitou Avenue (Exterior Improvements) – Continued to July 1st 2026 Meeting

Commissioner Murphy motioned to continue MCAC 2610 to the July 1, 2026 HPC Meeting. Commissioner Nichols seconded the motion. The motion passed unanimously (7-0).

G. OTHER BUSINESS

1. Historic Art Award Review

Submittals for the Art Competition were reviewed. Planner Ringsred explained that the submissions were received after the deadline, but discussion could take place on whether to use the artwork for next year's HPC Awards.

Commissioner Handlin moved to approve an art piece depicting the Governor's Mansion for use in 2027. Commissioner Tomsik seconded the motion. The motion passed unanimously (7-0).

Vice Chair Rose suggested using the art pieces for another purpose, such as promotional material, for a quicker response to the students who provided art, rather than waiting a whole year to use it.

Planner Ringsred explained that the winner would be notified via email, and featured in the City newsletter.

Chair Kindseth suggested contacting the other artists to thank them for their submissions. She also proposed arranging a time to take a photograph with the selected artist. Planner Royston stated that staff would coordinate with the Public Information Officer (PIO) to determine an appropriate way to take the photo.

Vice Chair Rose offered to write an article for the City Newsletter that thanked all the businesses in town who donated to the Treasure Hunt.

2. Election of Officers

Chair Kindseth announced that she will be moving out of the City, and there would need to be a new Chair selected.

Commissioner Nichols motioned to appoint Vice Chair Rose as Chair. Commissioner Porter seconded the motion. The motion passed unanimously (7-0).

Commissioner Nichols motioned to appoint Commissioner Murphy as Vice Chair. Commissioner Porter seconded the motion. The motion passed unanimously (7-0).

Planner Royston thanked Chair Kindseth for her service.

3. Chapter 17 Amendments

Planner Royston gave an educational presentation regarding amendments to Chapter 17 of City Code. She explained that periodic code revisions help to ensure compliance with changing regulations and best practices, maintain fair and impartial criteria, and avoids conflict with other provisions of the City Code. The process for creating and establishing code amendments was explained. Planner Royston encouraged discussion, and noted that Staff, the HPC, and City Attorneys are working toward the same goals, including acting in accordance with the National Historic Preservation Act, remaining in Certified Local Government (CLG) status, and complying with Manitou Springs Code Chapter 17.04.020.8. Opportunities for improvement on Chapter 17 identified by staff, attorneys, and the HPC were also presented.

Commissioner Murphy said that he would like to have more engagement with the property owners, as well as simplify the code to encourage MCAC submissions. He said that administrative review for some projects could be helpful to avoid having to wait for HPC meetings.

Vice Chair Rose noted that it is common practice to wait for the monthly meetings, but suggested that a tiered approach to applications could help support the meeting gap.

Commissioner Nichols suggested reviewing other CLG historic districts and their historic code provisions for demolition and economic hardship. Planner Royston noted that staff has been reviewing the Model CLG code for possible solutions.

Planner Royston shared that staff discovered that the term economic hardship was not triggered properly in Chapter 17, due to review of the model CLG code. She added that this could be revised.

Planner Royston noted challenges related to certain materials addressed in the HPC Guidelines, but not in City Code. She explained the difficulties of revising the code without also updating the guidelines and requested the Commissioners identify guideline sections for future reviewed. If revisions are needed, she noted that funding could be sought to update the guidelines.

Commissioner Nichols mentioned previous guidelines revisions, in which the City hired a consultant and public input was gathered. She noted that once the HPC has capacity to do that again, it could be very useful.

Commissioner Porter commented that some citizens are upset with each other or with the HPC because of perceived inconsistency with MCAC approvals. She emphasized awareness of consistency if the MCAC process is revised to Minor and Major.

Commissioner Khan suggested providing community education sessions, noting that some code and guideline language may be intimidating to residents. She emphasized the importance of readable and easy to understand language. Planner Royston agreed and highlighted planning department efforts to support accessibility, including pre-application meetings.

Vice Chair Rose expressed support for tying historic preservation related penalties in with the City's building permit.

There was a discussion about MCAC's reviewed after construction is completed and potential penalties. Commissioner Porter noted that some properties repeatedly proceed without proper approval or deviate from approved work. She stated her support for linking penalties to the building permit rather than HPC review.

There was a discussion about the 10-year moratorium prohibiting applications on properties with unpermitted demolition. Planner Royston noted that the section of code can be vague, and lacks a tiered enforcement structure, resulting in no penalty or a 10-year moratorium. She also clarified that the restriction follows the property, not the owner. Director Rollenhagen raised concerns that the moratorium could discourage property maintenance, while Planner Royston explained that the rule is intended to prevent property owners from demolishing structures prior to sell to render properties non-contributing. Commissioner Nichols suggested reviewing other historic codes to compare how similar issues are addressed.

Planner Ringsred stated that it would be an asset to have better definitions on secondary structures versus non-contributing structures.

Planner Royston explained that commissioners would be provided with a red-lined version of the code, and possible revisions. She added that the review and revision process would most likely take multiple HPC meetings.

City Attorney Vera emphasized the importance of making consistent decisions and noted the work that has been done in the economic hardship and demolition sections so far.

H. ADJOURNMENT

The meeting adjourned at 6:49 PM.

If you need this document in an alternative format, such as large print, accessible PDF, or Braille, please contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554.

Title: MCAC 2610 - 965 Manitou Ave - Exterior Improvements
From: Erin Ringsred
To: Historic Preservation Commission
Address of Proposal: 965 Manitou Ave
Applicant: Pikes Peak Window and Doors LLC on behalf of owner Matthew Gray

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July 1, 2026

Proposal:

Pikes Peak Windows and Doors LLC on behalf of the property owner Matthew Gray, requests a Material Change of Appearance Certification for the replacement of an existing first floor fixed window with a service window that complies with El Paso County Health Department requirements to allow beverage sales to pedestrians.

This subject property is considered a CONTRIBUTING resource to the Commercial Core Historic Sub-District.

The window proposed for replacement is fixed glass window with wood trim around the glass. The framing is proposed to remain intact with the glass being replaced with an operable window for beverage sales.

Zone District:
Downtown (DWTN)

Historic Subdistrict:
Commercial Core

Background and Existing Conditions:

The property is made up of addresses 953, 955, 963 and 965 Manitou Avenue. The original structure was built on Lot 7 by David J Faulkner in 1893. The structure was two stories and constructed of brick. The structure was home to the Manitou Restaurant beginning in 1894. It is estimated that the original building was altered in the 1920's to create the Pueblo Revival style building. In 1952 a masonry addition was added to the building.

The building is considered an ornate Pueblo Revival. The structure is characterized as a two story flat roof with exposed decorative vigas, transom above display windows, carved timber balcony with log columns. The first story is a storefront for "The Loop" restaurant.

The window proposed for replacement is fixed glass window with wood trim around the glass. The framing is proposed to remain intact with the glass being replaced with an operable window for beverage sales.

Public Involvement:

The application was noticed in accordance with Section 17.04.100 of the Manitou Springs Municipal Code. No public comment has been received as of the publication of this report.

Findings and Review Criteria:

Findings and Review Criteria: The structure has been designated as a contributing structure to the Historic District as outlined in Section 17.04.041 of the Manitou Springs Municipal Code. As a contributing structure, this application is reviewed for appropriateness in accordance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties Guidelines for Rehabilitation which is defined as "... 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. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character." Rehabilitation standards are more appropriate than Preservation due to the changes required for code compliance.

Windows: The SOI recommends "Replacing windows that are too deteriorated to repair using the same sash and pane configuration, but with new windows that operate differently, if necessary, to accommodate a new use. Any change must have minimal visual impact. Examples could include replacing hopper or awning windows with casement windows, or adding a realigned and enlarged operable portion of industrial steel windows to meet life-safety codes."

Staff Recommendation:
Should the Historic Preservation Commission find it appropriate to approve the Material Change of Appearance Certification, staff do not recommend any conditions

Motion Language Options:

MCAC 2610 – Material Change of Appearance Certification

Approve the Material Change of Appearance Certification at 965 Manitou Avenue, based upon the findings that the request meets the review criteria for granting a Material Change of Appearance Certification as set forth in City Code Section 17.04.050.B.5.

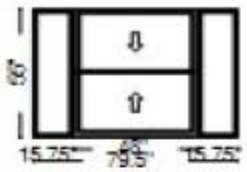
Approve the Material Change of Appearance Certification at 965 Manitou Avenue, based upon the findings that the request meeting the review criteria for granting a Material Change of Appearance Certification, as set forth in City Code Section 17.04.050.B.5, with conditions as follows…

Deny the Material Change of Appearance Certification at 965 Manitou Avenue, based upon the findings that the request does not meet the review criteria for granting a Material Change of Appearance Certification, as set forth in City Code Section 17.04.050.B.5.

Postpone the Material Change of Appearance Certification at 965 Manitou Avenue, to August 5, 2026, for further consideration.

Terms of Use and Privacy Policy

Line #	Location:	Attributes
20	None Assigned	



PK #
2237

Viewed From Exterior

Rough Opening: 80 - 1/4" X 55 - 3/4"

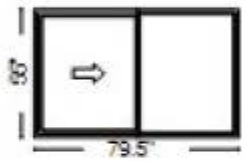
Lifestyle, Direct Set Fixed Frame Rectangle, Double Hung, Lifestyle, Direct Set Fixed Frame Rectangle, 79.5 X 55, Without HGP, Black

1: 15.7555 Fixed Frame Direct Set
Frame Size: 15 3/4 X 55
Unit Type: No Program
General Information: No Package, Without Hinged Glass Panel, Interior Glazed, Standard, Clad, Pine, 5", 3 11/16"
Exterior Color / Finish: Standard Enduraclad, Black
Interior Color / Finish: Black Stain Interior
Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude
Performance Information: U-Factor 0.28, SHGC 0.32, VLT 0.62, CPD PEL-N-18-04208-00001, Performance Class AW, PG 90, Calculated Positive DP Rating 90, Calculated Negative DP Rating 90, FPA FL10354, STC 27, OITC 22
Grille: No Grille,
2: Non-Standard Size Double Hung, Equal
Frame Size: 48 X 55
Unit Type: No Program
General Information: No Package, Without Hinged Glass Panel, Clad, Pine, 5", 3 11/16", Jambliner Color: **Black**
Exterior Color / Finish: **Standard Enduraclad, Black**
Interior Color / Finish: **Black Stain Interior**
Glass: **Insulated Low-E Advanced Low-E Insulating Glass Argon Non High Altitude**
Hardware Options: **Cam-Action Lock, 2 Locks, White, No Limited Opening Hardware, Order Sash Lift, 2 Lifts, Shipped Separate, No Integrated Sensor**
Screen: **No Screen**
Performance Information: **U-Factor 0.30, SHGC 0.30, VLT 0.57, CPD PEL-N-35-00514-00001, Performance Class LC, PG 25, Calculated Positive DP Rating 25, Calculated Negative DP Rating 25, FPA FL12952, STC 27, OITC 23, Clear Opening Width 44.812, Clear Opening Height 24.25, Clear Opening Area 7.546465, Egress Meets minimum clear opening and 5.7 sq.ft**
Grille: **No Grille,**
3: 15.7555 Fixed Frame Direct Set
Frame Size: **15 3/4 X 55**
Unit Type: **No Program**
General Information: **No Package, Without Hinged Glass Panel, Interior Glazed, Standard, Clad, Pine, 5", 3 11/16"**
Exterior Color / Finish: **Standard Enduraclad, Black**
Interior Color / Finish: **Black Stain Interior**
Glass: **Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude**
Performance Information: **U-Factor 0.28, SHGC 0.32, VLT 0.62, CPD PEL-N-18-04208-00001, Performance Class AW, PG 90, Calculated Positive DP Rating 90, Calculated Negative DP Rating 90, FPA FL10354, STC 27, OITC 22**
Grille: **No Grille,**
Vertical Mull 1: **FactoryMull, Standard Joining Mullion, Mull Design Pressure- 20, Overall Thru Direction- Vertical**
Vertical Mull 2: **FactoryMull, Standard Joining Mullion, Mull Design Pressure- 20, Overall Thru Direction- Vertical**
Wrapping Information: **Foldout Fins, Factory Applied, No Head Drip Cap, No Exterior Trim, 3-11/16", 5", Factory Applied, Manufacturer Recommended Clearance, Perimeter Length = 269".**

Thank You For Your Interest In Pella® Products

ument. Save time by reading a summary using AI Assistant.
Terms of Use and Privacy Policy

Line #	Location:	Attributes
15	None Assigned	



PK #
2237

Viewed From Exterior
Rough Opening: 80" X 55.5"

Pella 250 Series, Sliding Window, Vent Right / Fixed, 79.5 X 55, Black

1: Non-Standard SizeNon-Standard Size Vent Right / Fixed Double Slider
Frame Size: 79 1/2 X 55
General Information: Standard, Vinyl, Block / Box Frame, No Foam Insulated, 3 1/4", 3 1/4", Sill Adapter Included, Head Expander Included
Exterior Color / Finish: Black, Laminated
Interior Color / Finish: White
Glass: Insulated Dual Low-E Advanced Low-E Insulating Glass Argon Non High Altitude
Hardware Options: Cam-Action Lock, 1 Lock, White, No Limited Opening Hardware
Screen: Hidden Screen Single Vent, Shipped In Unit
Performance Information: U-Factor 0.28, SHGC 0.29, VLT 0.55, CPD PEL-A-292-00065-00016, Performance Class LC, PG 30, Calculated Positive DP Rating 30, Calculated Negative DP Rating 30, FPA FL16809, STC 25, OITC 22, Clear Opening Width 34.792, Clear Opening Height 50.75, Clear Opening Area 12.26176, Egress Meets minimum clear opening and 5.7 sq.ft
Grille: No Grille,
Wrapping Information: Manufacturer Recommended Clearance, Perimeter Length = 269".
Venting Width: Equal

Letter of Explanation – Historic Preservation
(Manitou Springs, CO)

Date: May 8, 2026

To:
Historic Preservation Commission
City of Manitou Springs, Colorado

Re: Property Address: 965 Manitou Ave Manitou, CO 80829

Dear Commission Members,

I am writing to provide a letter of explanation regarding the proposed work at the above-referenced property, which is located within the historic district of Manitou Springs, Colorado.

Project Description:

This project involves modifying a picture window fixed glass panel within the front storefront window system to allow for installation of a service opening for beverage sales to pedestrians. Existing surrounding framing and architectural elements are to remain intact to preserve the historic character of the building facade. Work will be performed in a manner intended tos minimize alteration to the existing historic storefront appearance.

Reason for Work / Necessity:

To place a window that has the functions to open.

Materials & Design Considerations (including how they align with historic guidelines):

We would like to provide the owner of this building with the option to utilize the option of a vinyl window frame or a wood window frame with aluminum clad exterior. Customer initially stated as a white vinyl window. If it needs to be a different color to achieve approval, please indicate, as there are other color options. We can accommodate either a vinyl or a wood framed window. It will be a window with end flankers being fixed and the center being able to open up and down on the bottom sash.

Impact on Historic Character:

See above paragraphs.

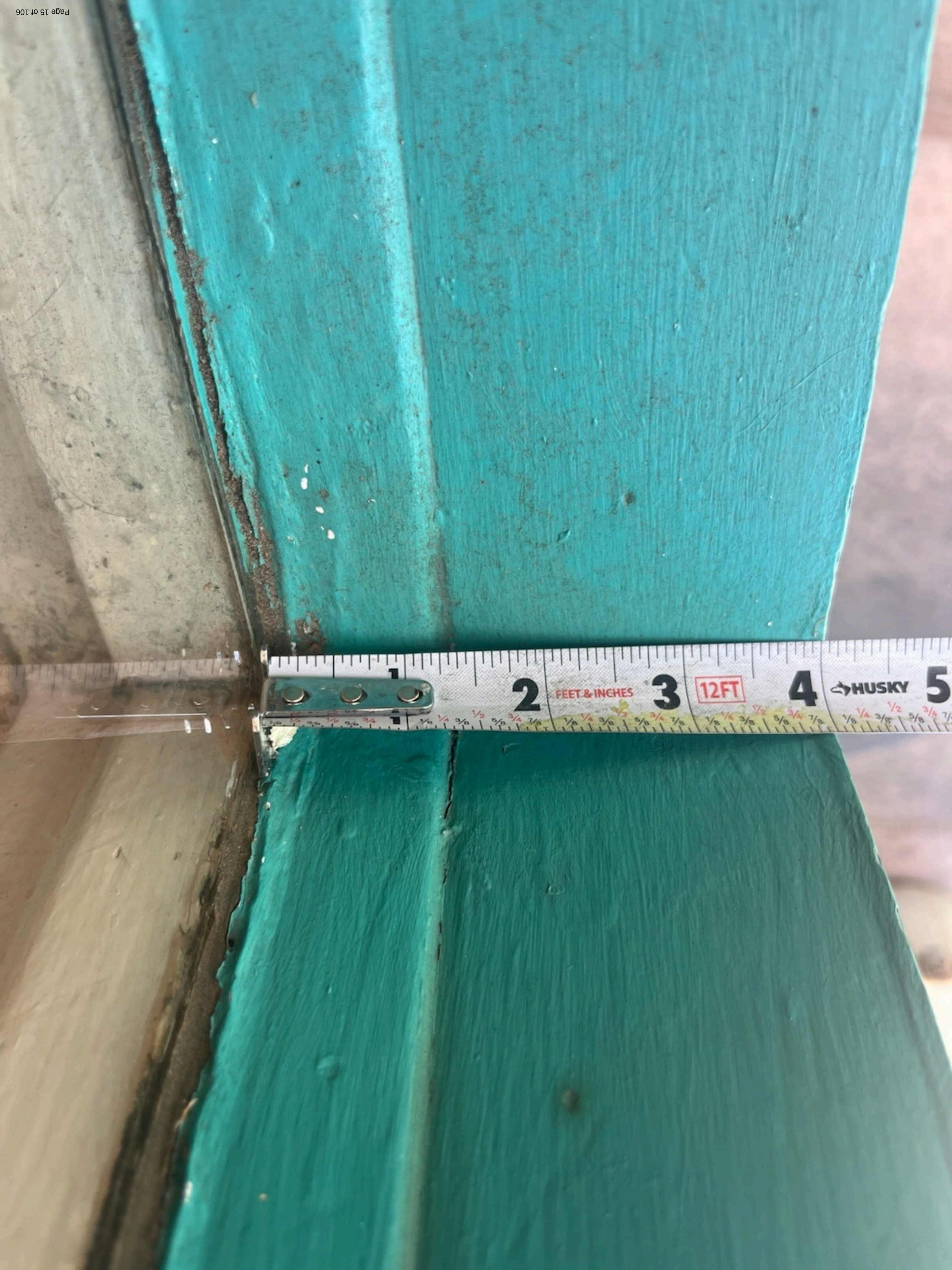
Contractor / Company (if applicable):
Name: [redacted]
Phone:

Homeowner / Applicant Information:
Name: [redacted]
Phone:
Email:

I appreciate your time and consideration of this request. Please feel free to contact me if additional information or clarification is needed.

Sincerely,

953
NO PETS
OPEN
BUSINESS HOURS:
Mon. 12:00 to 8:00
Tues. 12:00 to 8:00
Wed. 12:00 to 8:00
Thur. 12:00 to 8:00
Fri. 12:00 to 9:00
Sat. 11:00 to 9:00
Sun. 11:00 to 8:00


FEET & INCHES
12FT
HUSKY

width

Title: MCAC 2611 - 80 Waltham Avenue (Exterior Alterations)
From: Zachary Davison - Planner II
To: Historic Preservation Commission
Address of Proposal: 80 Waltham Avenue
Applicant: Scott Harvey

July 1, 2026

Proposal:

The applicant, on behalf of the property owners, is seeking approval to replace a failing wood retaining wall with a concrete alternative. Additionally, a trash enclosure is proposed, which will be constructed along the wall near Watham Avenue. The retaining wall will be colored to match an approved color sample that best complements the adjacent red rock formations. The trash enclosure will be painted a similar tone.

Zone District:

General Residential (GR)

Historic Subdistrict:

Ruxton Historic Subdistrict

Background and Existing Conditions:

The primary structure on the property was built in 1899 and comprises 2,096 square feet above grade. The retaining wall in question is located on the east side of the property, where it retains the grade necessary to accommodate the parking area. The wall is adjacent to a solid rock face and sits below the primary structure, which is positioned diagonally up the slope. At present, the retaining wall is constructed of landscaping timbers stacked horizontally. While its current age is unknown, photographs from the 1990s show the wall similarly constructed of horizontally stacked timbers, but with the addition of vertical lateral supports, suggesting the current wall to be approximately 30 years old.

Public Involvement:

The application was noticed in accordance with Section 17.04.100 of the Manitou Springs Municipal Code. No public comment has been received as of the publication of this report.

Findings and Review Criteria:

The following guidelines are applicable to this project:

Chapter 10: Site Improvements for Residential and Commercial Properties

10.1 Preserve all existing stone walls, bridges and stairs.

Not applicable.

10.2 In areas of steep topography, incorporate traditional entry features such as retaining walls, bridges and stairs into the site plan.

The property is located in an area of steep topography. The proposed concrete retaining wall serves as a traditional site improvement element consistent with the treatment of grade changes along Waltham Avenue. The replacement wall will occupy the same location and fulfill the same function as the existing timber retaining wall.

10.3 New retaining walls, bridges and stairs shall match the appearance and alignment of existing and/or adjacent walls, as well as the character, quality and appearance of other retaining walls, bridges and stairs in the Historic District.

The proposed retaining wall will be colored to match an approved color sample that best complements the adjacent red rock formations. The wall will maintain the same alignment as the existing retaining wall. The applicant acknowledges that the guidelines prefer stone; however, the structural condition of the existing wall necessitates replacement with concrete.

10.4 New driveways, service access and drop-off zones shall be designed to minimize the visual impact on the overall streetscape, including the sidewalk.

Not applicable.

10.5 Parking areas and surface parking lots shall be screened from view.

Not applicable.

10.6 Mechanical equipment and service areas shall not be a dominant component along the street edge.

The proposed trash enclosure will be constructed along the retaining wall near the road. The enclosure will be painted a tone similar to the retaining wall, minimizing its visual impact along the street edge. It should also be noted that per Title 18, trash enclosures are not considered structures and are not subject to setback or other zoning standards. The enclosure is further consistent with the Manitou Springs Wildlife Ordinance (commonly referred to as the Bear Smart Ordinance), codified at Municipal Code Section 7.10.030, which requires that trash receptacles be secured from wildlife at all times and stored in a wildlife-resistant container or a secure location inaccessible to wildlife.

10.7 Infill and redevelopment projects shall maintain the tradition of contributing to the ambience of downtown by including site elements and enhancements that complement the streetscape and associated public spaces in the Historic Core.

Not applicable.

10.8 Exterior lighting shall not compete with pedestrian lights installed in the public right-of-way, but shall supplement the overall street lighting scheme to create a pleasant and safe pedestrian experience at night.

Not applicable.

10.9 Exterior light fixtures shall be similar in character and intensity to those used traditionally on the exterior of contributing commercial or residential buildings.

Not applicable.

10.10 Security features shall not be discerned as a primary component to the front building façade during day, evening or night hours.

Not applicable.

10.11 Integrally colored materials such as stucco, roofing, stone, mortar and concrete will be reviewed by Planning Staff.

The proposed concrete retaining wall will be integrally colored. The selected color will be drawn from an approved color sample that best complements the adjacent red rock formations.

Staff Recommendation:

Should the Historic Preservation Commission find it appropriate to approve the Material Change of Appearance Certification, staff does not recommend any conditions.

Motion Language Options:

MCAC 2611 – Material Change of Appearance Certification

Approve the Material Change of Appearance Certification at 80 Waltham Avenue, based upon the findings that the request meets the review criteria for granting a Material Change of Appearance Certification as set forth in City Code Section 17.04.050.B.5.

Approve the Material Change of Appearance Certification at 80 Waltham Avenue, based upon the findings that the request meets the review criteria for granting a Material Change of Appearance Certification, as set forth in City Code Section 17.04.050.B.5, with conditions as follows…

Deny the Material Change of Appearance Certification at 80 Waltham Avenue, based upon the findings that the request does not meet the review criteria for granting a Material Change of Appearance Certification, as set forth in City Code Section 17.04.050.B.5.

Postpone the Material Change of Appearance Certification at 80 Waltham Avenue, to August 5, 2026, for further consideration.

Manitou Springs Historical Preservation Committee

Retaining Wall at 80 Waltham Ave.

This project seeks to solve two problems, a failing retaining wall and bear proofing trash receptacles.

We don't know the origins of the wood retaining wall issue. We suspect that at some point the parking area was enlarged and possibly removed a portion of the stone retaining wall that ran perpendicular to the street. The two stones at the top of the wall are indicators of this conclusion.

Over time someone installed a RR Tie retaining wall which ultimately failed. These RR Tie timbers often last 20-30 years. After that the small timber retaining wall was installed. We're guessing the stone wall that may have been present was damaged or removed better than 50 years ago.

