

TOWN OF LYONS BOARD OF TRUSTEES MEETING
VIRTUAL MEETING
LYONS TOWN HALL, 432 5TH AVENUE, LYONS, COLORADO

ZOOM LINK:

<https://us02web.zoom.us/j/85065395912?pwd=a2FCZkcxVlorSGY1NU9MeUJpVFVNQT09>

Meeting ID: 850 6539 5912

Passcode: 635577

Dial by your location

+1 301 715 8592 US (Washington DC)

Meeting ID: 850 6539 5912

DRAFT AGENDA
MONDAY, APRIL 19, 2021

5:30 pm – 6:50 pm WORKSHOP
Historic Preservation Ordinance

7:00 PM BOARD OF TRUSTEES REGULAR MEETING

I. WORKSHOP

I.1. Historic Preservation Ordinance

Documents:

[ATT 2_LMC HISTORIC PRESERVATION.PDF](#)
[HP ORDINANCE WORKSHOP_COVER SHEET_4-19-2021.PDF](#)

“The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at hr@townoflyons.com as soon as possible, but no later than 72 hours before the scheduled event.”

Lyons Municipal Code – Historic Preservation

Sec. 2-8-140. - Historic Preservation Commission.

- (a) Commission established. There is hereby established a Historic Preservation Commission that shall act as an advisory committee to the Board of Trustees and exercise the powers granted by this Article.
- (b) Members. The Historic Preservation Commission shall have no more than seven (7) voting members and any number of appointed of non-voting members.
- (c) Responsibilities. The powers and duties of the Historic Preservation Commission shall be as follows:
 - (1) Encourage and cultivate good stewardship and pride in owners of historic properties in the Town.
 - (2) Help property owners voluntarily preserve their historic landmarks.
 - (3) Promote heritage tourism.
 - (4) Create and maintain a registry of designated properties.
 - (5) Identify incentives available through the historic designation process.
 - (6) Collaborate with the PCDC and Economic Vitality Commission on historic preservation matters.
- (d) Leverage technology, social media, and marketing to make a digital map of Lyons highlighting historic sites within Lyons.

([Ord. No. 1056, § 2, 4-15-2019](#))

ARTICLE 12 - Historic Preservation

Sec. 16-12-10. - Purpose.

- (a) The purpose of this Article is to:
 - (1) Promote the voluntary protection and preservation of the Town's historic and cultural heritage.
 - (2) Provide educational opportunities to increase public appreciation of The Town's unique past.
 - (3) Allow owners of historic property to volunteer the same for historic landmarking.
 - (4) Encourage tourist interest in the history of the Town.
 - (5) Enable property owners to pursue