It is apparent that the wood retaining wall solution is not durable and the owner wishes to build a concrete retaining wall.

Connecting the stone wall along the street to the concrete retaining wall is not appropriate as they will not act alike and the concrete wall being stronger will tear apart the stone wall. A means of having isolation between the two walls would be appropriate.

We would be open to using one the approved Manitou colors for concrete above grade.

As for the trash enclosure, the owner has tried bear proof locks on the trash cans which just frustrates the bears and they end up throwing the trash containers around and into their cars. The owners would like a better, more discrete, solution for the trash security.

CHECKLIST FOR APPLICABILITY
City of Manitou Springs Historic District Design Guidelines

Project Name and/or Address _____ **Date** _____

STEP 1: Identify an approach for your project (see page 1.7 of the Historic Design Guidelines)
STEP 2: Complete the following Checklist

- **Is the Guideline applicable? If yes, is your project in compliance with the Guideline? If your project is not in compliance, please <u>indicate why not and describe your alternative strategy for fulfilling the intent of the Guideline</u>.**

Photographs and supplemental information are encouraged. Please use a separate piece of paper if you need additional space.

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
Chapter 1: Introduction (Includes Philosophy, How to Use the Design Guidelines and the Submittal Process)								
Chapter 2: Historic Context (Includes information about the Historic Subdistricts on pages 2.7-2.60 and Architectural Styles on pages 2.61-2.72)								
Chapter 3: Guidelines for SUSTAINABLE Building Strategies								
3.1	3.6	Solar Panels and Photovoltaic Cells		X				
3.2	3.6	Satellite Dish Antennas		X				
Chapter 4: Guidelines for Preservation, Alterations and Additions to CONTRIBUTING RESIDENTIAL Structures								
4.1	4.1	Architectural Character		X				
4.2	4.2	Building Alignment		X				
4.3	4.2	Building Orientation		X				
4.4	4.2	Building Height		X				
4.5	4.4	Mass & Scale		X				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
4.6	4.4	Roof Form		X				
4.7	4.5	Roof Materials		X				
4.8	4.6	Chimneys		X				
4.9	4.6	Dormers		X				
4.10	4.7	Skylights		X				
4.11	4.7	Porches		X				
4.12	4.8	Porch Material		X				
4.13	4.9	Windows		X				
4.14	4.10	Doors		X				
4.15	4.11	Architectural Details		X				
4.16	4.12	Foundation Ornamentation & Details		X				
4.17	4.12	Foundation Ornamentation & Details		X				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
4.18	4.13	Materials	X		X	X	Isn't/wasn't part of the original structure	
4.19	4.13	Materials	X		X	X	Isn't/wasn't part of the original structure	
Chapter 5: Guidelines for NEW RESIDENTIAL Construction								
5.1	5.2	Building Alignment						
5.2	5.3	Building Orientation						
5.3	5.3	Building Height						
5.4	5.4	Mass & Scale						
5.5	5.4	Mass & Scale						
5.6	5.5	Building Materials						
5.7	5.5	Roof Form						
5.8	5.6	Roof Materials						
5.9	5.6	Porches						

Notes on Foundation and Concrete

GENERAL
1. All foundation and concrete work shall comply with the International Building Code and American Concrete Institute standards.

SOIL
1. SOILS REPORT BY Estimated
   Allowable bearing capacity is 1500 psf , EFP is 45pcf
2. Builder, contractor and subcontractors shall follow all recommendations of Soils Report including but not limited to; open hole testing, soil compaction, drainage, perimeter drain, suspended walls and isolation of structure from soil .
3. Remove all loose soil from footing areas and compact per soils report.

CONCRETE
1. All concrete is 3000psi strength (after a maximum 28 day cure).
2. All concrete is TYPE II and calcium chloride must not be added.

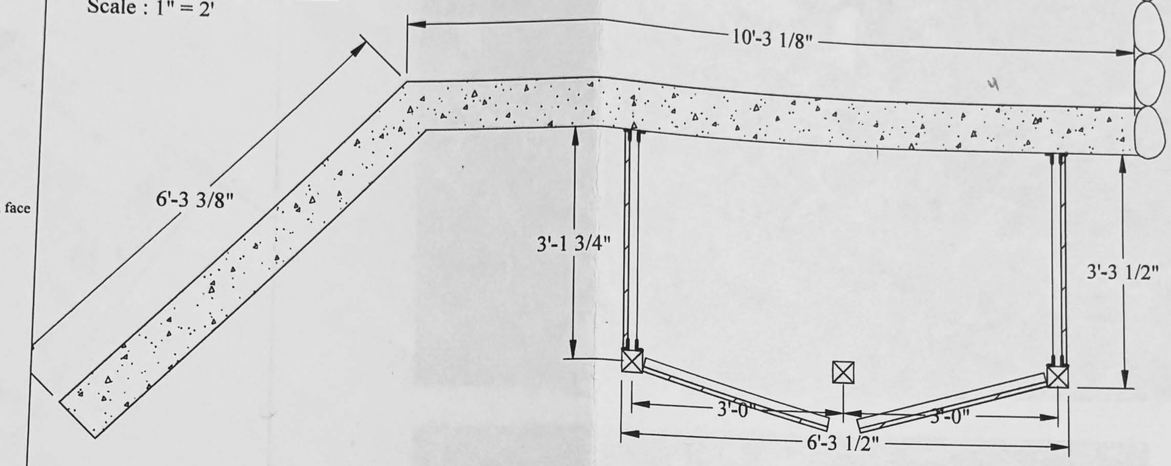
REINFORCING
1. All rebar is Grade 60
2. All rebar splices must lap each other as follows:
   #4's = 12"
   #5's = 16" Welded Wire Fabric (mesh) must overlap two wires.
   #6's = 20"
   #7's = 27"
   #8's = 35"
3. Rebar must be minimum distances from face of concrete as follows:
   Concrete exposed to earth or weather;
   #6 bars and larger is 2" from face, #5's and smaller is 1.5" from face
   Concrete not exposed to weather or earth;
   in slabs, walls & joists: #14 and larger is 1.5" from face, #11 and smaller is .75" from face
   in beams and columns: all rebar, ties and stirrups are 1.5" from face
4. Mimimum bend diameter for rebar is as follows: #4 = 2.5" , #5 = 3" , #6 = 3.5"

FOOTINGS
1. Footings can be poured 'neat' in trenches of proper width with vertical sides. (Note, top of footing should be flat and level to start wall forms from.)
2. Place vertical dowels in footing at spacing of vertical rebar. Observe splice lengths above.
3. Continuous rebar in footing shall be bent around corners and spliced as described above.
4. All rebar in footings must be 3" above soil and 3" from forms.

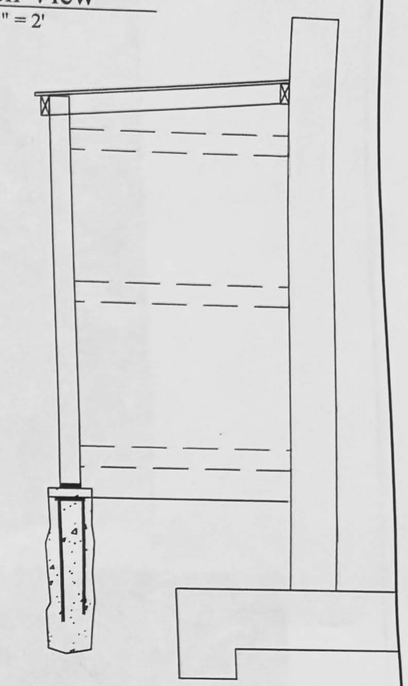
WALLS & BEAMS
1. Rebar is centered in walls, Unless Noted Otherwise
2. Continuous bars in top of wall are 2" down from top of concrete.
3. Anchor bolts shall be placed between these top bars.
4. Never place anchor bolt between rebar and edge of concrete.
5. Unless authorized by engineer, backfill against against full basement walls must wait until slab on grade is complete and cured.

SLABS
1. Wire mesh is centered in slab
2. Slabs are to be poured with a maximum slump of 6".
3. All slabs have control joints @ 10' oc each way and min. 1.5" deep.

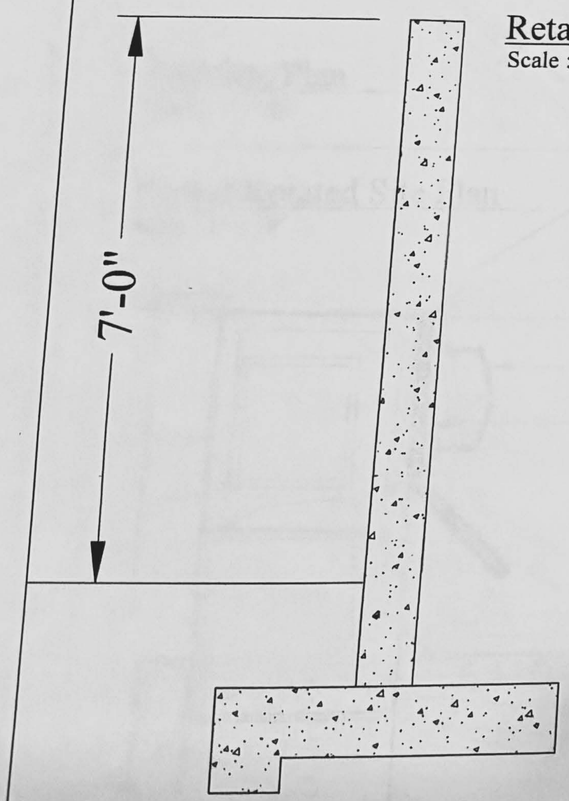
Plan View
Scale : 1" = 2'



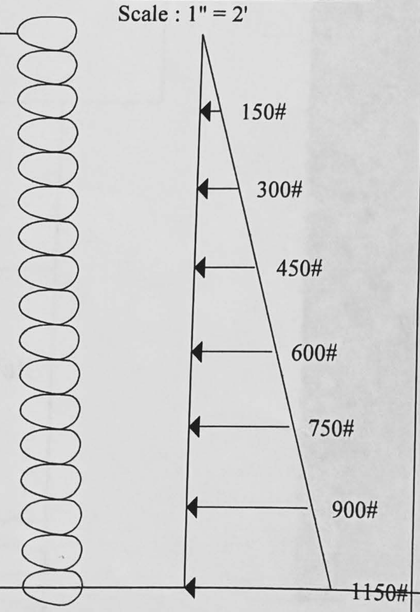
Section View
Scale : 1" = 2'



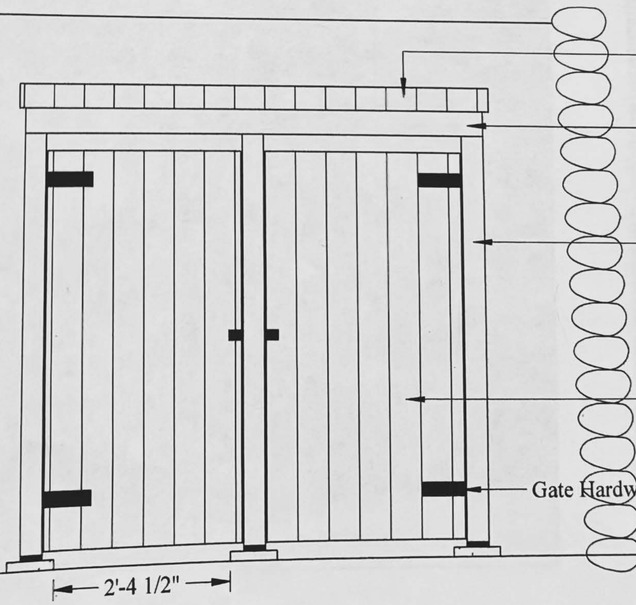
Retaining Wall
Scale : 1" = 2'



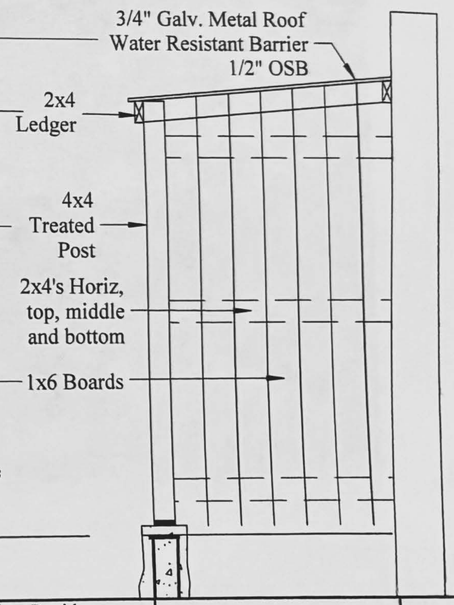
Wall Intersection
Scale : 1" = 2'



Elevation View - Parking Side
Scale : 1" = 2'



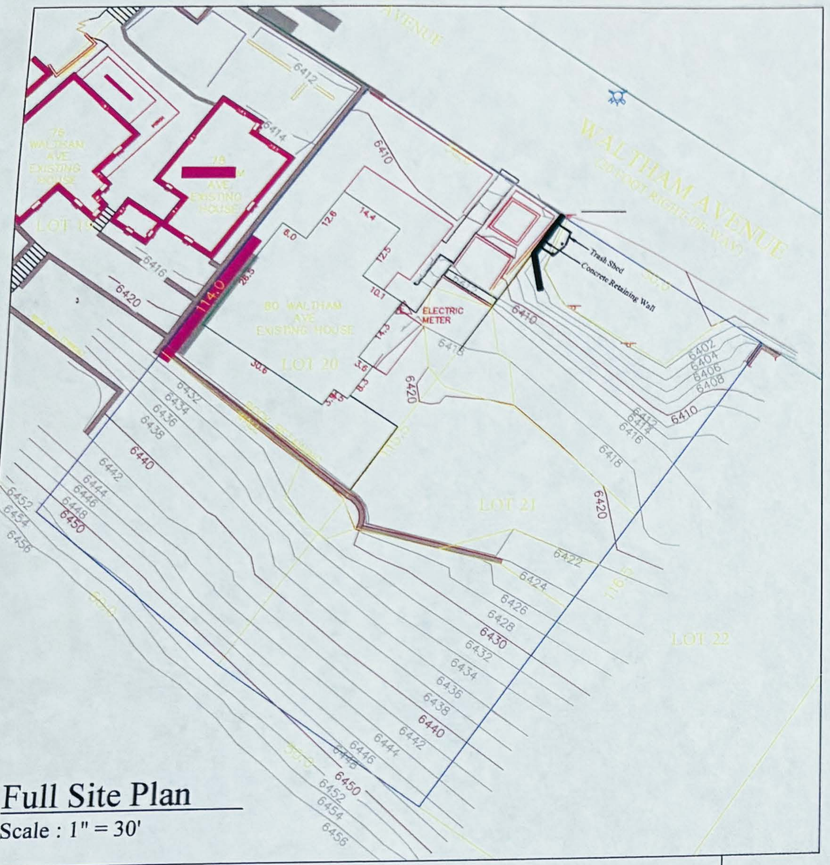
Elevation View - Street Side
Scale : 1" = 2'



Art of Engineering, Inc
515 Manitou Ave #260, Manitou Springs, CO 80829
e-mail : service@ArtofEngineering.com WebSite : www.ArtofEngineering.com

Client Bresnahan Residence
Address 80 Waltham
Date May 4 2026 By

Retaining Wall

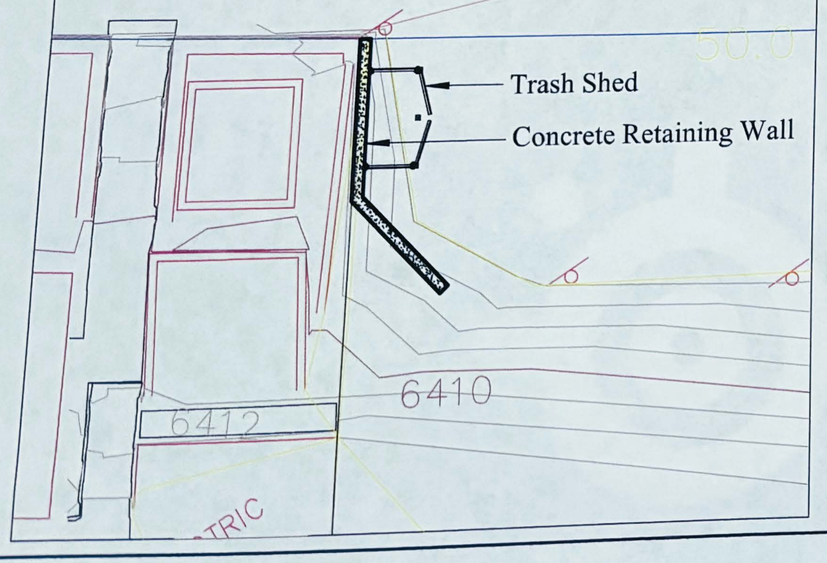


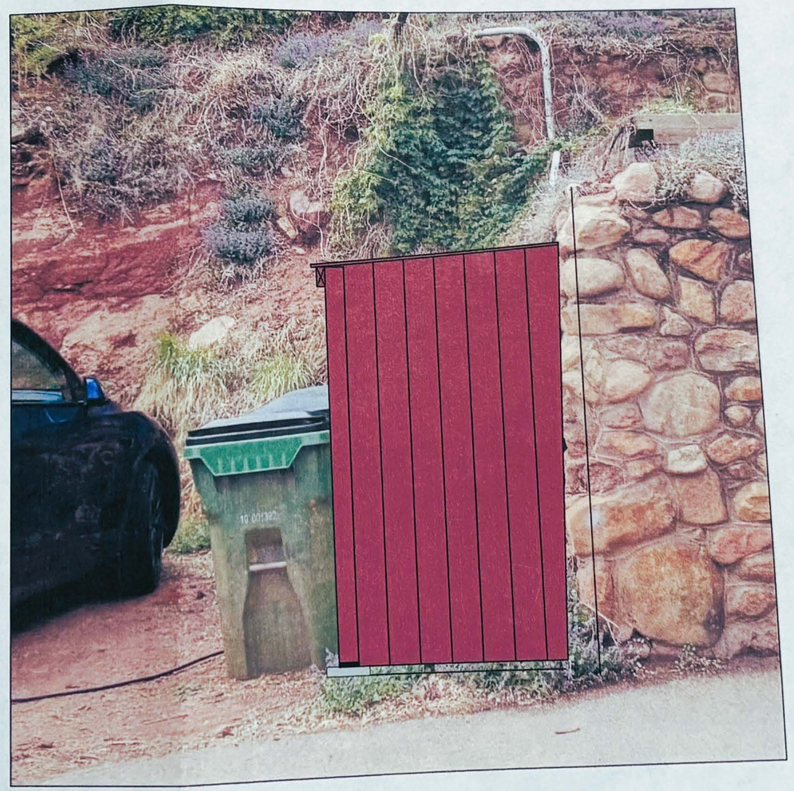
Full Site Plan

Scale : 1" = 30'

Partial/Rotated Site Plan

Scale : 1" = 10'





Art of Engineering, Inc
515 Manitou Ave #260, Manitou Springs, CO 80829
e-mail : service@ArtofEngineering.com WebSite : www.ArtofEngineering.com

Client Bresnahan Residence
Address 80 Waltham
Date May 4 2026 By

Retaining Wall

NO
PARKING
TOW-AWAY
ZONE

Title: MCAC 2612 - 2 Grand Avenue - New Construction of Accessory Structure
From: Chelsea Royston
To: Historic Preservation Commission
Address of Proposal: 2 Grand Avenue
Applicant: John Pearring, Owner

July 1, 2026

Proposal:
The applicant requests a Material Change of Appearance Certification to permit construction of a detached accessory structure. The proposed one-story structure will be constructed on the existing parking lot to create three two-car garages for use by the occupants of the upper three floors of the accompanying residential structure.

Zone District:
The property is zoned General Residential.

Historic Subdistrict:
The property is in the Agate Hill Historic Subdistrict.

Background and Existing Conditions:
The principal structure on the site is a four-story residential condominium building that was originally constructed in 1890. The architectural inventory report is attached. The building was renovated with HPC approval in 2020. While the principal structure is a contributing resource, the proposed accessory structure will be reviewed under Chapter 9 of the Historic District Design Guidelines for Secondary Structures. The City Planning Commission will also review a setback variance request for this project.

The site, known as the Nolan House, is listed as one of the notable structures in the Agate Hill Historic Subdistrict. The primary structure is classified as Queen Anne Style and has multiple siding materials. The proposed garage will use similar materials as were approved for the 2020 renovation. The proposed location of the garage will be where the existing parking spaces are, and will extend further into the landscaped area adjacent to Canon Avenue. The landscaping area currently has several retaining walls, though only the lower-most wall, directly adjacent to the sidewalk, is historic. The project does not intend to affect the historic wall. The site fronts three streets; the front facade of the principal structure faces Grand Avenue, the secondary entrance is along the Canon Avenue frontage, and the access to the main parking lot is on the Spencer Avenue frontage. The main parking lot has six parking spaces; two for each residential unit on the three upper floors. The lower level unit has two parking spaces in a separate parking area near the secondary entrance.

The proposed materials are:
- Roof: Synthetic Shake Roofing to match primary structure on a 9/12 ptich gable roof
- Siding: Cedar Shake Siding in the Gable ends and on walls between garage overhead doors, 1x6

cedar lap siding, stucco wainscot on Canon Avenue side, rock facade on exposed foundation
- Doors: overhead doors with faux decorative hardware, firerated pedestrian entry doors
- Windows: vinyl sliding windows
- Exterior Lighting: full cut off sconces

Public Involvement:
The application was publicly noticed in accordance with Section 17.04.100 of the Manitou Springs Municipal Code. The Planning Department received one phone inquiry from a nearby property owner who was concerned about lot coverage and visual impact of the steep roof pitch. While the proposed height of the structure is within the permitted 25 foot height allowance, the lot coverage appears to exceed the maximum permitted (50%).

Findings and Review Criteria:
The following guideline is applicable to this project:

Chapter 9: Guidelines for Secondary Structures
9.3 Double-car garages that are more appropriate to modern lifestyles should be set back out of view to the degree possible, should reflect the building style of the primary structure, and if the garage door is visible from the public right-of-way should be or appear to be two single doors.

The subject property fronts three public roadways, which automatically makes any structure on the property visible from the public right of way. The structure has been designed to complement the primary structure in materials and scale. The three garage doors are oriented toward the interior of the lot so that they are minimally visible from the right of way.

Staff Recommendation:
Should the Historic Preservation Commission find it appropriate to grant the proposed Material Change of Appearance Certification, staff recommends the following conditions:

1. Approval of the proposed MCAC is contingent on the approval of required variance(s), or;
2. Should the required variance(s) be denied, staff shall be authorized to approve the modified design without further review by the Historic Preservation Commission.

Motion Language Options:
Approve the Material Change of Appearance Certification at 2 Grand Avenue, based upon the findings that the request meets the review criteria for granting a Material Change of Appearance Certification as set forth in City Code Section 17.04.050.B.5.

Approve the Material Change of Appearance Certification at 2 Grand Avenue, based upon the findings that the request meets the review criteria for granting a Material Change of Appearance Certification, as set forth in City Code Section 17.04.050.B.5, with conditions as follows…

Deny the Material Change of Appearance Certification at 2 Grand Avenue, based upon the findings that the request does not meet the review criteria for granting a Material Change of Appearance Certification, as set forth in City Code Section 17.04.050.B.5.

Postpone the Material Change of Appearance Certification at 2 Grand Avenue, to August 5, 2026, for further consideration.

June 19, 2026

[redacted]

RE: A **letter of explanation** containing the following information:

- Property address: 2 Grand Ave., Manitou Springs, CO 80829
- Name, address, phone number, email of owner: John F. Pearring Jr. and Joanne M. Pearring, 1[redacted]
- Name, address, phone number, email of developer or contractor (if other than the owner): Our winning bid is from [redacted]
- Name, address, phone number, email of architect or designer – included services provided by [redacted]
- Description of any existing improvements on the property – In 2020, JFP Construction, LLC completed renovation of the 2 Grand Avenue apartment building into four condos. The renovation included landscaping of the property and paving for the existing parking lot. The renovation was honored with an award from the City of Manitou Springs as a model for historic preservation.
- A statement describing the scope of the project, the design intentions, and a comment on the project's visual impact on its surroundings:

  Description:

  The 2 Grand Avenue garage is being constructed for Units #101, #102 and #103. Each unit will have a separate 2-Car Garage. The footprint of the combined garages is 24’x60’.

  Each two-car garage share a wall. The garages will be owned individually by the residents of the top three units, or rented by a renter of a unit. Per the HOA rules, garages cannot be rented or sold. They are the responsibility of the resident.

  The building will be be framed with 2"x6" construction. The 10' interior walls and ceilings will be 5/8" sheetrock. Attic storage will be accessible via a pull down 22stairs 1⁄2” aluminum ladder in each unit. Each unit's garage has a separate 30”x60" single hung, insulated window facing Canon Avenue. The windows will be placed horizontally rather than vertically for security reasons. An 18’ x 8’ insulated garage door will be installed for each garage, and include a separate doorway for second access. The middle garage

owner/renter will have emergency access through the wall into one of the other garages.

Visual impact:

The garage will match the architectural appointments of the condo building. Matching lap siding, shake siding, stone facing on the hillside foundation, and the same Enviro roofing approved in 2014 for the condo building will be on the roof of the garages. A 4' strip of the east, Canon Avenue facing side of the building will have stucco to match the stucco present on all sides of the condo building.

Also, the pitch of the garage will match the condo building 9-12 pitch. The trim wood for doors and windows will match the 5/4 (1" rather than ¾") trim as that on the condo building.

The garage doors will have be a conservative, legacy design, painted brown to match the brown accent on the condo building. The colors of the trim, siding, and siding shakes will match the colors on the condo building.

We intend to match the Romanesque lip present on the outside of the condo building addition, separating each floor. The roof line overhang on the Condo building will also be copied on the garage.

Lights will be next to each garage and access door that will match the down-facing lights on the condo building.

We will install the ledgestone texture and colors to match the stone installed on the addition.

Sincerely,

[redacted]

John F. Pearring, Jr

[redacted]

CHECKLIST FOR APPLICABILITY
City of Manitou Springs Historic District Design Guidelines

Project Name and/or Address: 2 Grand Avenue Garages at 2 Grand Avenue - Date June 3, 2026

STEP 1: Identify an approach for your project (see page 1.7 of the Historic Design Guidelines)
STEP 2: Complete the following Checklist

Photographs and supplemental information are available as uploads into the Sharepoint folder.

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
Chapter 1: Introduction (Includes Philosophy, How to Use the Design Guidelines and the Submittal Process)								
Chapter 2: Historic Context (Includes information about the Historic Subdistricts on pages 2.7-2.60 and Architectural Styles on pages 2.61-2.72)								
Chapter 3: Guidelines for SUSTAINABLE Building Strategies								
3.1	3.6	Solar Panels and Photovoltaic Cells		✓				
3.2	3.6	Satellite Dish Antennas		✓				
Chapter 4: Guidelines for Preservation, Alterations and Additions to CONTRIBUTING RESIDENTIAL Structures								
4.1	4.1	Architectural Character	✓		✓			
4.2	4.2	Building Alignment	✓		✓			
4.3	4.2	Building Orientation	✓		✓			
4.4	4.2	Building Height	✓		✓			
4.5	4.4	Mass & Scale	✓		✓			

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
4.6	4.4	Roof Form	✓			✓		
4.7	4.5	Roof Materials	✓			✓		
4.8	4.6	Chimneys		✓				
4.9	4.6	Dormers		✓				
4.10	4.7	Skylights		✓				
4.11	4.7	Porches		✓				
4.12	4.8	Porch Material		✓				
4.13	4.9	Windows	✓		✓			
4.14	4.10	Doors	✓		✓			
4.15	4.11	Architectural Details	✓		✓			
4.16	4.12	Foundation Ornamentation & Details	✓		✓			
4.17	4.12	Foundation Ornamentation & Details	✓		✓			

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
4.18	4.13	Materials	✓		✓			
4.19	4.13	Materials	✓		✓			
Chapter 5: Guidelines for NEW RESIDENTIAL Construction								
5.1	5.2	Building Alignment		✓				
5.2	5.3	Building Orientation		✓				
5.3	5.3	Building Height		✓				
5.4	5.4	Mass & Scale		✓				
5.5	5.4	Mass & Scale		✓				
5.6	5.5	Building Materials		✓				
5.7	5.5	Roof Form		✓				
5.8	5.6	Roof Materials		✓				
5.9	5.6	Porches		✓				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
Chapter 6: Guidelines for Additions and Alterations to NON-CONTRIBUTING Structures								
6.1	6.1	Building Orientation		✓				
6.2	6.2	Mass & Scale		✓				
6.3	6.2	Building Materials		✓				
6.4	6.2	Roof Form		✓				
6.5	6.3	Architectural Details		✓				
Chapter 7: Guidelines for NEW Construction in the COMMERCIAL CORE (see also pages 2.53-2.55 and Chapter 10)								
7.1	7.3	Franchise Architecture		✓				
7.2	7.3	Building Alignment		✓				
7.3	7.4	Building Orientation		✓				
7.4	7.4	Mass & Scale		✓				
7.5	7.5	Building Form		✓				
7.6	7.5	Roof Form		✓				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
7.7	7.6	Storefronts		✓				
7.8	7.7	Storefronts		✓				
7.9	7.7	Storefronts		✓				
7.10	7.8	Architectural Details		✓				
7.11	7.9	Architectural Details		✓				
7.12	7.10	Architectural Details		✓				
7.13	7.11	Materials		✓				
7.14	7.11	Materials		✓				
7.15	7.11	Materials		✓				
7.16	7.12	Awnings		✓				
7.17	7.13	Nonconforming Commercial Buildings		✓				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
Chapter 8: Guidelines for New Construction and Additions in Selected SUBDISTRICTS								
8.1	8.2	Architectural Details of Historic Structures	✓		✓			
8.2	8.3	Architectural Details of Historic Structures	✓		✓			
8.3	8.4	Architectural Details of Historic Structures	✓		✓			
8.4	8.5	Franchise Architecture		✓				
8.5	8.5	Nonconforming Commercial Buildings		✓				
LOG CABIN SUBDISTRICT (see also pages 2.33-2.35, 10.6-10.7, and 10.9-10.10)								
8.6	8.7	Building Form		✓				
8.7	8.7	Primary Entrances and Porches		✓				
8.8	8.7	Garages		✓				
8.9	8.7	Garages		✓				
8.10	8.8	Building Materials		✓				

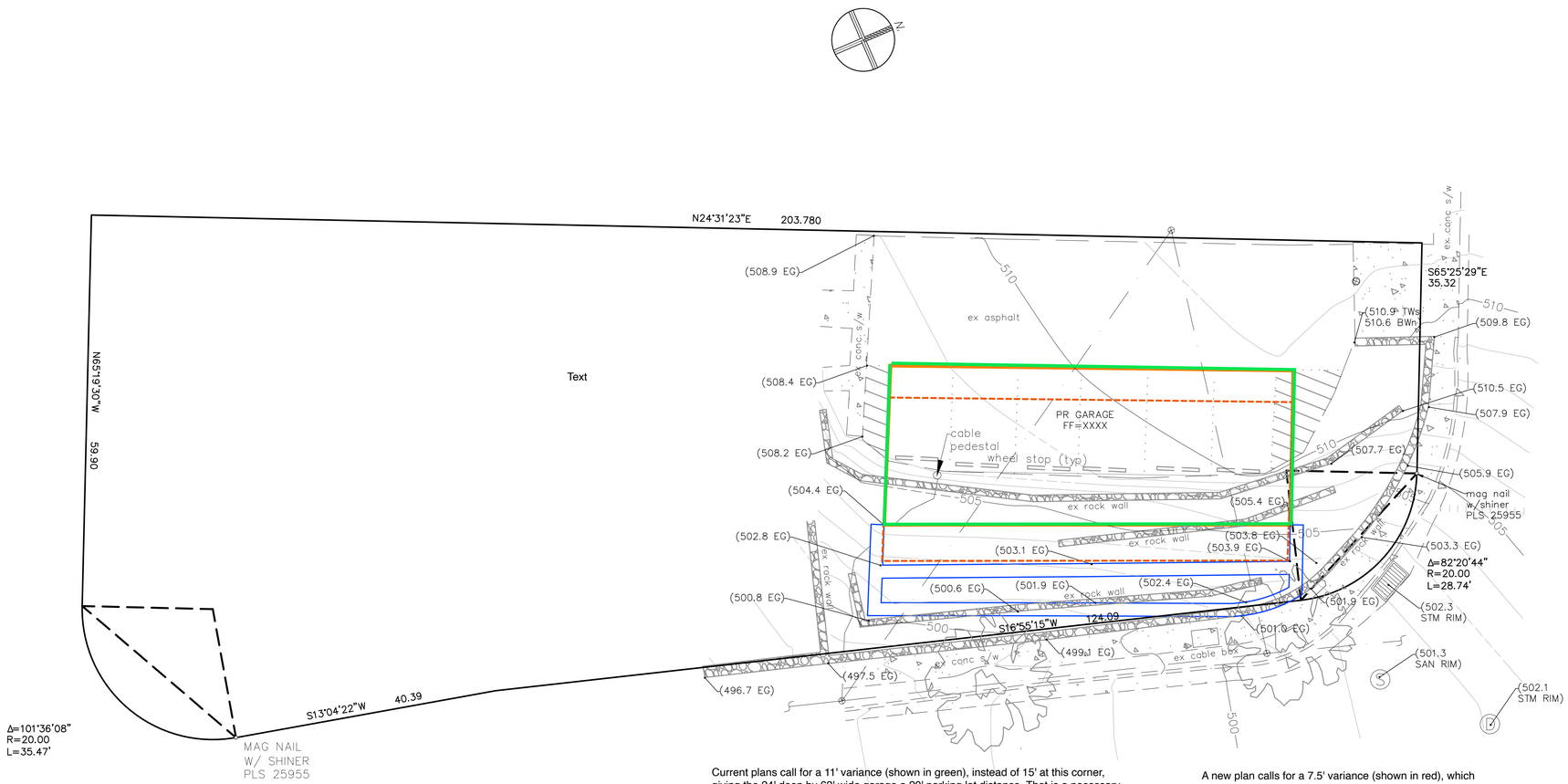
Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
EL COLORADO LODGE SUBDISTRICT (See also pages 2.21-2.23)								
8.11	8.8	Building Alignment		✓				
8.12	8.9	Building Orientation		✓				
8.13	8.9	Mass & Scale		✓				
8.14	8.9	Building Form		✓				
8.15	8.10	Roof Form		✓				
8.16	8.10	Materials		✓				
8.17	8.10	Materials		✓				
8.18	8.10	Materials		✓				
VILLAS SUBDISTRICT – Page 8.11 (See also pages 2.49-2.51 and Chapters 3, 4, 5, 6, 9, 10 and/or 11 as applicable)								
CLIFF DWELLINGS SUBDISTRICT (See also pages 2.17-2.19)								
8.19	8.12	Building Alignment		✓				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
8.20	8.12	Building Orientation		✓				
8.21	8.12	Mass & Scale		✓				
8.22	8.13	Building Form		✓				
8.23	8.13	Roof Form		✓				
8.24	8.14	Materials		✓				
8.25	8.14	Materials		✓				
8.26	8.14	Materials		✓				
W E S T M A N I T O U S U B D I S T R I C T – Pages 8.14-8.15 (See also pages 2.57-2.59 and Chapters 3, 4, 5, 6, 8, 9, 10 and/or 11 as applicable)								
Chapter 9: Guidelines for SECONDARY Structures								
9.1	9.1	Secondary Structures	✓		✓			
9.2	9.1	Secondary Structures	✓		✓			
9.3	9.1	Garages	✓		✓			
9.4	9.3	Carports Shade Structures		✓				

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
Chapter 10: Guidelines for SITE IMPROVEMENTS for Residential and Commercial Properties								
10.1	10.2	Stone Retaining Walls, Bridges & Stairs	✓		✓			
10.2	10.2	Stone Retaining Walls, Bridges & Stairs	✓		✓			
10.3	10.3	Stone Retaining Walls, Bridges & Stairs	✓		✓			
n/a	10.3	Site Drainage	✓		✓			
10.4	10.4	Automobile Access & Parking	✓		✓			
10.5	10.5	Automobile Access & Parking	✓		✓			
10.6	10.5	Mechanical Equipment & Service Areas	✓		✓			
n/a	10.6	Fencing	✓		✓			
10.7	10.8	Streetscape	✓		✓			
n/a	10.9	Vegetation	✓		✓			
10.8	10.10	Lighting	✓		✓			
10.9	10.11	Lighting	✓		✓			

Guideline	Page	Category	Applicable?		Compliant?		Why Not?	Alternative Strategy
			Yes	No	Yes	No		
10.10	10.11	Security	✓		✓			
10.11	10.12	Integral Color: Roofing, Natural Stone, Grout, Concrete	✓		✓			
n/a	10.12	Painting and Surface Treatments	✓		✓			
n/a	10.13	Historic District Color Palette	✓		✓			
Chapter 11: Guidelines for Building RELOCATION								
11.1	11.1	Building Relocation		✓				
11.2	11.1	Building Relocation		✓				
11.3	11.1	Building Relocation		✓				
APPENDIX A: Secretary of the Interior: Standards for Treatment of Historic Properties								
APPENDIX B: Technical Maintenance and Preservation Information								
APPENDIX C: Tax Credits and Other Incentives for Historic Preservation								
APPENDIX D: Glossary of Terms								

Depiction of 7.5' variance and 11' variance for 2 Grand Avenue garages

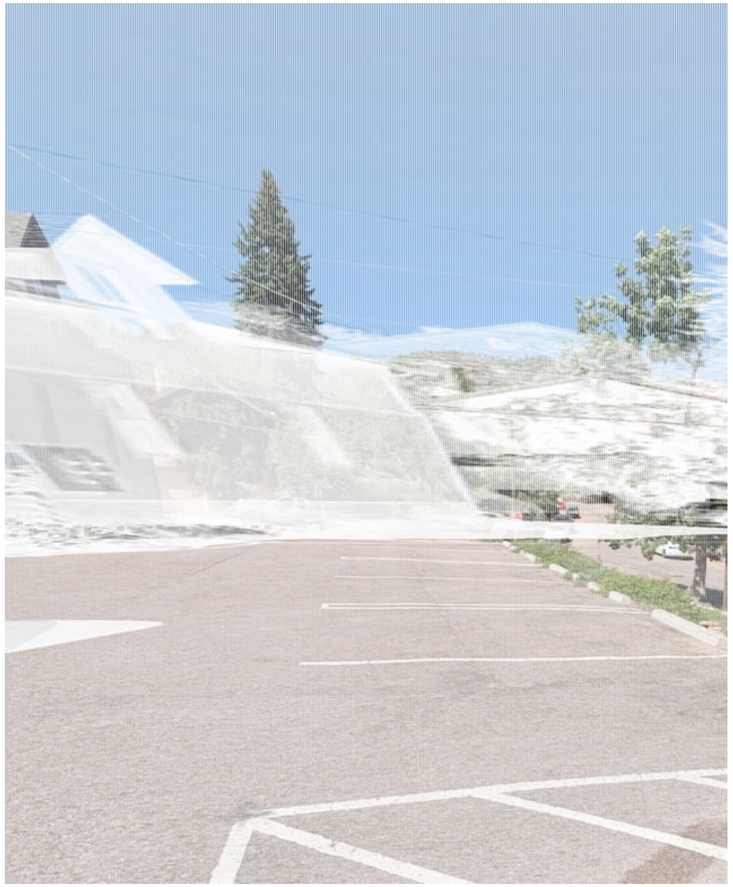


Current plans call for a 11' variance (shown in green), instead of 15' at this corner, giving the 24' deep by 62' wide garage a 20' parking lot distance. That is a necessary variance request from 15'.

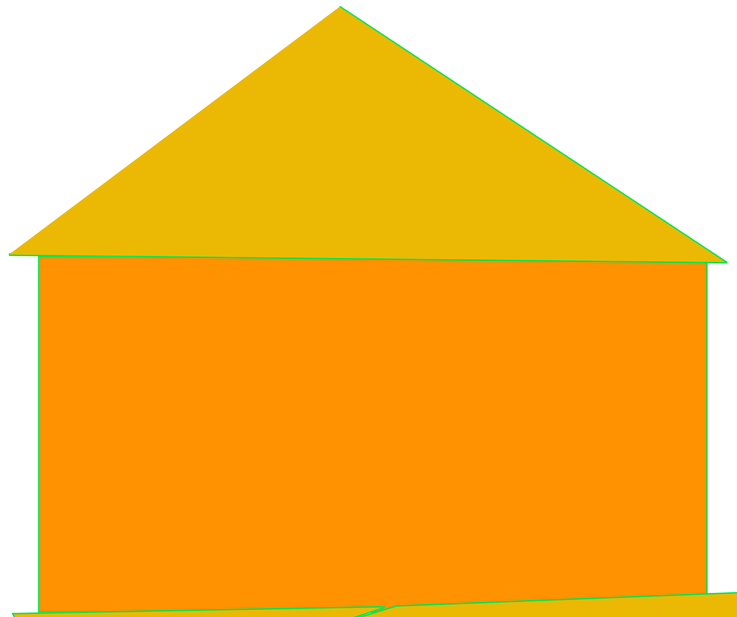
A new plan calls for a 7.5' variance (shown in red), which gives us a deeper parking lot at 24' for easier entrance and exit into and out of each garage doorway.

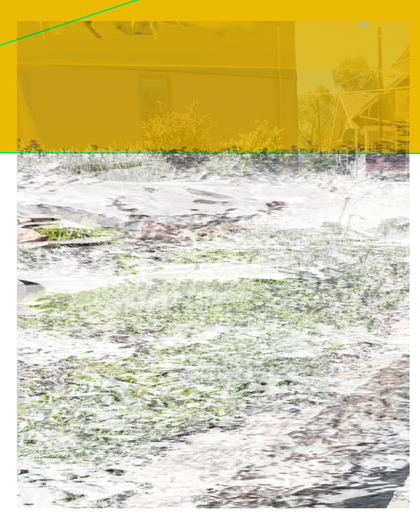
Location of 2 Grand Avenue garages

Elevation and placement in existing spot at 2 Grand Avenue garages



23 ft from bottom of foundation wall to peak of the roof line.





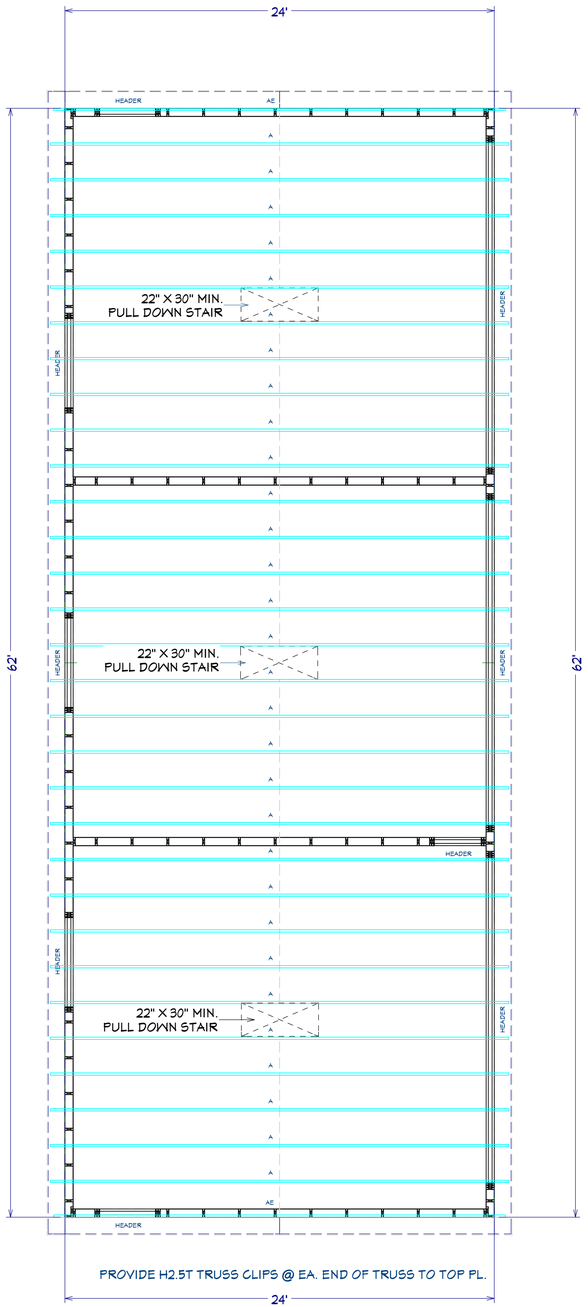
All existing green stone walls remain

Setback of garages (the original 2 Grand Avenue garage) next door

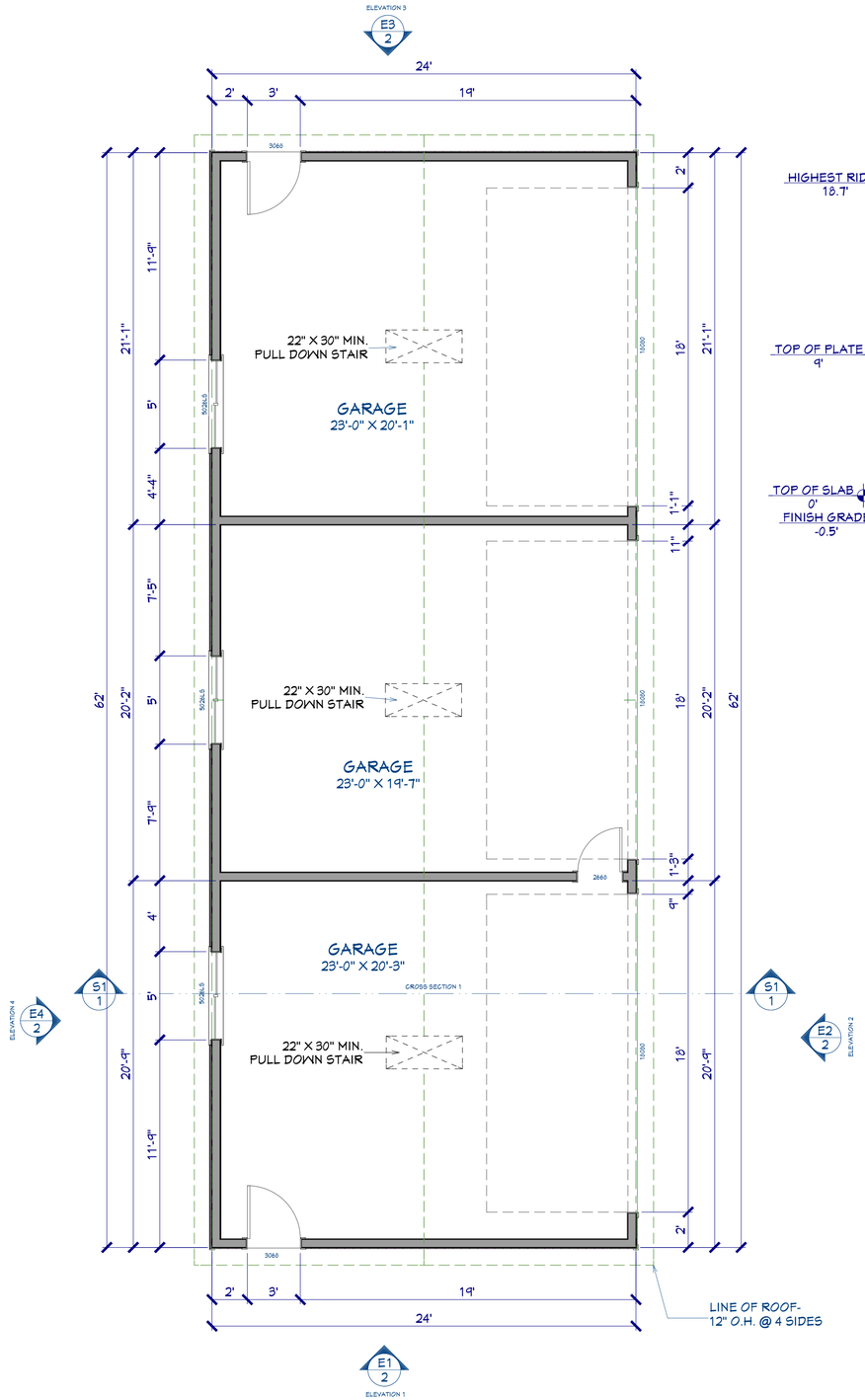
THESE PLANS AND PROJECT SHALL CONFORM TO 2021 IRC, and ALL LOCAL ORDINANCES AS PER THE 2023 PPRBD.

BUILDING OCCUPANCY: Group R-3 & U; Non Sprinklered ; Type V –B CONSTRUCTION.

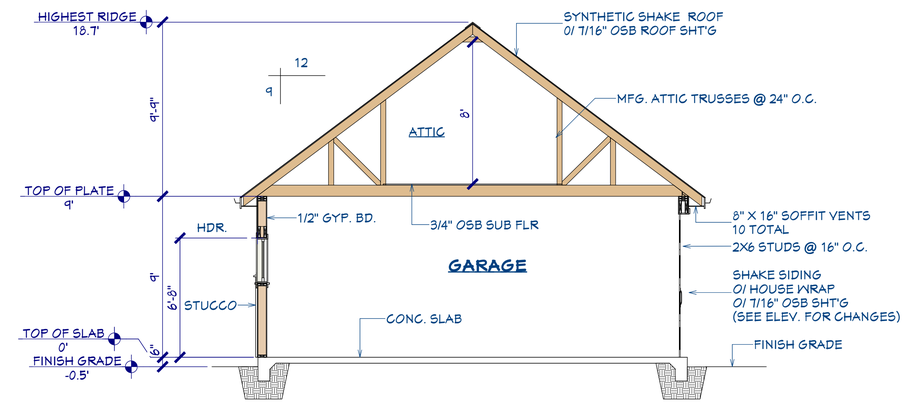
WRITTEN DIMENSIONS ON THESE PLANS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR TO VERIFY AND BE RESPONSIBLE FOR ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO, AND DURING ALL PHASES OF WORK. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.



ROOF FRAMING PLAN



FLOOR PLAN



Cross Section 1

GENERAL NOTES:

ATTIC VENTILATION SHALL EQUAL 1/300 OF NET ATTIC AREA, WITH 50% TO BE LOCATED IN THE EAVES AND 50% IN THE UPPER AREA TO BE VENTILATED.

VENTILATION OPENINGS SHALL BE COVERED WITH CORROSION RESISTANT METAL MESH HAVING NO MORE THAN 1/4" OPENINGS.

ALL RECEPTACLES WITHIN 6' OF A WATER SOURCE SHALL BE GFI. PROVIDE GFI IN GARAGE.

PROVIDE A 22 "x30 " MIN ACCESS INTO ATTIC, AREAS HAVING AT LEAST 30 " OF UNOBSTRUCTED HEADROOM.

ALL DIMENSIONS ARE TO FACE OF STUDS, UNLESS OTHERWISE NOTED. FIELD VERIFY ALL DIMENSIONS.

ELEVATIONS SHOWN ARE FOR GENERAL REPRESENTATION ONLY AND MAY VARY FROM ACTUAL SITE CONDITIONS.

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

OWNER: JOHN & JOANNE PEARRING
2 GRAND AVE.
MANITOU SPRINGS, CO 80829

DRAWINGS PROVIDED BY:
SUNSET BUILDINGS
331 S. 14th St.
Colorado Springs, CO 80904
(719) 227-1234

DATE: 4/28/2026

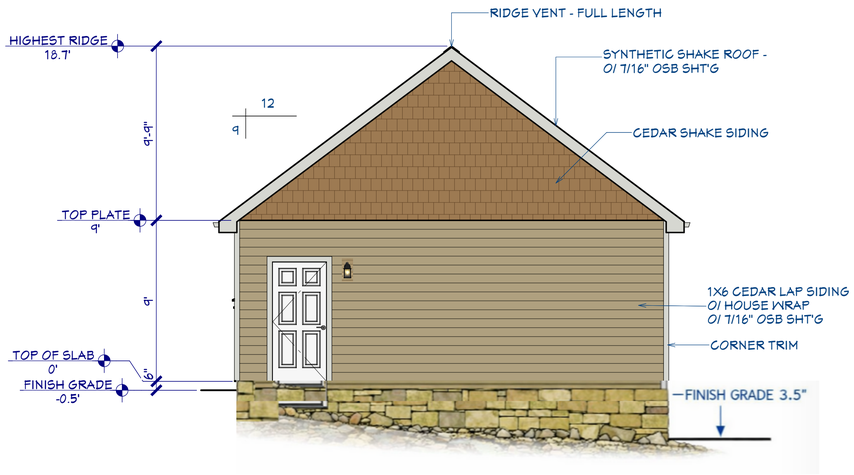
SCALE: 1/4"=1'-0"

SHEET: A-1

THESE PLANS AND PROJECT SHALL CONFORM TO 2021 IRC, and ALL LOCAL ORDINANCES AS PER THE 2023 PPRBD.

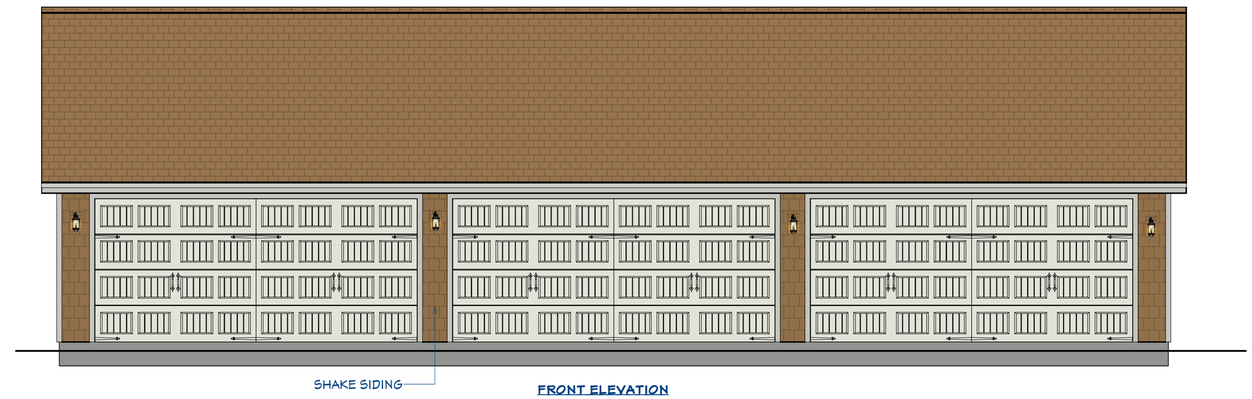
BUILDING OCCUPANCY: Group R-3 & U; Non Sprinklered ; Type V –B CONSTRUCTION.

WRITTEN DIMENSIONS ON THESE PLANS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR TO VERIFY AND BE RESPONSIBLE FOR ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO, AND DURING ALL PHASES OF WORK. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.



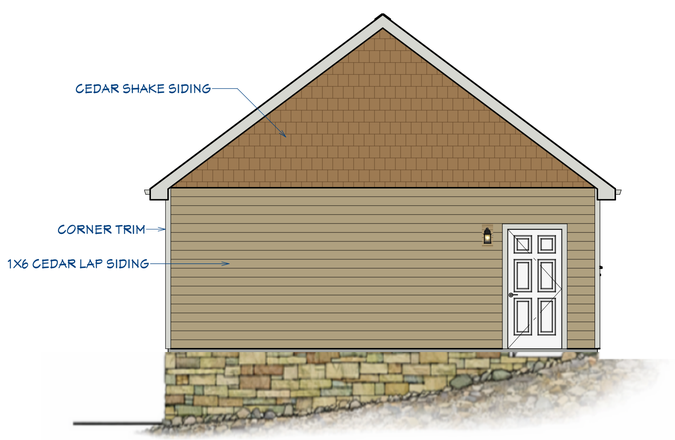
SIDE ELEVATION

Elevation 1



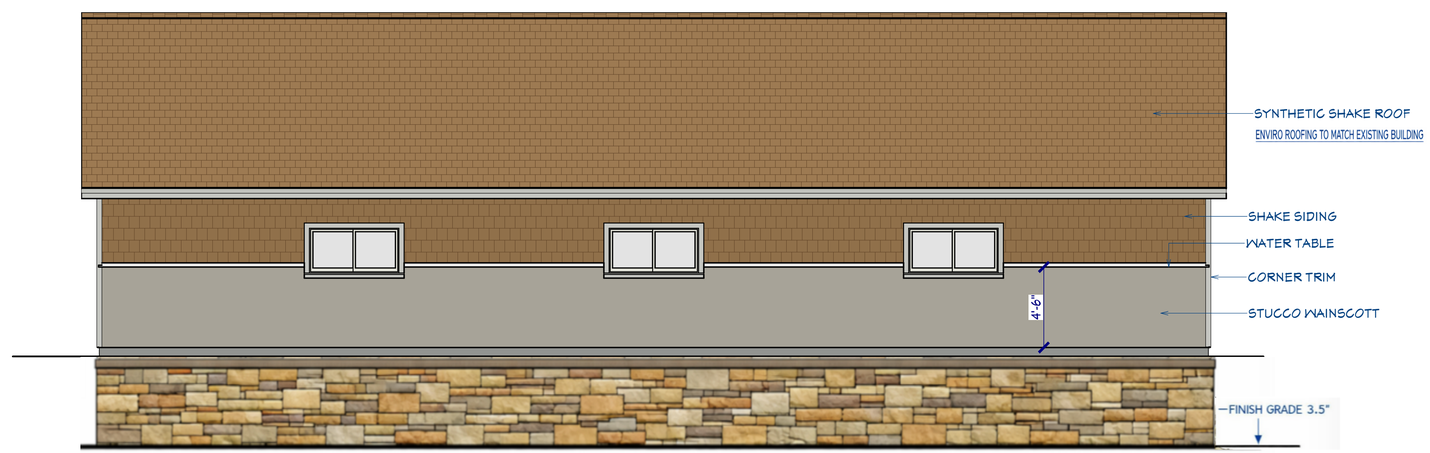
FRONT ELEVATION

Elevation 2



SIDE ELEVATION

Elevation 3



REAR ELEVATION

Elevation 4

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

OWNER:
JOHN & JOANNE PEARRING
2 GRAND AVE.
MANITOU SPRINGS, CO 80829

DRAWINGS PROVIDED BY:
SUNSET BUILDINGS
331 S. 14th St.
Colorado Springs, CO 80904
(719) 227-1234

DATE:
4/28/2026

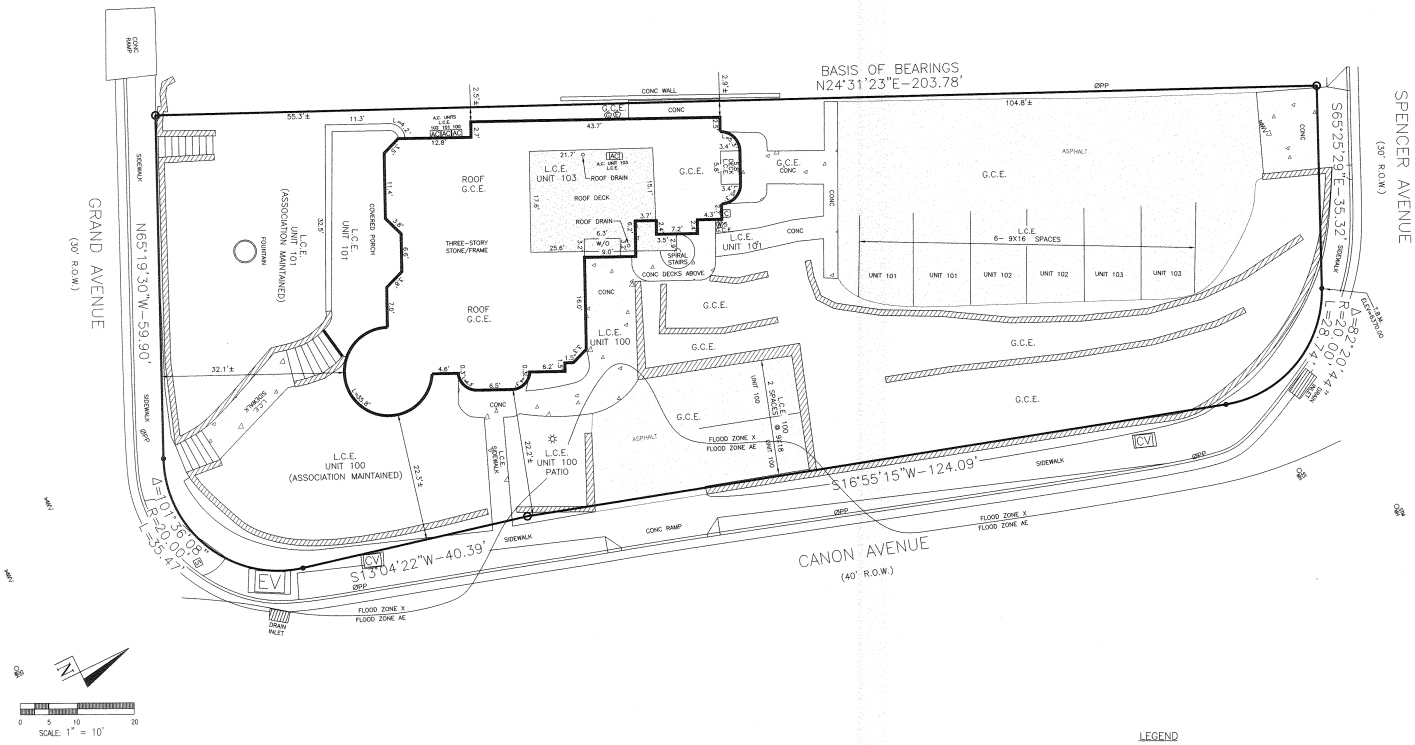
SCALE:
1/4"=1'-0"

SHEET:
A-2

1015

2 GRAND AVENUE CONDOMINIUMS

A CONDOMINIUM PLAT OF LOT 1, RINGED PEAR SUBDIVISION
City of Manitou Springs, County of El Paso, State of Colorado



VICINITY MAP
N.T.S.

NOTES:

1. The property is subject to the Condominium Declaration of 2 GRAND AVENUE CONDOMINIUMS which is incorporated herein by this reference and which is recorded in the records of the Clerk and Recorder of El Paso County, Colorado in Reception No. _____ establishing the property as condominiums, pursuant to C.R.S. 38-33.3-101, et seq. (The "Condominium Declaration").
2. The property is subject to all of the developmental rights set forth in the Condominium Declaration and C.R.S. 38-33.3-103(14). All of the Units and Common Elements described herein and the Owners thereof are also subject to the Declarant's rights as reserved in the Condominium Declaration.
3. The location of the property boundary and the buildings location thereon is based on field control and field survey data established from the exterior boundary of the subdivision, and is in conformance with the subdivision plat Ringed Pear Subdivision recorded under Reception No. 211713117 of the Records of El Paso County, State of Colorado.
4. All building location measurements and exterior building dimensions are to the edge of the outside foundation walls.
5. Dimensions from property lines and property lines to buildings are to exterior walls of the buildings and not to porches, decks, cantilevers or similar architectural features.
6. Dimensional values take preference over scaled distances.
7. All interior measurements are to be finished surfaces of floors, ceilings, and interior perimeter of building walls as established from the datum plane.
8. For information on the Unit, Common Elements and Building dimensions and elevations and horizontal and vertical boundaries, see subsequent sheets.
9. Unit identifying numbers are shown on following pages. Any addresses exhibited on this Map are for informational purposes only. They are not legal descriptions and are subject to change.
10. All portions of the property which are not shown as Units or LCEs (Limited Common Elements) are GCEs (General Common Elements).
11. All exterior walls and demising walls between Units are GCEs. All interior common areas and walls which are bearing walls or contain common plumbing and/or electrical wiring serving more than one Unit are GCEs.
12. Limited Common Elements (LCEs) are assigned for the exclusive use of the Unit to which such element is appurtenant. The approximate locations and dimensions of the LCEs are shown hereon. LCEs may be assigned by this Condominium Map, the Condominium Declaration or any other written, recorded document.
13. Typical parking space sizes are 9' x 18'. Parking spaces may be assigned by Declarant as LCEs.
14. This survey does not constitute a title search by the surveyor to determine ownership or easements of record, for all information regarding easements, rights-of-way and matters of record, the surveyor relied upon a commitment for title insurance, prepared by Commonwealth Land Title Insurance Company, Title Report No. H0565364-710-CTO-SSC, dated May 25, 2019.
15. The benchmark (T.B.M.) indicated on this drawing is a found property corner monument, elevation of 6370.00 was derived from RTK GPS field data.
16. All dimensions shown hereon are in U.S. Feet.

BASIS OF BEARINGS STATEMENT:

The bearings of this plat are based upon the West line of Lot 1, Ringed Pear Subdivision as recorded under Reception No. 211713117 in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado. Said line bears N24°31'23"E, a distance of 203.78 feet.

LEGEND

- BOUNDARY LINE
- SET #4 REBAR & CAP MARKED "PLSC RLS 25968"
- FOUND PROPERTY CORNER MONUMENT
- CONCRETE
- ROCK WALLS
- ASPHALT
- CURB
- LIGHT POLE
- POWER POLE
- ELECTRIC VAULT
- COMMUNICATIONS VAULT
- AIR CONDITIONER
- FIRE HYDRANT
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- GAS METER
- ELECTRIC METER
- WATER METER
- CABLE BOX

KNOW ALL MEN BY THESE PRESENTS:

That 2 GRAND, LLC. being the owner of the following described tract of land, to wit:

LAND DESCRIPTION:

Lot 1, Ringed Pear Subdivision as recorded under Reception No. 211713117 in the records of the Clerk and Recorder's Office, County of El Paso, State of Colorado.

Said building contains 13,481 S.F. (0.309 acres) more or less.

IN WITNESS WHEREOF:

The aforesaid owner has executed this instrument this 5th day of _____, 20_____, A.D.

By: _____
2 GRAND, LLC.
John, F. Pearring Jr. (owner)

NOTARIAL:

STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 5th day of March, 2020 A.D., by John F. Pearring Jr. as owner of 2 Grand, LLC.

Witness my Hand and Seal: Maxine R. Kiernan
Notary Public
My Commission Expires 6-21-22
Address: 3932 Whittier Dr Colorado Springs, CO 80910

MAXINE R. KIERNEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19944007962
MY COMMISSION EXPIRES JUNE 21, 2022

MANITOU RECEIPT:

Know all men by these presents; that the Planning Director of Manitou Springs, Colorado, has received a copy of this Condominium Plat, and at the same time authorized the undersigned to acknowledge the same, which is done accordingly on behalf of the City Of Manitou Springs, this _____ day of _____ 20___ A.D.

_____
Planning Director

RECORDING:

STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

I hereby certify that this instrument was filed for record in my office at 3:11 o'clock P.M., this 11 day of March, 2020 A.D., and is duly recorded at Reception No. 220060101S of the records of El Paso County, Colorado.

SURCHARGE: 3 CHUCK BROERMAN Recorder
FEE: 30 By: Cassandra Tymkovich
Deputy

CERTIFICATE OF SURVEY:

This Condominium Map for the 2 Grand Avenue Condominiums and the recorded Plat contain all the information required by the Condominium Declaration, and complies with C.R.S. §38-33.3-209 and §38-51-106. This Map depicts the General and Limited Common Elements and was prepared after the substantial completion of the improvements shown hereon.

PINNACLE LAND SURVEYING CO., INC.

John W. Towner
John W. Towner, Registered Professional Land Surveyor No. 25968

COLORADO REGISTERED JOHN W. TOWNER 25968 3/5/20 PROFESSIONAL LAND SURVEYOR

PINNACLE LAND SURVEYING COMPANY, INC.
121 COUNTY ROAD 5, DIVIDE, CO 687-7360

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

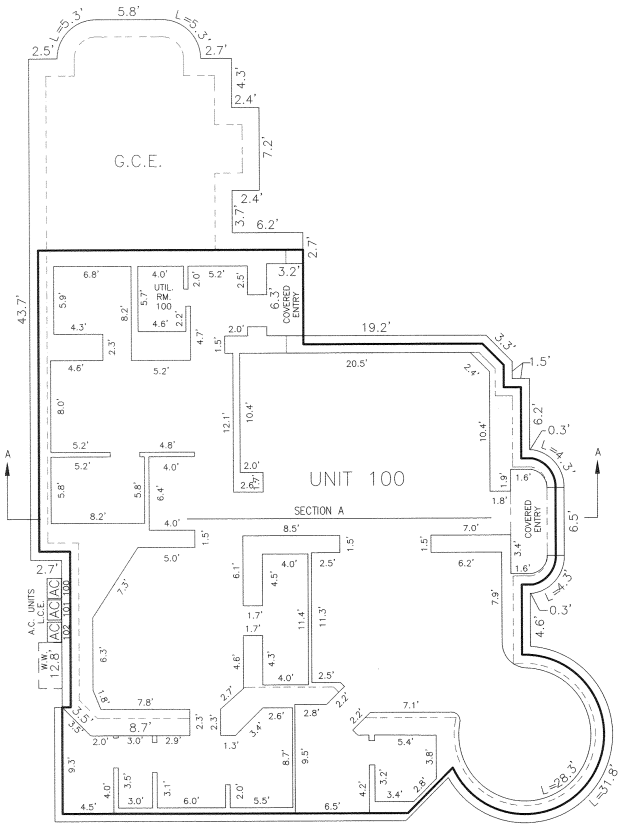
2 GRAND AVENUE CONDOMINIUMS PLAT

DRAWN BY: MWW	CHECKED BY: JWT	DATE: 03/05/20
JOB NO.: 19001900	DWG: 19001900-CP.DWG	SHEET 1 OF 3

2 GRAND AVENUE CONDOMINIUMS

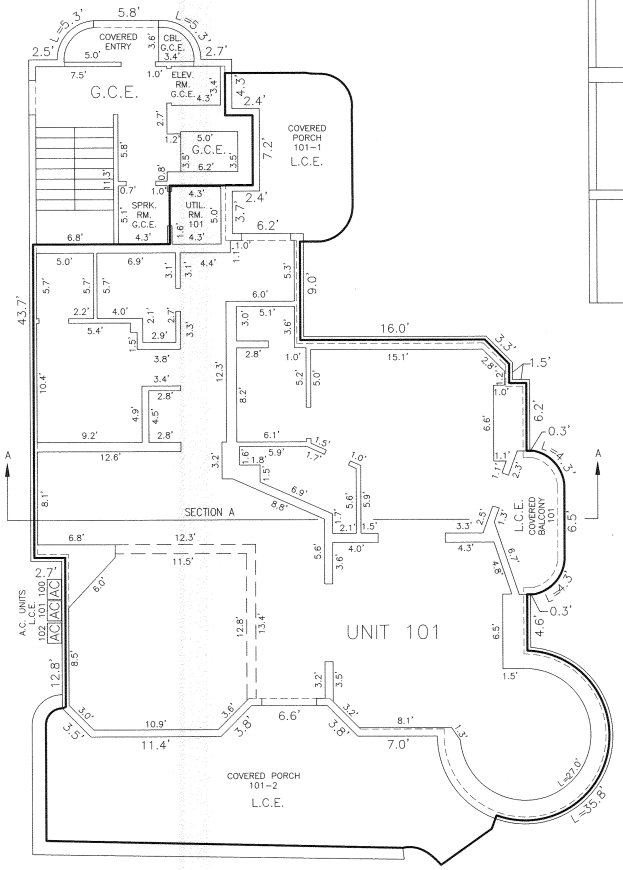
1015

A CONDOMINIUM PLAT OF LOT 1, RINGED PEAR SUBDIVISION
City of Manitou Springs, County of El Paso, State of Colorado



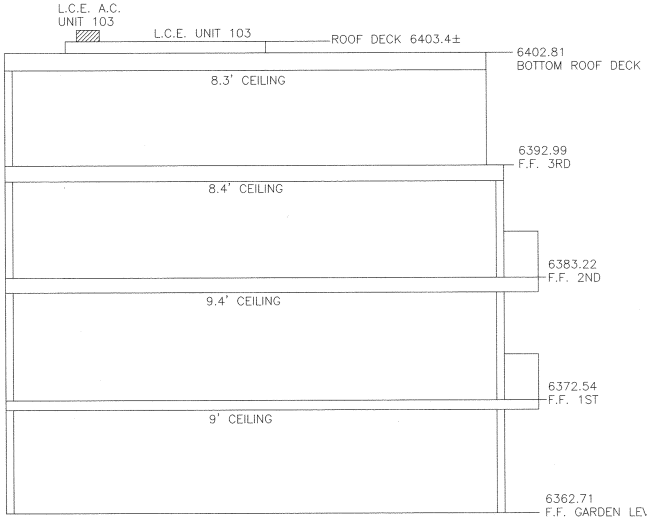
GARDEN LEVEL

SCALE: 1" = 5'



FIRST FLOOR

SCALE: 1" = 5'



SECTION A

PINNACLE LAND SURVEYING COMPANY, INC.
121 COUNTY ROAD 5, DIVIDE, CO 687-7360

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2 GRAND AVENUE CONDOMINIUMS PLAT

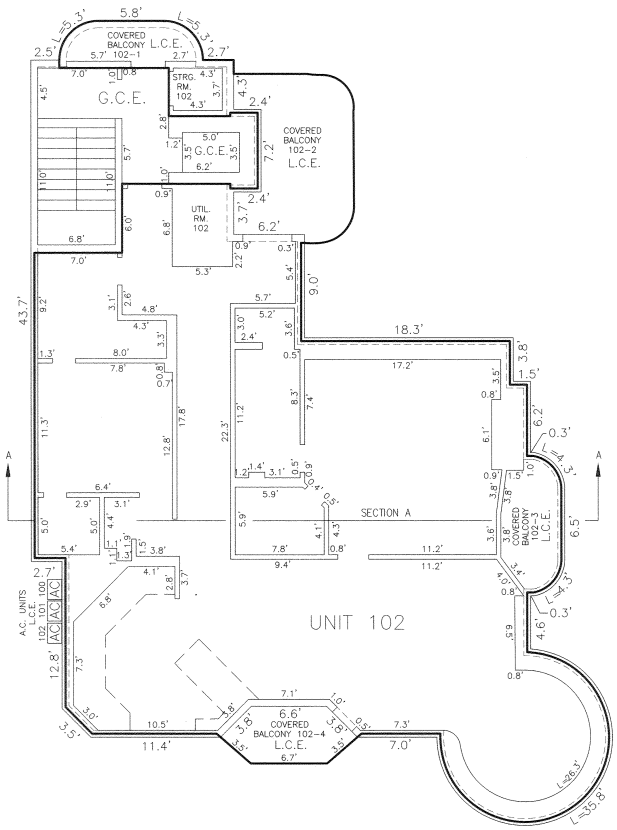
DRAWN BY: MWW | CHECKED BY: JWT | DATE: 02/24/20
JOB NO.: 19001900 | DWG: 19001900-CP.DWG | SHEET 2 OF 3

120-51 2/4

2 GRAND AVENUE CONDOMINIUMS

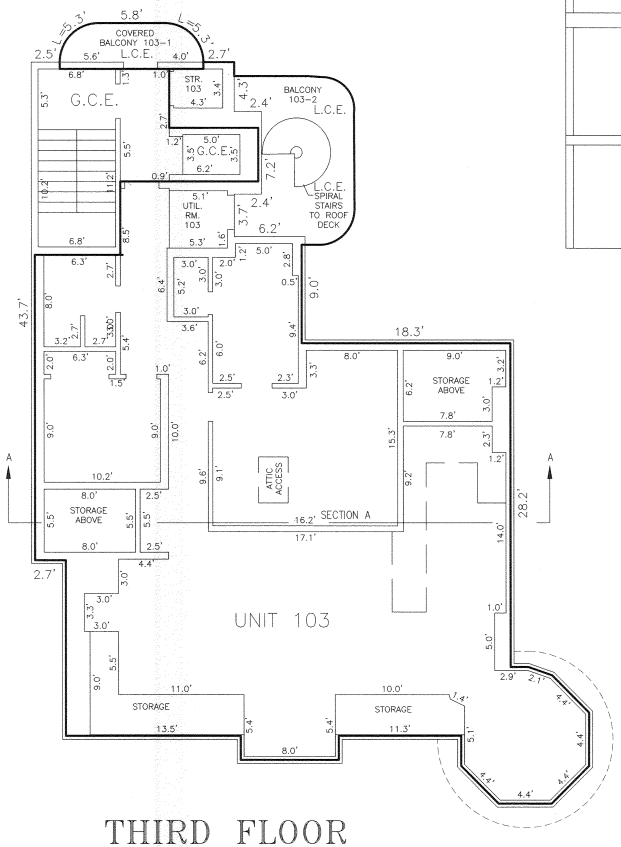
A CONDOMINIUM PLAT OF LOT 1, RINGED PEAR SUBDIVISION
City of Manitou Springs, County of El Paso, State of Colorado

1015



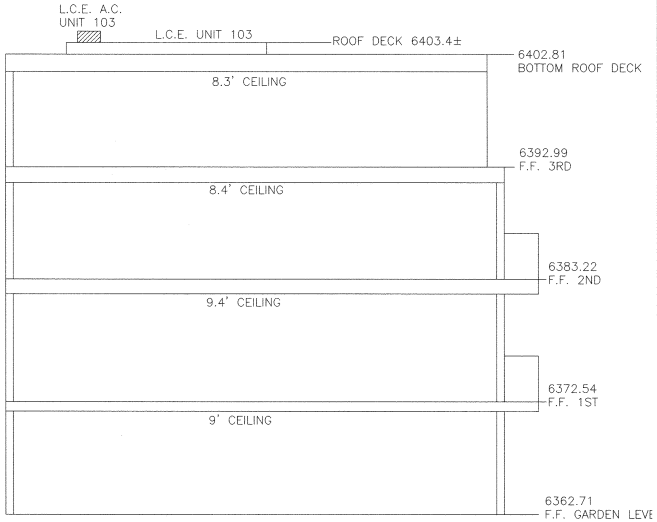
SECOND FLOOR

SCALE: 1" = 5'



THIRD FLOOR

SCALE: 1" = 5'



SECTION A

PINNACLE LAND SURVEYING COMPANY, INC.
121 COUNTY ROAD 5, DIVIDE, CO 687-7360

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2 GRAND AVENUE CONDOMINIUMS PLAT

DRAWN BY: MWW	CHECKED BY: JWT	DATE: 02/24/20
JOB NO.: 19001900	DWG: 19001900-CP.DWG	SHEET 3 OF 3

Chuck Broerman
03/11/2020 03:11:30 PM
Doc $0.00 3
Rec $33.00 Pages

El Paso County, CO
220601015

SUBDIVISION/CONDOMINIUM PLAT

220601015	3-11-20	3:11 pm
Reception Number	**Date**	**Time**

	3	
Reception Fee	**Number of Pages**	**File Number**

2 Grand Avenue Condominiums
Name of Plat

2 Grand LLC
Owner's Name

Subdivision ☐ **Condominium** ☒

Photo: # 42 C-6

C-77

1) Site Number - picture

Site Threatened _____

2) SITE NAME J.E. Newton Residence

ADDRESS 2 Grand Avenue

Manitou Springs, Colorado

T_____ R_____ S_____

3) OWNER Leonard Johnson

318 Oak Place

4) CONDITION excellent_____ good_____ fair X ruins_____

buildings occupied _____ unoccupied X

5) PHYSICAL DESCRIPTION Bldg has 1_____ 2_____ 3 X stories (on Grand) 4 (on Canon)

frame_____ stone_____ log_____ brick_____ other_____ indicate

Being rebuilt after fire

6) SIGNIFICANCE Be specific making certain to give date(s). List your sources. If necessary continue on the back.

In 1891, J.E. Newton built this house at the corner of Grand Avenue and Canon, contracting it out to M.E. Mulloy at a cost of $15,000. J.E. owned Newton Lumber in Colorado City at this time and in 1902 had his business situated in Colorado Springs also.

In 1900, he sold the home to Johnny Nolan, a well known gambler in Manitou and Cripple Creek and the owner of the Buffalo Saloon, which was situated on the corner of Ruxton Avenue. At some point in time, the red sandstone buffalo that was displayed in front of his saloon, was moved to the backyard of his home. It was a landmark of Manitou until a bank, that had posession of the property after the fire of June 1, 1976, tried to remove the huge beast and he crumbled to pieces from the strain.

In 1969, Mr. & Mrs. A.L. Campbell owned the house and used it as a residence. Leonard Johnson bought it in 1973 and it was divided into apartments until the fire destroyed much of the interior. It is now being remodeled and rebuilt to acommodate a single family residence. This large castle-like structure is characterized by a 3 story brick turrett, 7 fireplaces - one made of marble - 7 bathrooms and white oak wood throughout.

SOURCE: Landmark Preservation Council of the Pikes Peak Region
Leonard Johnson

7)

Kathy Barber
Name

1932 North Cascade Avenue

Colorado Springs, Colorado 80907
Address

OAHP1403
Rev. 9/98

COLORADO CULTURAL RESOURCE SURVEY

Architectural Inventory Form

Official eligibility determination
(OAHP use only)
Date _____ Initials _____
_____Determined Eligible- NR
_____Determined Not Eligible- NR
_____Determined Eligible- SR
_____Determined Not Eligible- SR
_____Need Data
_____Contributes to eligible NR District
_____Noncontributing to eligible NR District

I. IDENTIFICATION

1. Resource number: 5EP530.21
2. Temporary resource number: Grand.02
3. County: El Paso
4. City: Manitou Springs
5. Historic building name: New Carlon (1891); Canon Hotel (1951)
6. Current building name: Nolan House
7. Building address: 2 Grand Avenue; 80829
8. Owner name and address: McLong Enterprises; P.O. Box 1032; Manitou Springs, CO 80829

II. GEOGRAPHIC INFORMATION

9. P.M. 6th Township T14S Range R67W
   NW ¼ of NW ¼ of NE ¼ of SW ¼ of section 05
10. UTM reference
    Zone 13; 507137mE 4301297mN
11. USGS quad name: Manitou Springs Quadrangle
    Year: 1994 Map scale: 7.5' X 15'____ Attach photo copy of appropriate map section.
12. Lot(s): 1,2, and Part of 3 Block: 3
    Addition: Hulbert's Resub of Lot 36 Block A Manitou Year of Addition: 1885
13. Boundary Description and Justification:
    The boundary description for 2 Grand Avenue is Lots 1 through 4 in Block 3 of Hulbert's Resubdivision of Lot 36 in Block A of the original plat of Manitou. This boundary includes the building and its immediately adjacent grounds that have been historically associated with 2 Grand Avenue.

III. Architectural Description

14. Building plan (footprint, shape): Irregular Plan
15. Dimensions in feet: Length 44'-6" x Width 48'-2"
    with an addition on the north side that measures approximately 15'-6" long x 16'-4" wide.
16. Number of stories: Two
17. Primary external wall material(s) (enter no more than two): Sandstone & Wood Shingle
18. Roof configuration: (enter no more than one): Gable-On-Hip Roof

19. Primary external roof material (enter no more than one): Wood Shake Roof

20. Special features (enter all that apply): Segmental Arch Window; Dormer; Finial; Tower; Decorative Shingles; Chimney; Balcony

21. General architectural description:

The combination wood-framed and masonry house can be classified as Queen Anne in style, with its hipped roof with lower cross gables and spindlework detailing as principal subtypes. Although the building is classified as having two stories, a portion of the basement level is accessible at grade on the east side of the house and the attic is used for living space. Architectural features that support the Queen Anne style include the asymmetrical façade with a full-width porch that is one-story high; the stone tower at the southeast corner of the house with faceted shingled cap and copper finial; decorative shingles utilized to create differing wall textures; a front-facing dormer with beaded ornamentation at its gable end; and the spindlework detailing at the front dormer and balconies. The house utilizes two types of local Manitou greenstone laid in a random ashlar pattern: A darker Manitou greenstone is used for the base of the house while a lighter shade of the popular local building material is utilized at the tower and east exterior wall. The impressive front porch with hipped roof and pedimented entry at the east end incorporates stone columns and a stone balustrade; decorative pairs of wood brackets visually support the porch's roof edge at the tops of the columns. Centered above the porch is a balcony with a spindlework balustrade, protected by a roof extension with large decorative brackets, and a dormer providing natural light for the third floor attic space. The east elevation features a three-story curved bay with spindlework balustrades on the first and second floors that rest upon a curved sandstone base with arched masonry opening providing access to the basement level; the second floor balcony floor and roof are supported by large decorative brackets, similar to those utilized on the front façade. Three original stone chimneys with decorative caps rise above the roofline on the north side of the tower, on the south side of the cross-gable at the west elevation, and at the northeast corner of the house. A portion of the original north exterior wall is visible, which includes a dormer accommodating two windows and a semi-circular window. The remainder of the north elevation consists of a three-story addition with open balconies. The cross-gable is articulated on the west wall, where it projects out beyond the face of the hipped-roof box and incorporates a semi-circular window and decorative shingles in its gable end. Wall openings have been modified here to accommodate an elevated entry door and a new window. The original shingle wall surface on the south, west, and north walls has been changed to stucco, scored to appear like stone coursing. Most of the windows on the original exterior walls appear to be original and are double-hung in function. The door and window surrounds are simple, with a cap across the head casing and a projecting stop at the outer vertical edges of the jamb casings.

22. Architectural style/building type: Queen Anne

23. Landscaping or special setting features:

A Manitou greenstone site wall with concrete entry steps defines the boundaries of the south yard; the yard consists mostly of grass with some foundation plantings at the base of the porch and a large

evergreen tree at the southwest corner of the property. The grass continues around the southeast corner of the house to the east yard, where shrubs as well as deciduous and evergreen trees are growing. A large planting bed that slopes down from west to east is located at the northeast corner of the property. The north yard mostly serves as a parking area for the building's tenants, with a gravel surface accessible from Spencer Avenue. The west side of the house is close to the property line and, consequently, is not landscaped; a wood fence is located along this property line at the north end of the site, while a chain link fence provides closure for the yard at its south end.

24. Associated buildings, features, or objects:

The building at 8 Grand Avenue previously served as the carriage house for this property. The secondary structure was converted to a multiple dwelling unit after the property was subdivided and sold off separately from 2 Grand Avenue, estimated to have occurred after 1935.

IV. Architectural History

25. Date of Construction: Estimate:_____ Actual: 1890

Source of information: The Colorado Springs Gazette; January 1, 1891

26. Architect: Unknown

Source of information:

27. Builder/Contractor: M.E. Mulloy

Source of information: The Colorado Springs Gazette; January 1, 1891

28. Original owner: J. Edward Newton

Source of information: The Colorado Springs Gazette January 1, 1891 & Directory of Colorado Springs, Manitou Springs and Colorado City For 1890

29. Construction history (include description and dates of major additions, alterations, or demolitions):

The construction cost of the original house was $15,000, according to published records in the Colorado Springs Gazette (January 1, 1891). When John and Mary Nolan purchased the house around 1900, they converted the previously unfinished attic space to servants' quarters and built the carriage house. The three-story addition with open balconies on the north elevation was constructed sometime before 1962; wall openings were also modified to accommodate an elevated entry door and a new window on the west elevation around this time. It is believed that the original shingle wall surface on the south, west, and north walls was changed to stucco, scored to appear like stone coursing, sometime around 1962 when the west wall openings were modified.

30. Original location X Moved _____ Date of move(s):

V. Historical Associations

31. Original use(s): Domestic, Single Dwelling
32. Intermediate use(s):
33. Current use(s): Domestic, Multiple Dwelling
34. Site type(s): Residential

Resource Number: 5EP530.21
Temporary Resource Number: Grand.02

35. Historical background:

This structure was one of the many homes built on Grand Avenue during the late 1880's and early 1890's. Its previous address was 102 Grand Avenue, although the Manitou Directories from 1890 and 1904 do not assign a number to the property; the 1904 Directory refers to it as being located on "Grand Avenue northwest corner of Canon Avenue". The plat book of Hulbert's Resubdivision, dated 1885, lists "Downing" as the owner of the land (lots 1 through 4); Erich Hayes and Lynn Jajobs are listed as the owners of the property in the 1888-1889 El Paso County Assessor's Plat Books. By 1891, J. Edward Newton had acquired ownership of a portion of the land at this prominent corner. He was owner of the Newton Lumber Company in Manitou and is listed as residing in the house in 1890. The El Paso County Treasurer Plat Book shows "M. A. Nolan" as the owner of lots 1 through 4 in 1903. John Nolan and his wife, Mary, lived at 2 Grand Avenue in 1904 and occupied the home for over thirty years. A domestic servant, Anna M. Duggan, also lived with the Nolan family in 1904. Photographs of the house appear in advertising brochures for the Cliff House hotel from the turn of the 19th century, touting the beauty of the surrounding area.

John Nolan, known as "Honest John Nolan", made his fortune through the ownership of a famous gambling hall and saloon in Cripple Creek and two saloons in Manitou Springs, including the "Board of Trade Saloon" listed in the1894 Manitou Directory. The most notable of Nolan's saloons was the "Buffalo Saloon" at the corner of Manitou and Ruxton Avenues. The sandstone buffalo sculpture that once stood in front of this drinking establishment was moved to the Nolan's side yard (facing Canon Avenue) in 1935 when John Nolan retired to the East and was a local landmark until 1976 when it was destroyed during an attempt to be moved.

36. Sources of information:

El Paso County Assessor Plat Book 1888-1889 and 1891; El Paso County Treasurer Plat Book 1903; Directory of Colorado Springs, Manitou Springs and Colorado City For 1890; R.L. Polk Directory Co.'s Colorado Springs and Manitou City Directory for 1904, 1951 and 1952; City of Manitou Springs Planning Department; "The Walking Tour – An Historical Guide to Manitou Springs" by John and Joanne Pearring.

VI. SIGNIFICANCE

37. Local landmark designation: Yes _____ No _X_ Date of designation: _____

Designating authority:

38. Applicable National Register Criteria:

_X_ A. Associated with events that have made a significant contribution to the broad pattern of our history;

_X_ B. Associated with the lives of persons significant in our past;

_X_ C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

____ D. Has yielded, or may be likely to yield, information important in history or prehistory.

____ Qualifies under Criteria Considerations A through G (see Manual)

____ Does not meet any of the above National Register criteria

39. Area(s) of significance: Architecture; Community Development and Planning

40. Period of significance: 1877 – 1917 (Destination Resort)

41. Level of significance: National ____ State ____ Local _X_

42. Statement of significance:

The building is significant for its association with the early growth and development of the city. It was one of the first buildings constructed in the area near the Cliff House on Grand Avenue during the late 1880's and early 1890's that was platted for residential development. It is also significant as an example of the Queen Anne style of architecture and represents a unique subtype in the survey area with its hipped roof and lower cross gables as well as its use of two types of Manitou greenstone and distinctive tower cap. It is one of the largest and most impressive residences in the survey area. John Nolan resided at the house from approximately 1900 until 1935. He made his fortune through the ownership of a famous gambling hall and saloon in Cripple Creek and then operated two saloons in Manitou Springs, including the "Board of Trade Saloon" and the "Buffalo Saloon".

43. Assessment of historic physical integrity related to significance:

Although some modifications have been made to the house, it still retains much of its original historic fabric and conveys its significance to the current observer.

VII. National Register Eligibility Assessment

44. National Register eligibility field assessment:

Eligible ____ Not Eligible _X_ Need Data _____

45. Is there National Register district potential? (Not Applicable) Yes ____ No ____

Discuss:

If there is National Register district potential, is this building: Contributing ____ Noncontributing ____

46. If the building is in existing National Register district, is it: Contributing _X_ Noncontributing ____

VIII. Recording Information

47. Photograph numbers: Roll #1: Negatives # 2,3,4,5,6,7

Negatives filed at: City of Manitou Springs Planning Department; 606 Manitou Avenue; Manitou Springs, CO 80829

48. Report title: Manitou Springs Historic Buildings Survey and Inventory; Project No. CO-00-17

49. Date(s): November 5, 2001

Resource Number: 5EP530.21
Temporary Resource Number: Grand.02

50. Recorder(s): Timothy A. Hoehn & Kristine L. Hoehn

51. Organization: Hoehn Architects P.C.

52. Address: 50 Pennsylvania Street; Denver, CO 80203

53. Phone number(s): 303-282-3884

NOTE: Please attach a sketch map, a photocopy of the USGS quad. map indicating resource location, and photographs.

Colorado Historical Society - Office of Archaeology & Historic Preservation
1300 Broadway, Denver, CO 80203 (303) 866-3395

Manitou Springs Historic Building Survey 2001-2002 Sketch Map

Property Address: 2 GRAND AVENUE

Mapper: HOEHN ARCHITECTS PC

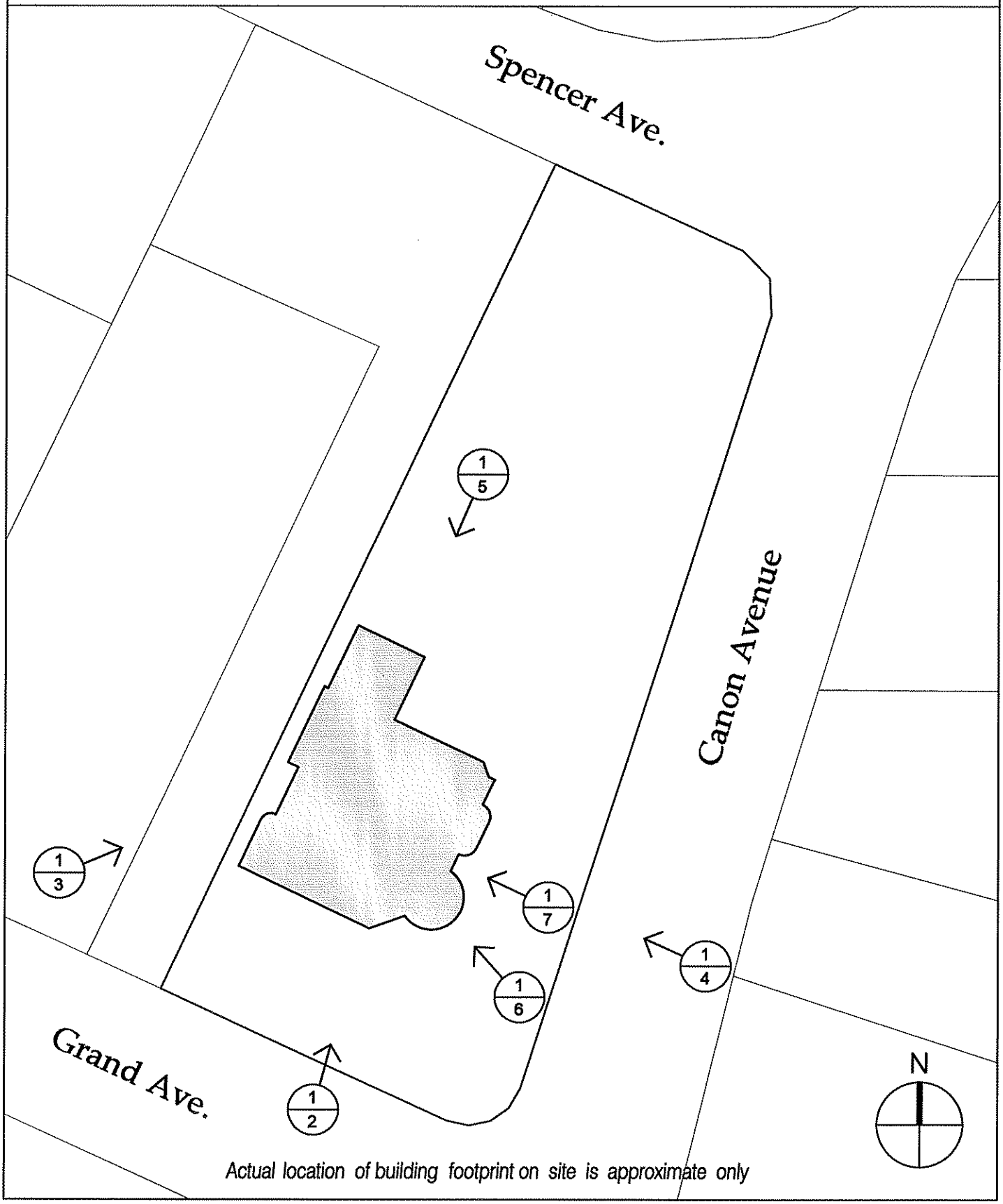
State Identification Number: 5EP530.21

Scale: 1" = 30'-0"

Date: 11/5/2001

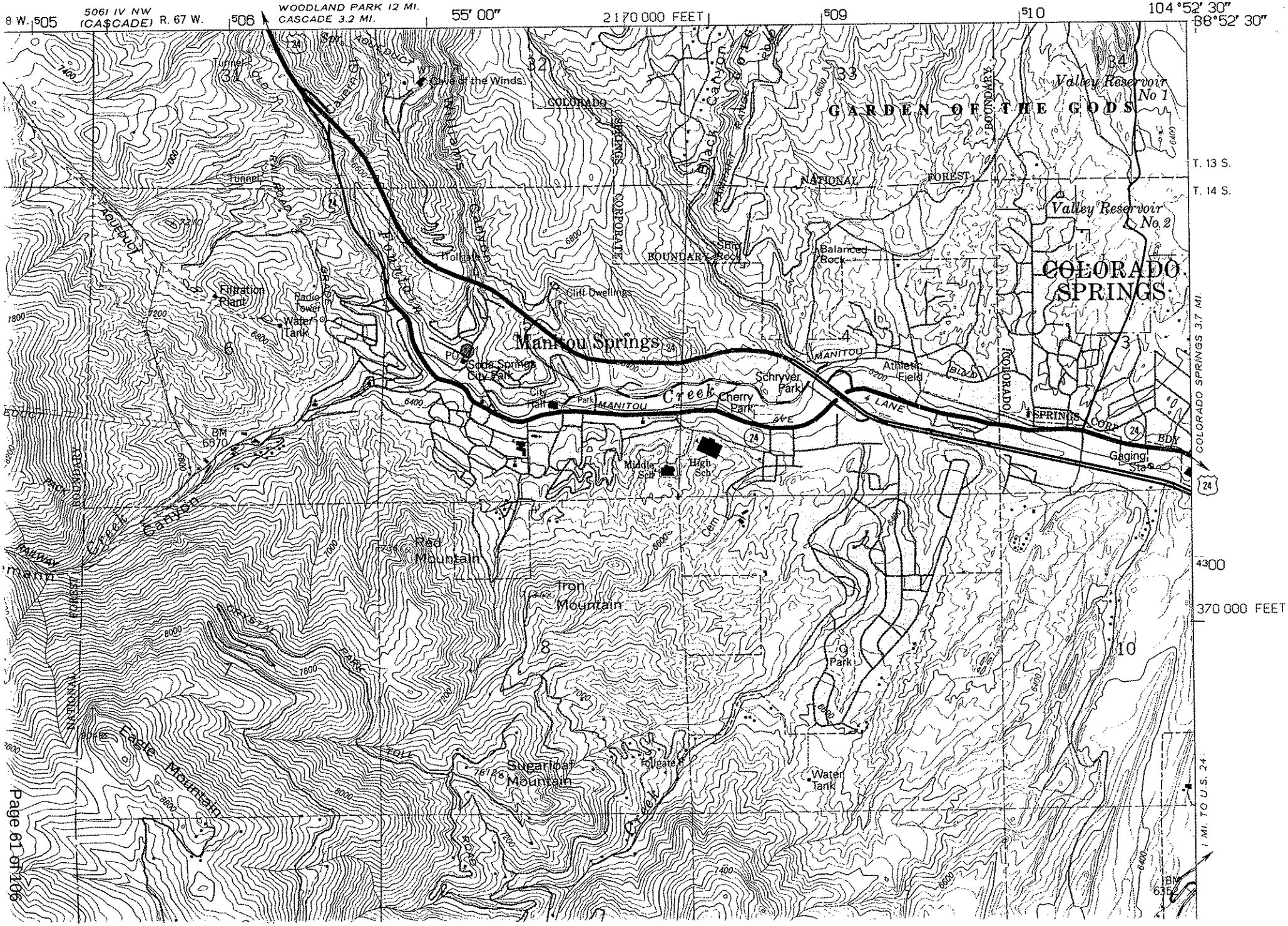
Film Roll No.

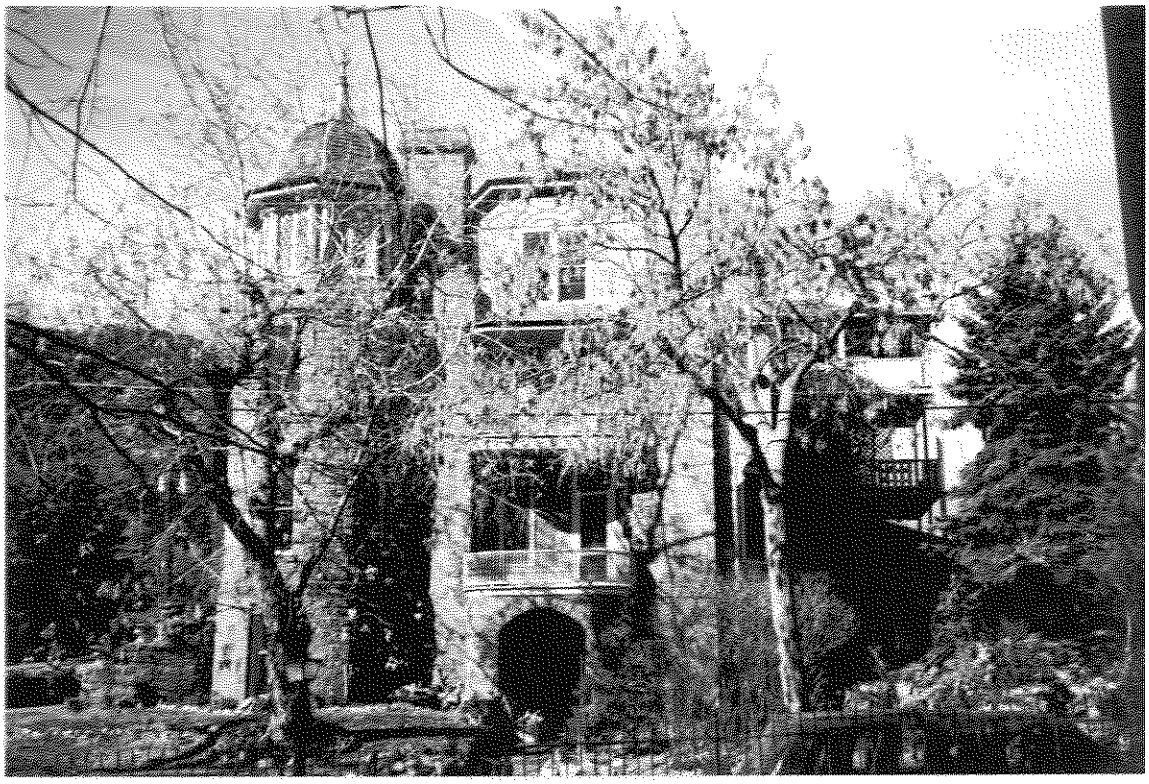
Negative No.

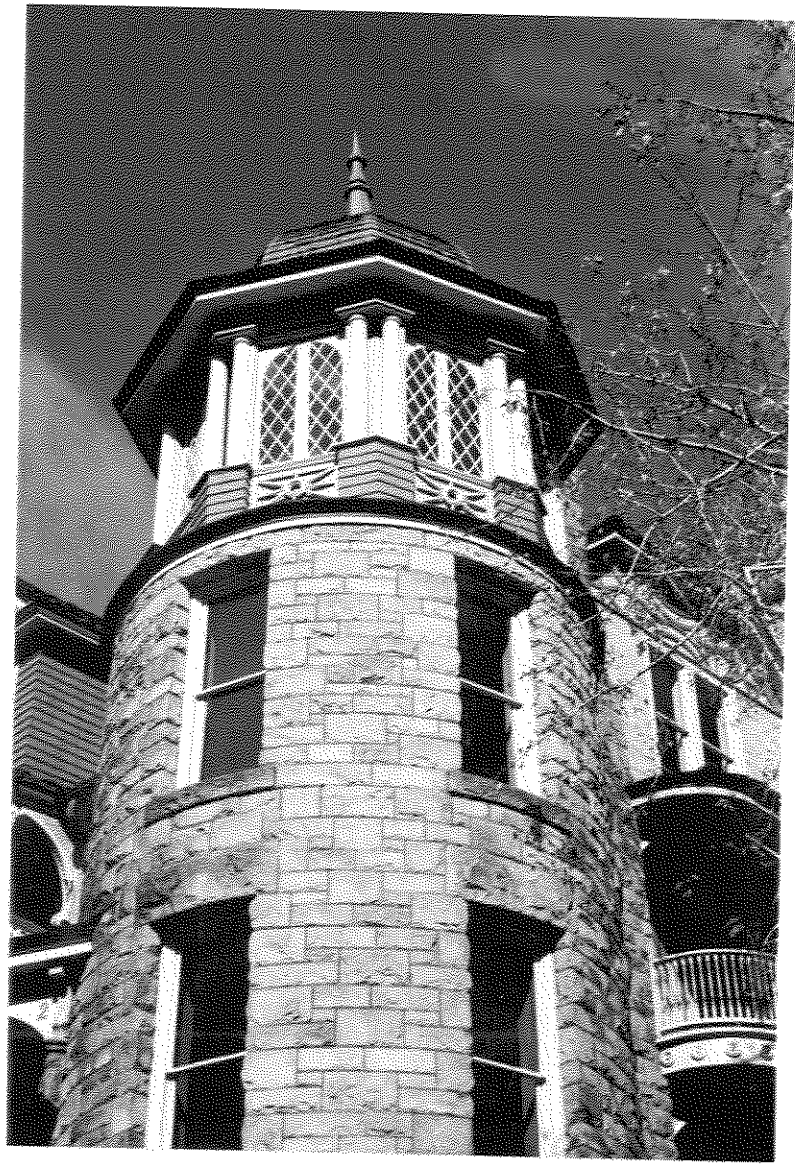


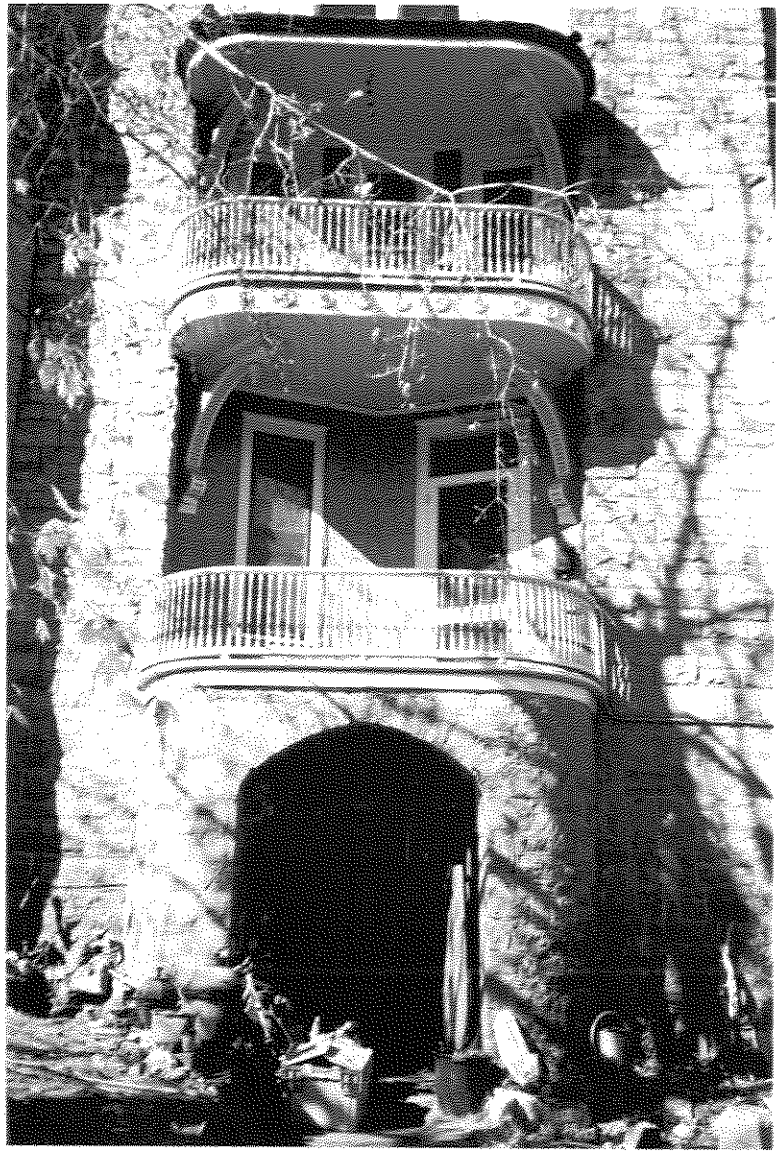
Actual location of building footprint on site is approximate only

MANITOU SPRINGS QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)









Title: Consideration of Jehan-Ara Kahn's for Historic Preservation Committee Commissioner
From:
To: Historic Preservation Commission
Address of Proposal:
Applicant:

July 1, 2026

Proposal:
Consideration of Jehan-Ara Kahn's request for status change from Alternate HPC commissioner to Full-Time HPC Commissioner.

Zone District:

Historic Subdistrict:

Background and Existing Conditions:

Public Involvement:

Findings and Review Criteria:

Staff Recommendation:

Motion Language Options:

Title: Sub-Committee Appointments for HPC Public Outreach Efforts
From:
To: Historic Preservation Commission
Address of Proposal:
Applicant:

July 1, 2026

Proposal:
HPC will appoint HPC commissioners to the following sub-committees: Social Media Posts, Newspaper Articles, Community Relations and Education Programs. The sub-committees will be made up of no more than 2 commissioners and they will provide monthly updates to the commission at regular meetings.

Zone District:

Historic Subdistrict:

Background and Existing Conditions:

Public Involvement:

Findings and Review Criteria:

Staff Recommendation:

Motion Language Options:

Title: Chapter 17 - Code Revisions Discussion
From:
To: Historic Preservation Commission
Address of Proposal:
Applicant:

July 1, 2026

Proposal:
Chelsea wiill populate

Zone District:

Historic Subdistrict:

Background and Existing Conditions:

Public Involvement:

Findings and Review Criteria:

Staff Recommendation:

Motion Language Options:

Chapter 17 amendments

HPC WORK SESSION

7/1/26

Presentation Agenda

Application Types

1. Research
   - Manitou Spring
   - Model Code
   - Salida's Code (others researched include Idaho Springs, Colorado Springs)
2. Changes to Code
   - Major/Minor MCAC
   - Approval Criteria

Manitou Springs Historic Application types

17.04.041: Designation of Resources (contributing or non-contributing)

17.04.045: pre-application meetings

17.04.050: Material Change of Appearance Certifications (MCAC)

Future work sessions

- 17.04.060: Incentives
- 17.04.070: Maintenance
- 17.04.080: Demolition
- 17.04.090: Economic Hardship
- 17.04.103: Appeals

Application Variety

Manitou Springs	Model Code	Salida
MCAC	Alteration	Alterations
	Relocation	Relocation or Demolition
	Alterations (non-contributing)	Minor Activity
		Major Activity
		Exempt Activity

application types

EXISTING

1. MCAC

PROPOSED

1. Administrative Review
2. Minor MCAC
3. Major MCAC

Administrative Review

17.04.050.A.3: Items already identified as not needing an MCAC (summary)

a. interior alterations to a privately owned structure.

b. ordinary maintenance and repairs only.

c. necessary to correct the unsafe or dangerous condition

d. Installation of signs

e. Additions or alterations to noncontributing resources

f. All projects which have no significant or detrimental impacts

g. Construction of secondary structures

h. reasonable accommodations to individuals with disabilities, as outlined by the Americans with Disabilities Act.

HPC Direction: Minor MCAC process

STANDARD PROCESS

- reviewed by HPC during regular meeting

-different application requirements than Major MCAC

-different approval criteria than Major MCAC

SALIDA PROCESS

- Staff review with 2 members of HPC, as needed

- 10 day review timeframe

- activity that will not detrimentally impact or influence the historic integrity and/or appearance of a landmark or designated historic district

- can be referred to HPC

Scope of Work for MCAC

MINOR MCAC

- does not require a building permit from PPRBD

- project falls within purview of Manitou Springs Historic District Design Guidelines
  - Preservation, Alterations and Additions to Contributing Residential Structures
  - New Residential Construction
  - Additions and Alterations to Non-Contributing Structures
  - New Construction in the Commercial Core
  - Secondary Structures

MAJOR MCAC

- all project which are not captured by the Administrative or Minor MCAC reviews

- within purview of the Secretary of the Interior's Standards

Approval Criteria

MINOR MCAC

- The proposed alteration supports energy efficiency, hazard mitigation, or other documented city goals.

- The proposed alteration will not eliminate rare architectural detailing in Manitou Springs.

- There are no design alternatives that achieve the same objective and do not result in a solution that is technically or financially infeasible in relation to the overall scope of the project.

MAJOR MCAC

- All work shall be in conformance with the Secretary of Interior's *Standards for the Treatment of Historic Properties.*

Opportunities for improvement

Section	Title	Action	Reason
Various		Reorganize and consolidate existing sections, terminology, definitions	Improve flow and reduce contradictions, names consistent with best practices
Various	Materials	Consider hazard-resistant and energy efficient materials	Hail, flood, fire and insurability
17.04.103	Appeals	Make process consistent with other types of appeals (de novo)	Council does not currently hear the application in its entirety.
17.04.130	Withdrawal	How to review opted-out properties	City records are incomplete
17.04.080	Demolition of Structures	Make HPC the final historic decision, enact waiting period before demo	CC confirmation muddies the appeal process
17.04.090	Economic Hardship	Overall revisions and clarification of how to apply this section	onus is on applicant to request hardship and present compelling argument
~~17.04.050~~	~~MCAC~~	~~Create minor/major MCACs, revise approval criteria~~	~~Increase consistent application of code, impartiality~~
17.04.120	Penalties	Penalize work without permits, revise enforcement of 10-year moratorium	Fees/fines move to adopted city-wide fee scheduled

Questions?

17.04.050 Material change of appearance certification (MCAC).

A. Required.

1. No alteration visible from an adjacent, improved public street, alley, sidewalk, path, or walkway of a structure, exterior sign or historic landscape within a historic preservation district shall be made or permitted to be made by the owner or occupant thereof until an application for a MCAC has been approved and, subsequently, any required permits have been obtained for such changes.

2. Any person, owner or other entity is required to apply for and receive approval of a MCAC for any proposed project in a historic preservation district including, but not limited to any of the following:

   a. Any new construction.

   b. Any restoration, rehabilitation, alteration, addition or change in the exterior size, configuration, fenestration or other permanent physical feature.

   c. Any change to major interior architectural features of a publicly-owned resource.

   d. Any alteration in the size, location, or appearance of any sign on property in the downtown zone as defined by the zoning ordinance of the city, which requires a permit and does not conform to the provisions of the design guidelines or the city sign ordinance, or is an after-the-fact review.

   e. The demolition of a structure (refer to Chapter 17.04.080).

3. In the following cases, a MCAC is not required, and staff shall process the proposed project application without further reference to this chapter:

   a. When the application is for a permit to make interior alterations only to a privately owned structure.

   b. When the application is for a permit to do ordinary maintenance and repairs only.

   c. When any measures of construction or alteration are necessary to correct the unsafe or dangerous condition of any structure, so long as only that construction or alteration necessary to correct the condition is performed.

   d. Installation of signs which conform with the sign ordinance and sign design guideline regulations.

   e. Additions or alterations to noncontributing resources which increase the floor area by twenty-five percent or less, will not result in the structure being visually or architecturally intrusive in a manner that detracts from the historic character of the historic preservation district and which do not require development plan approval, rezoning, conditional use approval, a variance, or subdivision approval.

   f. All projects which, upon planning director review, are determined to have no significant or detrimental impacts on the resource or historic preservation district and do not require development plan approval rezoning, conditional use approval, a variance, or subdivision approval.

   g. Construction of secondary structures which do not exceed two hundred square feet, do not have a permanent foundation, are not located in the front of the property, and do not require development plan approval, rezoning, conditional use approval, a variance, or subdivision approval.

4. It shall be the duty of the commission to review all material changes of appearance certification applications for any structure or site within a historic preservation district, except those which are

exempt from review by the commission. Other provisions notwithstanding, the commission shall review all individually-listed National Register properties.

B. General Provisions for a MCAC.

1. Applications, and required materials, for proposed projects which require an MCAC under these regulations shall be submitted with a form provided by the planning department and accompanied by the fee established by resolution of the city council. Information as outlined for each application type as stated in these regulations and as may be provided on the submittal checklist for the request shall be required by the submittal deadline on the schedule published by the planning department. Electronic submission of the completed application form and accompanying information for administrative requests or those heard by the historic preservation commission are required unless otherwise waived by the planning director. The following information shall accompany the application:

   a. Owner's name.

   b. Street address of the proposal.

   c. Developer or contractor's name, if other than the owner.

   d. Architect's name, if commissioned.

   e. Approximate dates of construction of any existing improvements on the property.

   f. Site plan per commission the requirements of Section 18.16.020 of this Code.

   g. A description of any existing improvements on the property.

   h. A statement describing the scope of the project, the design intentions, and a comment on the project's visual impact on its surroundings.

   i. A list of the applicable design guidelines and the applicant's evaluation of compliance with the guidelines or addressing why compliance is not proposed.

   j. A detailed description of the proposal. For a project involving commercial property, detailed line drawings or plans, drawn to scale and including colored elevations, must be submitted to receive approval of the project. A project involving residential property must have understandable drawings, drawn to scale, showing elevations, and clear details.

   k. Description of the proposed type of all exterior materials.

   l. Photographs of the existing property and its relationship to the surrounding area.

   m. Applications for commercial or residential properties that require a major or minor development plan per the provisions of the zoning code shall provide additional information or documentation as required by the planning department such as a photo simulation, massing model, streetscape elevation, streetscape or building perspective and extended site plan incorporating the existing resources surrounding the proposed construction which demonstrates its overall compatibility in relation to siting, scale, height and massing.

2. If an application for MCAC is found to be incomplete, it shall be returned to the applicant for revision. Applications will not be scheduled for Commission review until a complete application, as determined by staff, is submitted.

3. The commission shall provide detailed information on the MCAC hearing process in its by-laws.

4. Notice of an Application for a MCAC Hearing. Notice of the MCAC hearing shall be provided as set forth in Section 17.04.100.

5. The Commission shall approve the application only if it finds either:

a. That the proposed change is consistent with the design guidelines, or

b. That the denial of a proposed project would result in economic hardship as set forth in Section 17.04.090 of this chapter.

6. Except for MCAC proceedings under Section 17.04.080, the failure of the commission to act within thirty days from the required submittal deadline date and filing of a complete application, unless an extension is agreed upon mutually by the applicant and the commission shall be deemed to constitute approval. In the event, however, that the commission shall make a finding that the circumstances of an application require more time for additional study and information than can be obtained within the aforesaid period of thirty days, then the commission shall have a period of up to an additional thirty days within which to act upon such an application.

7. Building Permits.

a. The regional building department, the planning department, or any other local authorities shall not issue a regulated permit which authorizes an alteration to a resource within a historic preservation district until an MCAC has been approved. Such approvals are valid for one year from the date of issuance, and failure to obtain a building permit to undertake the alteration within one year shall result in the expiration of the approval. In the event that good cause is shown, the MCAC approval may be extended by the city planning director or the planning director's designee for up to one, twelve-month period.

b. "Good cause" for purposes of this section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the alteration with due diligence.

8. There shall be a final inspection and approval by staff prior to final inspection by other governmental agencies having jurisdiction, e.g., regional building department. The final approval certifies that the work is in compliance with the commission approval.

C. Findings for MCAC.

1. The commission shall approve, conditionally approve or disapprove submitted plans.

2. The commission shall make its decision based upon this chapter, the design guidelines, as adopted and amended, the contents of the application and the meeting record pertaining to the request.

3. If the commission disapproves the submitted plans, it shall state its reasons for doing so and shall cause a written record of such action and reasons for disapproval to be transmitted to the applicant. Whenever possible, the commission will recommend revisions of the applicant's plans if it disapproves the proposed project as submitted. The applicant may make modifications and resubmit the application at any time.

(Ord. No. 0520, § 1, 7-21-2020; Ord. No. 0922, §§ 1, 2, 5-17-2022)

History Colorado Model CLG Preservation Ordinance – Expanded

Section 1. General

1. Purpose. The purpose of this ordinance is to enhance our community's local resources and to promote the public health, safety, and welfare through:
    a. The protection and preservation of the City's architecture, culture, and heritage as embodied in Historic Properties and Historic Districts, by appropriate regulations and incentives;
    b. The enhancement of Property values and the stabilization of historic neighborhoods;
    c. The establishment of the City's Historic Register listing Historic Properties and Historic Districts;
    d. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
    e. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used;
    f. The promotion of thoughtful community planning and design;
    g. The maintenance and improvement of economic and financial benefits through the protection of attractions that bring tourists and visitors to the City; and
    h. The provision of educational opportunities to increase public appreciation of the City's unique heritage.
2. Intent. The intention of this ordinance is to create a reasonable balance between private property rights and the public interest in preserving the City's unique historic character through the nomination of Buildings, Structures, Sites, Objects, and districts for preservation.
3. Definitions. For purposes of this ordinance, the following terms are to be defined as follows:
    a. **Alteration** or **Alter** – Any act or process that changes one (1) or more of the exterior architectural or landscape features of a Building, Structure, Site, Object, or district.
    b. **Applicant** – Person or persons submitting nomination or Alteration paperwork.
    c. **Building** – A shelter or enclosure Constructed for persons, animals, or chattels.
    d. **Building Code** – The [Building Code].
    e. **Building Official** – The officer or other designated authority charged with the administration and enforcement of the Building Code, or that person's authorized representative.
    f. **Certificate of Appropriateness** – Certificate issued by the Commission authorizing any proposed repair, restoration, Alteration, Construction, Relocation, or Demolition of a Historic Property or element within a Historic District pursuant to this ordinance.
    g. **Certificate of Economic Hardship** – A certificate issued by the Commission authorizing the repair, restoration, Alteration, Construction, Relocation, or Demolition of a designated Building, Structure, Object, Site, or element within a designated Historic District in accordance with the provisions of this ordinance, even though a Certificate of Appropriateness has previously been denied.
    h. **City** – City of [_____].
    i. **City Council** – The council of the City.
    j. **City's Historic Register** – The register established pursuant to Section 3 of this ordinance.
    k. **Code** – The [City Code/Municipal Code].
    l. **Colorado State Register of Historic Properties** – The official listing of state designated cultural resources.
    m. **Commission –** The Historic Preservation Commission established pursuant to Section 2 of this ordinance.
    n. **Compatible** or **Compatibility** – Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual Building, Structure, Object, or Site or of surrounding Properties.
    o. **Construction** or **Construct** – Act of erecting an addition to an existing Building, Structure, or Object or the erection of a new principal or accessory Building, Structure, or Object on a lot or Property.
    p. **Contributing Property** – A Building, Structure, Site, or Object that reflects the historic or

architectural character within a Historic District.

q. **Demolition** or **Demolish** – Any act or process that destroys in part or in whole a Building, Structure, Object, or Site.

r. **Design Guidelines** – A standard of appropriate activity that will preserve the historic and architectural character of a Historic Property, Property, or Historic District.

s. **Historic District** – Meaning as set forth in Section 3 of this ordinance.

t. **Historic Property** – A Building, Structure, Site, or Object which is designated by the City Council pursuant to this ordinance.

u. **Historic Significance** – The meaning or value ascribed to a Building, Structure, Object, Site, or district based on criteria for evaluation as defined by Section 3 below.

v. **Infill** – Construction on vacant or under-used parcels within existing areas that are largely developed.

w. **Integrity –** The ability of a property to convey its Historic Significance through its physical features.

x. **Inventory** – Catalog of Buildings, Structures, Objects, and Sites within the City, listed, eligible for listing, or non-eligible for listing in the City's Historic Register.

y. **Maintenance** – All activities necessary to prolong the useful life and aesthetic appearance of a Property.

z. **National Register of Historic Places** – The list of significant Buildings, Structures, Sites, Objects, or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

aa. **Non-Contributing Property** – A Building, Structure, Object, or Site that does not reflect the historic or architectural character within a Historic District because of age or lack of Integrity.

bb. **Object** – A material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

cc. **Period of Significance** – Span of time during which significant events and activities occurred.

dd. **Owner** – The person, corporation, government, or other legal entity who owns or who has any legal or equitable interest in Property and who is so listed as Owner on the records of the [County Name] County Assessor's Office.

ee. **Property** – A Building, Structure, Site, or Object.

ff. **Relocation** or **Relocate** – Moving a Building, Structure, or Object to a different location, either temporarily or permanently.

gg. **Secretary** – The secretary of the Commission.

hh. **Secretary of the Interior's Standards for the Treatment of Historic Properties** – The preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.

ii. **Section 106 Review** – Process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of projects carried out, permitted, licensed, or funded by that agency on properties listed in the National Register of Historic Places.

jj. **Site** – Location of a significant event; a prehistoric or historic occupation or activity; or a Building, Structure, or Object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing Building, Structure, or Object.

kk. **Structure** – A Construction for purposes other than shelter for humans, animals, or chattel (such as a road, bridge, canal, fence).

Section 2. Historic Preservation Commission

1. Creation. There is hereby established a Historic Preservation Commission, which shall be appointed by the City Council, and hereinafter referred to as the "Commission."

2. Composition
    a. The Commission shall be composed of five voting members, all of whom have demonstrated interest in, competence with, or knowledge of preservation.
    b. At least 60% of the members shall be residents of the City.
    c. At least 40% of the members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to History, Architecture, Landscape Architecture, American Studies, American Civilization, Cultural Geography, Cultural Anthropology, Planning, or Archaeology.
2. Term of Office
    a. Members shall serve three year staggered terms from the date of their appointment; provided, however, that the initial appointment to the Commission shall consist of one appointment of a term of one year, two appointments of a term of two years, and two appointments of a term of three years.
    b. Members may continue to serve until their successors have been appointed.
4. Officers. The Commission shall, by majority vote, elect one of its members to serve as chairperson to preside over the Commission's meetings, one member to serve as the vice-chairperson, and one member to serve as Secretary. The members so designated shall serve in these capacities for terms of oneyear.
5. Quorum and Voting. A quorum for the Commission shall consist of a majority or 51% of the members. A quorum is necessary for the Commission to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.
6. Compensation. All members of the Commission shall serve without compensation except for such amounts determined appropriate, in advance, by the City Council to offset expenses incurred in the performance of their duties.
7. Powers and Duties. The Commission shall:
    a. Conduct surveys and create inventories of Properties and areas for the purpose of defining those of Historic Significance.
    b. Review and determine qualifications of Buildings, Structures, Objects, Sites, and districts nominated for designation and recommend that the City Council designate by ordinance such Buildings, Structures, Objects, Sites, or districts qualifying for such designation.
    c. Recommend to the City Council the establishment of Construction and Design Guidelines, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, for review of proposals to Alter, Relocate, or Demolish Historic Properties.
    d. Review and make recommendations on any application for Alteration, Relocation, or Demolition of a Historic Property or Historic District or planning and design project that may affect the character or Integrity of the Historic Property or Historic District.
    e. Participate in review of National Register of Historic Places nominations.
    f. Advise and assist Owners on physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the City's Historic Register, the Colorado State Register of Historic Properties, and the National Register of Historic Places.
    g. Develop and assist in public education programs on history, archaeology, and historic preservation.
    h. Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses, and other methods which will implement the completion of the purposes of this ordinance.
    i. Participate in Federal Section 106 Review as requested by City Council or Staff.
    j. Actively pursue financial assistance for preservation-related programs.
    k. Draft and recommend for adoption by the City Council such by-laws, operating policies and other rules of procedure, as the Commission may deem appropriate.

8. Meetings
    a. The Commission shall establish a regular meeting schedule with no less than four scheduled meetings per fiscal year.
    b. Minutes shall be kept of all Commission proceedings.
    c. All meetings of the Commission shall be open to the public.
9. Vacancies. Appointments to fill vacancies on the Commission shall be made by the City Council in the same manner as regular appointments.
10. Removal. Members of the Commission may be removed by the City Council with just cause.

Section 3. Establishment of City Register and Designation Criteria

1. The City Council hereby establishes [Name of Municipality or County] Register of Historic Places (the "City's Historic Register").
    a. Properties or districts may be listed in the City's Historic Register only if such Property or district has been so designated pursuant to this ordinance.
    b. All Properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the City's Historic Register but are not designated until approval, pursuant to this ordinance, is obtained.
2. Eligibility Criteria
    a. Properties or districts shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
        i. Association with events that have made a significant contribution to history.
            1. Is a Site of a historic event that had an effect upon society; or
            2. Exemplifies cultural, political, economic, or ethnic heritage of the City.
        ii. Connection with persons significant in history.
        iii. Distinctive characteristics of a type, period, method of Construction, or artisan.
            1. Exemplifies specific elements of an architectural style or period;
            2. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
            3. Demonstrates superior craftsmanship or high artistic value;
            4. Represents a style that is particular to the City;
            5. Represents an innovation in Construction, materials, or design; or
            6. Represents a built environment of a group of people in an era of history.
        iv. Geographic importance.
            1. Enhances the sense of identity of the City or community; or
            2. Is an established and familiar natural setting or visual feature of the City or community.
        v. Possibility to yield important information related to prehistory or history.
            1. Addresses research questions or fills recognized data gaps;
            2. Embodies construction, development, or design adaptations; or
            3. Informs on the development of engineering systems.
    b. A Property or district may be exempted from the age standard if the City Council finds it to be exceptionally important in other criteria.
3. Integrity Criteria

    All Properties and districts shall be evaluated for their physical Integrity using the following criteria:
    a. Location - the place where the Property was constructed or the place where the historic event occurred.
    b. Design - the combination of elements that create the form, plan, space, structure, and style of a Property.
    c. Setting -the physical environment of a Property.
    d. Materials - the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a Property.

e. Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
f. Feeling - a Property's expression of the aesthetic or historic sense of a particular period of time.
g. Association - the direct link between an important historic event or person and a Property.

4. Historic Districts
    a. A "Historic District" is a geographically definable area including a concentration, linkage, or continuity of Properties within a specified Period of Significance and may include within its geographic boundaries one or more Contributing Properties, which has been designated by the City Council pursuant to this ordinance.
    b. A Historic District is related by a pattern of either physical elements or social activities. Historic Significance is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).
    c. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in Property type, density, or Integrity.
    d. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.

Section 4. Designation Procedure

1. Nomination and Application
    a. Applications shall be submitted to the [Community Development Department, Planning Department, City Clerk] for consideration on a form provided by the Commission.
    b. A nomination for listing in the City's Historic Register may be made:
        i. By the Owner or Owners of the Property or Properties to be designated;
        ii. By a member or members of the Commission;
        iii. By a member or members of City Council; and/or
        iv. By non-Owners of the Property or Properties to be designated, in which case the Applicant must be a resident or Owner of Property in the City, or have a place of business in the City.
    c. Where nominated by someone other than the Property Owner or less than all of the Property Owners in a district nominated for designation, the City or at least one member of the Commission shall contact the Owner or Owners of such Property or Properties nominated for designation in writing, outlining the reasons and effects of listing in the City's Historic Register within 30 days of receipt of nomination.
    d. Applications determined incomplete shall be returned to the Applicant within 30 days with a request for additional information.
    e. Applications for a district nomination shall not be complete if more than 25% of the Property Owners within the proposed district oppose the nomination in writing or though ballot prepared and administered by the City.
2. Designation Hearing
    a. Within 45 days after an application is determined complete, or within a time frame agreed upon by the Applicant and the City, a public hearing shall be held by the Commission.
        i. The Secretary shall provide notice of the date, time, and location of the public hearing to the Applicant, the Owner or Owners of record, the Owners of adjacent Properties and, if known, to other persons having a legal or equitable interest in the Properties or district nominated for designation at least 10 days prior to the hearing.
        ii. A legal notice indicating the nature of the hearing, the Property involved, and the time, date, and place of the scheduled public hearing, shall be published in the City's publication of record at least 10 days prior to the hearing.
        iii. The notice shall be posted at the Property's physical location at least 10 days prior to the hearing.

b. A hearing may be continued. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 30 days without the express consent of the Applicant.
c. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent the Commission from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
d. Transcripts of the hearings are not required; however, the Commission's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an Owner or holder of some interest in the Property or district nominated for designation, or represents such Owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing.

3. Commission Review
   a. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this ordinance.
   b. The Commission shall recommend:
      i. Approval;
      ii. Approval with conditions; or
      iii. Denial of the application.

      The Commission shall set forth in writing its findings of fact which constitute the basis of its recommendation.
   c. If the Commission approves an application or approves an application with conditions, the Commission shall forward the application with a copy of its report and findings of approval to the City Council.
   d. If the Commission denies an application, the Commission must notify, in writing, the City Council and the Applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.
   e. The Commission may issue an order continuing the nomination process if the Commission finds that additional information is necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 30 days without the express consent of the Applicant.
4. City Council Proceedings
   a. Within 30 days after receipt of the Commission's approval of an application, the City Council shall hold a public hearing to consider adopting by ordinance those properties qualifying for designation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities assigned therein to the Secretary.
   b. The City Council shall review the application for conformance with this ordinance.
   c. The City Council shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the Commission's recommendations.
   d. The City shall provide a copy of the results of the City Council's final action to the Applicant/Applicants, all Owners of record, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing to receive the same.
5. Recording of Designation. Within 30 days of the effective date of an ordinance designating a Historic Property or Historic District for preservation, the City shall record the ordinance with the clerk and recorder of [name of county] County.

6. Records. The City shall maintain a current record of all Historic Properties and Historic Districts and pending designations.
7. Limitation on Resubmission and Reconsideration of Proposed Designation. Whenever the Commission or the City Council denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application unless the Commission or City Council has denied based on a request for additional information.
8. Appeal of Commission's Denial of Application
    a. Applicant(s) and/or Owner(s) shall have the right to appeal such decision to the City Council by filing a written notice within 15 days after the date of receipt of the Commission's denial. Such written notice shall specify the factual and legal basis for the appeal.
    b. Within 45 days after an appeal is received by the City Clerk, or within a time frame agreed upon by the Applicant(s) and/or Owner(s) and the City, a public hearing shall be held by the City Council.
    c. Notice of the City Council's consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities of the Secretary.
    d. The City Council may consider only the notice of appeal, the Commission's reasons for denial of the application, and the comments related thereto made during the Commission hearing.
    e. If the City Council finds the Commission's denial of the application was based on incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Commission, and if the correct or newly discovered information could, in the opinion of the City Council, change the Commission's denial of said application, then the entire matter shall be remanded by the City Council to the Commission for its consideration.
    f. The decision of the City Council shall be final.
9. Amendment of Designation
    a. Designation of a Historic Property or Historic District may be amended to add features or Properties to such Historic Property or Historic District under the procedures prescribed hereinabove.
    b. Upon the Commission's decision to amend a designation, the Commission shall promptly notify the Owners of the Historic Property and the City shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the amendment, and schedule the resolution for City Council review. Upon adoption by the City Council, the resolution shall be recorded.
10. Revocation of Designation
    a. If a Historic Property or Historic District has been Altered to a degree that it no longer retains its historic Integrity, the Owner may apply to the Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the City Council in the absence of the Owner's application to do so. The revocation application shall be reviewed under the same procedures described hereinabove.
    b. Upon the Commission's decision to revoke a designation, the Commission shall promptly notify the Owners of the Historic Property or Historic District and the City shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the revocation, and schedule the resolution for City Council review. Upon adoption by the City Council, the resolution shall be recorded.

Section 5. Alterations to Listed Properties and Historic Districts

1. Requirements
    a. Before carrying out any new Construction, Alteration, Relocation, or Demolition involving the exterior of any Historic Property or Property within a Historic District (including Non-Contributing

Properties) such Owner(s) must first submit the proposed work to the Commission under this Section, as well as apply for any other permits required by the Code.

b. The City shall review any building permit application received to determine whether the Property is a listed Historic Property or located in a Historic District and if so, if the Applicant has completed review by the Commission as required by this Section. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the City shall process it without further action. If no Certificate of Appropriateness has been issued or if the City determines that the permit application does not conform to such, the City shall not approve the permit application and shall not issue a permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.

c. No person shall receive a building permit to Construct, Alter, remove, or Demolish any Building, Structure, Object, or other feature on a Site, or element of a district nominated for designation after an application has been filed to initiate the designation of such Property or district. No such building permit shall be approved while proceedings are pending on such designation.

2. Application
   a. A request for Alteration shall be initiated by the Owner(s). Such application shall be submitted to the City for consideration on a form provided by the Commission. The application shall include anything the City deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the Historic Property or Historic District and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail.
   b. If the City determines the application is complete, the City shall promptly refer the application to the Commission. If the City determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
3. Alteration Hearing. Within 45 days after an application is determined complete by the City, or within a time frame agreed upon by the Applicant and the City, a public hearing shall be held by the Commission. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 4, Subsections 2(a) – (d).
4. Review Criteria
   a. Compliance with any Design Guidelines adopted by the City.
   b. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation.
   c. For Non-Contributing Properties within a Historic District:
      i. Compatibility with the Property's current design, materials, features, size, scale and proportion, and massing; or
      ii. Compatibility with the Historic District's design, materials, features, size, scale and proportion, and massing.
   d. Infill Construction within Historic Districts shall be differentiated from the Historic Properties but be Compatible with the historic materials, features, size, scale and proportion, and massing to protect the Integrity of the Historic District and its environment.
5. Commission Review
   a. The Commission shall:
      i. Approve;
      ii. Approve with conditions; or
      iii. Deny the application.

      The Commission shall set forth in writing its findings of fact which constitute the basis of its recommendation.
   b. If the Commission approves or approves the application with conditions, the Commission shall issue and send a Certificate of Appropriateness to the Applicant, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing

to receive the same within 30 days. If approved with conditions, such conditions shall be stated in writing in the Certificate of Appropriateness.

c. If the Commission denies the application, the Commission shall deny a Certificate of Appropriateness and notify, in writing, the Applicant, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing to receive the same within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.

d. The Commission may issue an order continuing the Alteration application process if the Commission would like additional information necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case can a hearing be continued more than 30 days without the express consent of the Applicant.

e. The Applicant may resubmit an amended application or reapply for a building permit that takes into consideration the recommendations of the Commission, or appeal the denial to the City Council.

f. If an application for a Certificate of Appropriateness is denied, no person may submit a subsequent application for the same Alteration or Construction within one year from the date of the final action upon the earlier application.

6. Appeal of Denial of Certificate of Appropriateness

a. If a Certificate of Appropriateness is denied by the Commission, the Applicant may appeal the denial to the City Council by filing a written notice with the City Clerk within 15 days after receipt of the Commission's denial.

b. Within 45 days after an appeal is received by the City Clerk, or within a time frame agreed upon by the Applicant and the City, a public hearing shall be held by the City Council.

c. Notice of the City Council's consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities of the Secretary.

d. The City Council shall consider the notice of appeal, the Commission's reasons for denial ofthe application, the comments related thereto made during the Commission hearing and any evidence (including new evidence) it deems relevant to the application.

e. The City Council shall apply the criteria in Section 5, Subsection 4 in making its decision.

f. The decision of the City Council shall be final.

Section 6. Relocation of Listed Properties

1. General

a. In addition to the criteria and procedures in Section 5, the Commission will use the criteria of this Section in considering applications for Relocating a Historic Property or Contributing Property in a Historic District within or outside of a designated Site or district or Relocating a Property onto a designated Site or Historic District.

b. Applicants for Relocation shall provide:

i. A professionally prepared estimate of costs of continued Maintenance of the Property in its current condition, of rehabilitation on site, and of Relocation and rehabilitation;

ii. An engineer's or architect's report as to structural soundness;

iii. A professionally prepared estimates of the Property's market value in its current location and current condition, of the market value of the Property rehabbed on its current site, and of the site after Relocation of the Property; and

iv. Professionally prepared site plan and construction documents for the current site.

2. Review Criteria

a. For consideration of the original Property and site, the Commission will review for the following criteria:

i. The Property cannot be preserved, restored, rehabbed, or reused on its current site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's site or adjacent Properties;
ii. And
1. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the Building, Structure, or Object proposed for Relocation;
2. If the Property can be Relocated without significant damage to its physical Integrity; and
3. Whether plans are specifically defined for the site to be vacated, and have been determined to meet all other City codes and ordinances.

b. For consideration of the new location, the Commission will review for compliance with all of the following criteria:
i. Whether the Building, Structure, or Object is Compatible with its proposed site and adjacent Properties; and if the receiving site is Compatible in nature with the Building, Structure, or Object proposed to be moved;
ii. The Building, Structure, or Object's architectural Integrity and its consistency with the character of the neighborhood of the receiving site;
iii. Whether the Relocation of the Building, Structure, or Object will diminish the Integrity or character of the neighborhood of the receiving site; and
iv. If a Relocation plan has been submitted and approved by the City, including posting a bond, to ensure the safe Relocation, preservation, and repair (if required) of the Property and site preparation and infrastructure connections as described in the Code.

Section 7. Demolition of Listed Properties

1. General
a. In addition to the criteria and procedures in Section 5, the Commission will use the criteria of this Section in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District.
b. Applicants for Demolition shall provide:
i. A professionally prepared estimate of costs of continued Maintenance of the Property in its current condition, of rehabilitation, and of Demolition;
ii. An engineer's or architect's report as to structural soundness; and
iii. Professionally prepared estimates of the Property's market value in its current condition, as rehabbed, and after Demolition.
c. If a Demolition approval is granted on any basis other than that of an imminent hazard or economic hardship (See Section 8), a Certificate of Appropriateness will not be issued until a replacement/reuse plan for the Property has been approved by the City.
2. Review Criteria for Total Demolition. Applicants requesting a Certificate of Appropriateness for total Demolition must provide data to clearly demonstrate all of the following criteria:
a. The Property proposed for Demolition is not structurally sound, despite evidence of the Owner's efforts to properly maintain said Building, Structure, or Object;
b. The Property cannot be preserved, restored, rehabbed, or reused on site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's site or adjacent Properties;
c. The Property cannot be practically moved to another site in the City; and
d. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
i. Any impacts that occur to the visual character of the neighborhood where Demolition is proposed to occur;

ii. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties;
iii. Any impact to the Integrity of Buildings, Structures, or Objects located on the Property and adjacent Properties; and
iv. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the Demolition process.

3. Review Criteria for Partial Demolition. Applicants requesting a Certificate of Appropriateness for partial Demolition must provide data to clearly demonstrate all of the following criteria:
    a. The partial Demolition is required for the preservation, restoration, or rehabilitation of the Property; and
    b. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
        i. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties; and
        ii. Any impact on the Integrity of the Buildings, Structures, or Objects located on the Property and adjacent Properties.

Section 8. Alteration Exemptions

1. General
    a. If an application for a Certificate of Appropriateness is denied, the Applicant may request an exemption from such certificate requirement pursuant to this Section.
    b. A request for exemption shall be initiated by the Owner(s). Such application shall be submitted to the City for consideration on a form provided by the Commission. The Applicant shall have the burden of proof to establish hardship.
    c. The Commission may request additional information from the Applicant as necessary to make informed decisions according to the applicable criteria for decision-making.
    d. If the City determines the application is complete, the City shall promptly refer the application to the Commission. If the City determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
    e. Certificate of Appropriateness exemptions are granted only to the specific Owner and are not transferable.
2. Criteria for Exemption
    a. Economic Hardship
        i. The Commission may solicit expert testimony and require that the Applicant make submissions concerning any or all of the following information before it makes a determination:
            1. Estimate of the cost of the proposed Construction, Alteration, Demolition, or removal and an estimate of any additional cost that would be incurred to comply with the conditions of approval set out in Sections 5, 6 and 7 above.
            2. A report from a licensed engineer or architect with experience in rehabilitation of Historic Properties as to the structural soundness of any Buildings, Structures, or Objects on the Property and their suitability for rehabilitation.
            3. In the case of a proposed Alteration, the cost of the project proposed by the Applicant compared with the changes required by the Commission.
            4. In the case of a proposed Demolition, the estimated market value of the Property in its current condition, after rehabilitation, and after Demolition shall be compared, in addition to actual project costs.
            5. Amount paid for the Property, the date of purchase or acquisition, and the party from whom purchased, including a description of the relationship, if any, between the Owner of record or Applicant and the person from whom the Property was purchased.

6. All appraisals obtained within the previous two (2) years by the Owner or Applicant in connection with the purchase, financing, or ownership of the Property.
7. Any listing of the Property for sale or rent, price asked, and any written offers received within the previous two (2) years.
8. The actual or market value of the land and improvements thereon according to the most recent assessment.
9. Real estate taxes for the previous two (2) years.
10. Any proposal for a replacement Building, Structure, or Object for the Property and financial proof of the ability to complete the replacement project.
11. For income producing Property, the annual gross income from the Property for the previous two (2) years and itemized operating and Maintenance expenses for the previous two (2) years.

ii. The following factors, evidence, and testimony are to be considered:
1. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
2. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
3. For investment or income producing Properties, the ability to obtain a reasonable rate of return on the Property in its present condition, or in a rehabbed condition pursuant to the requirements of this ordinance.
4. For non-income producing Properties consisting of owner-occupied single-family dwellings and/or non-income producing institutional Properties not solely operating for profit, the ability to maintain or to convert the Property to a reasonable residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this ordinance or the ability to transfer the Property for a reasonable rate of return.
5. The consideration for economic hardship shall not include any of the following:
a. Willful or negligent acts by the Owner;
b. Purchase of the Property for substantially more than its market value;
c. Failure to perform normal Maintenance and repairs;
d. Failure to diligently solicit and retain tenants;
e. Failure to prescribe a rental amount which is reasonable; or
f. Failure to provide normal tenant improvements.

b. Undue Hardship. An Applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation that is substantially inadequate to meet the Applicant's needs because of specific health and/or safety issues.

c. Inability to Use
i. Two years after denial of a Demolition permit approval, if no feasible use or ownership is found for the designed Site or Structure, the Owner may request a waiver of all or a part of the restraint of Demolition.
ii. The Commission may solicit expert testimony and require that the Applicant make submissions concerning any or all of the following information before it makes a determination:
1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the Owner to make necessary repairs, to find an appropriate user or to find a purchaser for the Property.
2. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the Owner to locate and obtain available assistance for making the Property functional without Demolition.

iii. The following factors, evidence and testimony shall be considered:
    1. Efforts to locate and secure a potential user or purchaser for the Property.
    2. Efforts to locate and obtain available assistance for making the Property functional without Demolition.
    3. The consideration for inability to use shall not include any of the following:
        a. Willful or negligent acts by the Owner;
        b. Purchase of the Property for substantially more than its market value; or
        c. Failure to perform normal Maintenance and repairs.

3. Decision
    a. If the Commission deems the criteria of this Section are met, the Commission shall issue an order of exemption and send a Certificate of Economic Hardship to the City within 30 days.
    b. If the Commission deems the criteria of this Section are not met, the Commission shall deny the exemption request and notify, in writing, the City and the Applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.
    c. The Commission may issue an order continuing the exemption process for a period of not to exceed 90 days from the date of the application if the Commission would like additional information necessary to make a decision.
    d. The Applicant may resubmit an amended application, reapply for an exemption that takes into consideration the recommendations of the Commission, or appeal the denial to the City Council.
    e. If an application for an exemption is denied, no person may submit a subsequent application within one year for the same from the date of the final action upon the earlier application.
4. Appeal for Denial of Exemption
    a. If an exemption is denied by the Commission, the Applicant may appeal the denial to the City Council by filing a written notice with the City within 15 days of the date of the receipt of the Commission's denial.
    b. Notice of the City Council's consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities of the Secretary.
    c. The City Council shall hold a public hearing to consider the appeal, and consider any evidence (including new evidence) it deems relevant to the application.
    d. The City Council shall apply the criteria in this Section in making its decision.
    e. The decision of the City Council shall be final.

Section 9. Alteration to Non-Designated Properties Greater Than 50 Years Old

1. Requirements
    a. Any permit application for Alteration, Relocation, or Demolition of a non-designated Property greater than 50 years old shall be reviewed by the Commission to determine the eligibility of such Property for listing on the City Register.
    b. Permit applications for work on the interior of a Property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
    c. In order to determine eligibility for listing on the City Register, the Applicant must submit a Determination of Eligibility Form requiring ownership, Construction and Alteration information, and photos of all facades of all Buildings, Structures, and Objects located on site.
2. Commission Review
    a. The Commission shall act officially on each application within 30 days after the hearing thereon.
    b. The Commission shall review the eligibility of the Property following the eligibility criteria and review procedure as outlined in Section 3.
    c. The Commission shall determine that the Property is:
        i. Eligible for listing; or
        ii. Not eligible for listing.

d. If the Commission deems the Property eligible:
    i. In the case of a permit application for Alteration, the Commission shall determine if the proposed Alteration will Alter the Property to a degree that it no longer retains its historic Integrity. If so, the Commission shall follow the process as outlined in this Section. If not, the Commission shall notify Applicant, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing to receive the same, that the property is eligible, but all other permitting shall proceed in accordance with Code.
    ii. The Commission shall notify the Applicant, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing to receive the same within 30 days.
    iii. A Stay of Alteration, Relocation, or Demolition shall be placed on the Property which:
        1. Cannot exceed 180 days.
        2. Shall provide the Owner and the Commission the opportunity to take action consistent with this chapter to preserve the Property, including but not limited to:
            a. Consulting with City staff, civic groups, public agencies, and interested citizens regarding feasible alternatives;
            b. Exploring the possibility of relocating Buildings, Structures, or Objects that would otherwise be Demolished;
            c. For applications of proposed Demolition, recommending acquisition of the Property by private or public bodies or agencies; and
            d. Salvaging building materials.
    iv. At the expiration of the Stay, should the Property not be nominated for listing on the City Register as set forth in Section 4, nor a Certificate of Appropriateness issued as set forth in Sections 5, 6 or 7, all other permitting shall proceed in accordance with Code.

a. If the Commission deems the Property ineligible, the Commission shall notify, in writing, the Applicant, the [Planning or Community Development] Director, the Building Official, and any other person who has requested in writing to receive the same within 30 days of such finding and all other permitting activities shall proceed in accordance with the Code.

Section 10. Maintenance

1. The City Council intends to preserve from deliberate or inadvertent neglect the exterior portions of Historic Properties or Historic Districts and all interior portions thereof whose Maintenance is necessary to prevent deterioration of any exterior portion. No Owner, lessee, or occupant of any Historic Property or Contributing Property within Historic District shall fail to prevent significant deterioration of the exterior of the Building, Structure, Object, or special feature beyond the condition of such Historic Property or Contributing Property within a Historic District on the effective date of the designating ordinance.
2. No Owner, lessee, or occupant of any Historic Property or Contributing Property within a Historic District shall fail to comply with all applicable provisions of this ordinance and other ordinances of the City regulating property Maintenance.
3. Before the City's attorney files a complaint in municipal court for failure to maintain the Historic Property or Contributing Property within a Historic District, the City shall notify the Owner, lessee, or occupant of the need to repair, maintain or restore such Property; shall assist the Owner, lessee, or occupant in determining how to preserve such Property; and shall give the Owner, lessee, or occupant a reasonable time to perform such work.
4. Should the condition of the Historic Property or Contributing Property within a Historic District require immediate repair or stabilization to mitigate unsafe or dangerous conditions and after notification, the Owner has not undertaken such repair or stabilization, the City may take such action and bill all expenses to the Owner. Should the Owner not remit such payment to the City, after ninety (90) days, the City shall record a notice with the [County] clerk and recorder of a lien against the Historic Property in violation.

The lien created hereby shall be automatically perfected and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and prior special assessments.

Section 11. Unsafe or Dangerous Conditions Exempted

Nothing in this ordinance shall be construed to prevent any measures of Construction, Alteration, removal, or Demolition necessary to correct the unsafe or dangerous condition of any Property, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City and where the proposed measures have been declared necessary by the City to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a Certificate of Appropriateness under this ordinance, but a certificate is required for permanent Construction, Alteration, removal, or Demolition.

Section 12. Enforcement and Penalties

1. No person shall violate or permit to be violated any of the requirements of this ordinance or the terms of a certificate issued pursuant to this ordinance.
2. Violations of this ordinance are punishable as provided in the Code and may be subject to the following additional penalties:
    a. If any Historic Property or Property within a Historic District is externally reconstructed, externally Altered, added to, Relocated, or Demolished in violation of this ordinance, the Commission may order any Property to be returned to its condition prior to such unlawful Construction, reconstruction, exterior Alteration, addition, or Demolition. This may specifically include ordering the reconstruction of a Property that was Demolished to replicate as closely as possible the original Property.
    b. If any Building, Structure, or Object is erected or Constructed on a Historic Property or Property within a Historic District, the Commission may order any such Building, Structure, or Object to be removed or deconstructed.
    c. Alterations to a Historic Property or Historic District without an approved Certificate of Appropriateness will result in a one-year moratorium on all building permits for the subject Property.
    d. Relocating or Demolishing a Historic Property or Property within a Historic District without an approved Certificate of Appropriateness will result in a five-year moratorium on all relocation, Demolition, or building permits for such Property and/or its original location.
    e. If any Historic Property or Property within a Historic District is externally reconstructed, externally Altered, added to, Relocated, or Demolished in violation of this ordinance or if any Building, Structure, or Object is erected or Constructed on a Historic Property or Property within a Historic District, the City may issue an administrative citation:
        i. Administrative citations for violations of this ordinance shall be issued only after the responsible party has received notice of violation and time to comply, unless, because of the nature of the offense, immediate compliance is required; further, any appeal process shall be completed prior to issuance of an administrative citation.
        ii. Each day a violation exists or continues shall constitute a separate and distinct violation for which a separate citation may be issued. However, unless the City determines that continued violations will cause immediate peril to life or property or the offense is one that, because of the nature of the offense, requires immediate compliance, once a citation has been issued for a violation of this ordnance, no additional citation shall be issued for the same violation for ten (10) days or, if the responsible party appeals, until after the appeal has been heard and the responsible party has not complied with an order of the administrative hearing.
        iii. If the responsible party fails to correct the violation cited, commits the same violation again, or fails to correct a violation as specified in accordance with an administrative enforcement order, subsequent administrative citations may be issued for violations of

the same Code section. The penalties assessed for each administrative citation issued for violations of the same Code section or sections shall not exceed the following amounts regardless of the number of violations per citation:

1. First administrative citation: one hundred and fifty dollars ($150.00);
2. Second administrative citation: five hundred dollars ($500.00);
3. Third and each subsequent administrative citation: nine hundred and ninety-nine dollars ($999.00).

iv. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

v. If an administrative hearing was held, the failure of any responsible party to pay the civil penalties assessed by an administrative citation within the time specified on the citation or administrative enforcement order may result in the imposition of a late fee of up to twenty-five dollars ($25.00) and interest at a rate of ten (10) percent per annum.

vi. The City shall record a notice with the [County] clerk and recorder of a lien against the Property in violation. The lien created hereby shall be automatically perfected and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and prior special assessments.

Section 13. Incentives

1. Any Owner of a Historic Property or Contributing Property within a Historic District under this ordinance may be eligible for the following economic incentives:
   a. Property tax rebate. The Owner may apply for a refund of certain of ad valorem taxes (not to include special district taxes, if any) paid to the City upon any Historic Property listed on the City's Historic Register or Contributing Property within a Historic District listed on the City's Historic Register during the year of designation and any subsequent years that said Property is so designated provided that Maintenance and rehabilitation activities as required by the Commission are completed and the Property was and is maintained as required herein. The amount of the refund shall be computed by multiplying the mill levy imposed by the City for the current year by assessed valuation of said Property and by the percentage of refund as determined by City Council.
   b. Building permit fee rebate. The Owner may apply for a refund of building permit fees paid to the City upon any Historic Property listed on the City's Historic Register or Contributing Property within a Historic District listed on the City's Historic Register for any preservation, rehabilitation, restoration, or reconstruction of said Property that is determined by the Commission to adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties and any Design Guidelines adopted by City Council. Additions and new Buildings or Structures shall not qualify for said rebate. The amount of the refund shall be computed by multiplying the building permit fee imposed by the City for the current year by the percentage of refund as determined by City Council.
   c. Building Code application. [For those jurisdictions following the International Building Code] The City shall utilize and follow the "International Existing Building Code" for any review of code for any Historic Property listed on the City's Historic Register or Contributing Property within a Historic District listed on the City's Historic Register.
   d. Code variances. The City, through its variance review process as provided in Section [add City code section] of the Land Use Code, shall allow for certain variances for any Historic Property listed on the City's Historic Register or Contributing Property within a Historic District listed on the City's Historic Register:
      i. Allowable variances:
         1. Development in the side, rear and front setbacks;
         2. Development that does not meet the minimum distance requirements between Buildings;

3. Up to five percent (5%) additional site coverage; and
4. Reduction of on-site parking requirements.

ii. In order for a variance to be heard through the variance review process, the Commission must recommend said variance through written documentation documenting that said variance:

1. Is similar to the pattern, features, and character of the Historic Property or Historic District; and
2. Enhances, or mitigates an adverse impact to, the Historic Significance or architectural character of the Historic Property, an adjoining Historic Property or Historic District.

f. Revolving loan fund. The City hereby establishes a historic rehabilitation loan program and finds that the program promotes a valid public purpose of increasing the quality, exterior Integrity, and permanence of the City's stock of Historic Properties for the enjoyment and benefit of present and future generations of citizens of the City:

i. Availability. The City shall set aside funds for this loan program through its annual budgeting process. All funds placed in said loan program will remain in the fund as cash or loan agreement with qualified Owners.

ii. Qualifying projects:

1. The subject Property must be a Historic Property listed on the City's Historic Register or Contributing Property within a Historic District listed on the City's Historic Register.
2. Loan Applicants must provide matching funds in an amount equal to or greater than the amount of the loan.
3. Loan and matching funds must be utilized only for the stabilization or exterior rehabilitation of the subject Property; the repair or replacement of electrical, heating, or plumbing systems; the repair or installation of fire sprinkling systems in commercial Properties; or the installation or reconfiguration to meet the minimum requirements of the Americans with Disability Act. Neither the loan nor the matching funds shall be used for the installation or rehabilitation of signage (unless such signage is historic and determined to be a character defining feature); interior rehabilitation or decoration; the addition of architectural or decorative elements which were never a part of the Historic Property; or the Construction of additions or new Buildings, Structures, or Objects.
4. Overall project, including but not limited to, portion paid through loan and matching funds must meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.
5. In addition to items required in Section 5, Subsection 2 a., loan Applicant must submit cost estimates from qualified contractors including labor and materials.

iii. Loan Terms and Repayment:

1. Applications for participation in the Loan Program shall be in the names of all Owners of title of the subject Property. Applications in the names of less than all Owners shall not be reviewed.
2. Ownership and title to the subject Property, must be in "good" or marketable title with all taxes and loans current, liens paid, no foreclosure proceedings pending, all restrictions of record and encumbrances disclosed and approved by the Commission, and compliance to all zoning codes.
3. No interest shall be charged on loan funds; however, the Commission may set a reasonable application fee.
4. Loan must be repaid in equal installments not to exceed ten (10) years. The remaining principle balance shall be due in full upon sale or transfer of the property.

5. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance to become a lien upon the Property, and shall have priority over all liens, except general taxes and prior special assessments.
6. No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected and approved by the City, the disbursement of loan funds has been approved by the [City Manager], and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by actual proof of expense.
7. All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work.
8. Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's loan program.

iv. Loan Review Procedures. Review of loan shall follow the procedures set forth in Section 5., except the Commission shall present a written recommendation for approval or denial to be presented to the [City Manager] who shall have final approval authority, which must be awarded or denied within 30 days of the Commission's recommendation.

g. Rehabilitation Grant Program. The City hereby establishes a historic rehabilitation grant program and finds that the program promotes a valid public purpose of increasing the quality, exterior Integrity, and permanence of the City's stock of Historic Properties for the enjoyment and benefit of present and future generations of citizens of the City:

i. Availability. The City shall set aside funds for this grant program on an annual basis through its budgeting process. All funds placed in said grant program shall be awarded on an annual basis.

ii. Qualifying projects:

1. The subject Property must be a Historic Property listed on the City's Historic Register or Contributing Property within a Historic District listed on the City's Historic Register.
2. Grant Applicants must provide matching funds in an amount equal to or greater than the amount of the loan.
3. Grant and matching funds must be utilized only for the stabilization or exterior rehabilitation of the subject Property; the repair or replacement of electrical, heating or plumbing systems; the repair or installation of fire sprinkling systems in commercial Properties; or the installation or reconfiguration to meet the minimum requirements of the Americans with Disability Act. Neither the gran nor the matching funds shall be used for the installation or rehabilitation of signage, unless such signage is historic and determined to be a character defining feature, interior rehabilitation or decoration, the addition of architectural or decorative elements which were never a part of the Historic Property, or the Construction of additions or new Buildings.
4. Overall project, including but not limited to, portion paid through grant and matching funds must meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.
5. In addition to items required in Section 5, Subsection 2 a., grant Applicants must submit cost estimates from qualified contractors, including cost estimates for labor and materials.

iii. Grant Terms:

1. Applications for participation in the grant program shall be in the names of all Owners of title of the subject Property. Applications in the names of less than all Owners shall not be reviewed.
2. Ownership and title to the subject Property must be in "good" or marketable title with all taxes and loans current, liens paid, no foreclosure proceedings pending, all restrictions of record and encumbrances disclosed and approved by the Commission, and compliance to all zoning codes.
3. No grant funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected and approved by the City, the disbursement of grant funds has been approved by the [City Manager] and the grant recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders, and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by actual proof of expense.
4. All rehabilitation work shall be completed within one (1) year from the date upon which the grant was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work.
5. Grant recipients shall, as a condition of the grant, prominently place a sign upon the Property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's grant program.

h. Grant Review Procedures. Review of grant shall follow the procedures set forth in Section 5, except the Commission shall present a written recommendation for approval or denial to be presented to the [City Manager] who shall have final approval authority which must be awarded or denied within 30 days of the Commission’s recommendation.

2. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for Historic Properties. The Commission shall notify the Owners of economic incentive opportunities available.
3. The Commission shall make the determination for each request regarding economic incentives.

Sec. 16-12-70. Demolition or relocation of buildings, structures or sites.

Consistent with the purposes of this Article, it is the intent of this Section to preserve the historic districts and historical and architectural resources of the City through limitations on the demolition and relocation of landmark and contributing buildings, structures or sites to the maximum extent feasible, and to regulate the demolition and relocation of nonlandmark and noncontributing structures within historic districts. The demolition and/or relocation of landmark and contributing buildings, structures and sites are to be discouraged in favor of preservation, renovation, adaptive reuse or relocation within a historic district. Notwithstanding the foregoing, it is recognized that structural deterioration, economic hardship and other factors not within the control of a property owner may cause or require the demolition or relocation of a landmark or contributing building, structure or site.

(1) Certificate of Approval Required. No landmark or contributing building, structure or site, and no building, structure or site within a historic district, may be demolished or relocated without first having been approved through the issuance of a certificate of approval as outlined in Section 16-12-80 below.

(2) Major Activity. An application for a certificate of approval to demolish a landmark or contributing building, structure or site, or a building, structure or site within a historic district, shall be considered a substantial or major activity.

(3) Demolition by Neglect Prohibited. No owner or person occupying or using a landmark or contributing building, structure or site shall allow or cause the demolition, destruction, damage or deterioration of such building, structure or site by neglect.

(Ord. No. 2014-05, 5-6-2014)

Sec. 16-12-80. Certificates of approval; procedure.

(a) No building permit for work or activity requiring a certificate of approval shall be valid or issued by the Building Official absent the receipt by the official of the necessary certificate of approval (CA). Conversely, the issuance of a CA shall not relieve an applicant from having to obtain any and all other permits or approvals for the subject work or activity as may be required under the City's zoning, subdivision, building or other life/safety codes.

(b) Certificates of approval may be made subject to such terms, conditions or limitations as determined necessary to protect and preserve the structural, aesthetic and/or historic integrity and value of the building, structure or site to which it pertains. A CA shall not constitute a site-specific development plan or vested property right and, unless acted upon in a substantial fashion or otherwise specifically authorized and provided for in the permit, shall automatically expire one (1) year from its date of issuance, unless extended by order of the Historic Preservation Commission.

(1) Procedure. Applications for a CA shall follow the stages of the land development process outlined below:

a. Preapplication Conference. Attendance at a preapplication conference is recommended for an applicant intending to submit an application for a CA.

b. Application Submittal. The applicant shall submit a complete application to the Administrator containing those materials listed in Subsection 16-12-80(b)(2) below.

c. Staff Review. The Administrator or their designee shall review the application to determine whether it is complete, as specified in Subsection 16-10-40(a) of this Chapter. The Administrator or their designee shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in Section 16-12-90 below, and other applicable

provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

d. Posting of Notice. Posting of notice that the HPC will hold a public hearing for major certificate of approval shall be accomplished by the City as specified in Table 16-C of this Chapter. Public notice is not required for applications for a minor certificate of approval.

e. Action by the Historic Preservation Commission.

1. Minor Activity. An application regarding minor activity shall be reviewed and ruled upon by the Community Development Department and, as needed, two (2) designated members of the HPC within ten (10) business days from the date the application was deemed complete. If it is determined that the application pertains to minor activity only or to activity that will not detrimentally impact or influence the historic integrity and/or appearance of a landmark or designated historic district, a CA shall be issued authorizing the activity. If it is determined that the application pertains to major activity, it shall be referred to the HPC for review and determination at a regular or special meeting.

2. Major Activity. An application regarding major activity shall be reviewed and ruled upon by the HPC at a regular or special meeting to be conducted within thirty-one (31) days from the date the application was determined complete, or within such longer time period as necessary to reasonably accommodate the application on an HPC meeting agenda. Written notice of the date, time and location of the meeting shall be mailed by regular mail or personally delivered to the applicant not less than fifteen (15) days prior to the meeting. The unexcused absence of the applicant from the meeting shall cause the HPC to deny the application or, at the HPC's option, continue the matter to a later meeting date of its choosing.

f. Actions following approval. A copy of each approved certificate of approval shall be transmitted by the Administrator to the Building Official promptly upon its issuance.

(2) Application Contents. An application for a certificate of approval shall contain the following information:

a. Minimum Contents: The minimum contents for all applications specified in Subsection 16-12-40(b) of this Chapter.

b. Photographs: All applications shall be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application. Include photographs showing all sides of the structure, particularly the front and any side affected by the proposed project and detailed photographs of the features affected by the project.

c. Drawing Format: Drawings shall be large enough so that all information is legible but no smaller than eleven (11) inches by seventeen (17) inches. Sketch drawings are acceptable if they provide accurate information and are reasonable drawn to scale.

d. Dimensioned Site Plan: Site plan showing street locations, existing structure and proposed new elements or structures.

e. Dimensioned Floor Plan(s): Floor plans showing existing structures and proposed new elements or structures.

f. Dimensioned Roof Plan: Roof plan showing proposed new roof elements in context of the existing roof.

g. Dimensioned Exterior Elevations: Exterior elevations showing appearance of proposed project with all materials and indicating finishes.

h. Building Sections and Construction Details: Sections and details as required adequately explaining and clarifying the project. Note all materials and finishes.

i. Specification of Materials: Manufacturer's product literature and material samples. Product literature is required for replacement windows.

j. Bids: If proposing to replace existing historic materials or features with replicas rather than repair or restore, firm bids must be provided for both restoration and replication.

k. Window Replacement: If proposing to replace historic windows (aside from wooden replica sash replacement) justification shall be provided as outlined in National Park Service Preservation Brief #9. Submittal must include written assessment of condition of existing windows.

l. New Construction shall include the following information:

1. Block Site Plan: A site plan or aerial photograph showing relationship of proposed structure to existing structures.

2. Written Statement: A written statement of the design philosophy and building program.

3. Massing Model: A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.

4. Photographs: Photographs of the surrounding structures including both block faces and side streets.

m. Demolition or relocation of a building, structure or site shall include the following:

1. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed demolition or relocation.

2. A detailed development or redevelopment plan for the demolition and/or receiving relocation site and a schedule for completion of the work.

3. Elevations, building sections, construction details, specifications and massing model of proposed replacement structure similar to those required for new construction.

4. For landmark or contributing structures 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 buildings, structures or sites addressing:

a) The structural soundness of the building, structure or site and its suitability for rehabilitation, renovation, restoration or relocation.

b) The economic and structural/engineering feasibility of the rehabilitation, renovation and/or restoration of the building, structure or site at its current location.

c) The economic and structural/engineering feasibility of relocating the building, structure or site.

(Ord. No. 2014-05, 5-6-2014; Ord. No. 2019-10, § 9, 6-21-2019)

Sec. 16-12-90. Certificates of approval; review standards.

(a) Historic Landmark and/or Contributing Buildings, Structures or Sites. All work performed in completion of an approved certificate of approval shall be in conformance with the most recent edition of the Secretary of 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. (available for review at the Community Development Department).

(b) Supplemental Guidelines. The Administrator or his or her designee with advice from the HPC may, subject to final approval by the City Council, devise, adopt, publish and implement design guidelines to supplement the criteria set forth in this Section for the review, evaluation and approval of certificates of approval. Upon their approval by the City Council, said guidelines shall be enforced and have the same effect and authority as if fully set forth in this Section, and violations thereof shall be subject to the same penalties for violations of any other section contained in this Article. In addition, the following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a historic landmark or contributing building, structure or site:

(1) Architectural Character. Whether and/or to what extent the proposed work will preserve, protect, change, diminish, disguise, obscure, detract from or destroy the appearance or structural integrity of the historic features, design, materials, character or value of the structure or site.

(2) Original Materials. Whether original designs, materials, finishes and construction techniques that characterize the historic value and appearance of a structure or site can be retained, restored or repaired as opposed to replaced, and whether replacement designs, materials or finishes can match and/or accurately replicate the originals.

(3) Minimum Change. Whether and/or to what extent the proposed work will require more than a minimal change to the historic appearance, materials or integrity of the structure or site.

(4) New Construction. New additions, exterior alterations and related work shall not destroy or detract from the existing historic structure and materials to the maximum extent feasible, and such new work or alterations shall be differentiated from, but compatible with, the existing size, scale and exterior architectural features of the structure or site so as to protect its historic identity and integrity.

(5) Historic Appearance. Work that will protect or return the original historic appearance of a structure or site, especially where documented by photographs, historic research or other credible evidence, shall be encouraged and favored.

(6) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.

(c) Activities Within Designated Historic Districts. The following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a nonlandmark or noncontributing building, structure or site within a designated historic district.

(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 district.

(2) Overall Character. New structures and additions to, or the exterior repair or alteration of, existing nonlandmark and 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 nonlandmark and noncontributing structures shall specifically harmonize with neighboring 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.

(4) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.

(d) Demolition or Relocation of a Landmark or a Building, Structure or Site Within a Historic District. The following criteria shall be used in determining whether a certificate of approval should be issued for the demolition or relocation of a landmark or a building, structure or site within a historic district:

(1) The historic, social or architectural significance of the building, structure or site.

(2) The structural soundness and safety of the building, structure or site.

(3) In the case of a landmark or contributing building, structure or site, whether the same can be rehabilitated, renovated or restored at its current location as part of an economically feasible and beneficial use of the property.

(4) In the case of a landmark or contributing building, structure or site, whether the same has been properly maintained and/or been subject to disrepair, deterioration and/or demolition by neglect.

(5) In the case of a landmark or contributing building, structure or site, whether the same can be relocated to a historically appropriate alternative location in a manner that will protect and ensure its structural integrity.

(6) The impacts of the proposed demolition or relocation of the building, structure or site, and the planned redevelopment of the site, on the historical character of the existing neighborhood.

(Ord. No. 2014-05, 5-6-2014)

Sec. 16-12-100. Exempt activity.

A CA shall not be required for the interior alteration, renovation, repair, reconstruction or rehabilitation of a landmark or contributing building or structure, or for any other building or structure within a historic district. Similarly, a CA shall not be required to undertake ordinary exterior maintenance and/or repair 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.

(Ord. No. 2014-05, 5-6-2014)

Sec. 16-12-110. Exceptions.

Nothing in this Article 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 Article shall be undertaken and performed in compliance therewith.

(Ord. No. 2014-05, 5-6-2014)

Sec. 16-12-120. Removal of landmark, contributing or historic district designation.

(a) Finding by City Council required. The removal of a landmark or contributing designation for any building, structure or site, or the removal of the designation of a district as a historic district, shall only be approved upon a finding by the City Council after a noticed public hearing that the building, structure, site or district no longer satisfies the eligibility criteria for landmark, contributing or historic district status, and that it would be in the public interest and welfare to remove or rescind such designation.

(b) Procedure. The procedures contained in Section 16-12-50 above with regard to the designation of landmark, contributing or historic buildings, structures, sites or districts, respectively, shall be followed in applying for and processing a petition for the removal or rescission of such a designation. Notwithstanding the foregoing, no landmark or other historic designation awarded to any building, structure, site or district by the United States Department of the Interior and/or the State, respectively, shall be removed, rescinded or modified except in accordance with the procedures and standards established by said governmental authority.

(Ord. No. 2014-05, 5-6-2014)

Sec. 16-12-130. Violations and penalties.

(a) Violation of the provisions of this Chapter shall be punishable as set forth in Chapter 1 Article IV 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 Article, or the terms and conditions of a CA 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 shall 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 Article shall be nonexclusive and cumulative, and the City's pursuit and/or exercise of one (1) remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies.

(Ord. No. 2014-05, 5-6-2014)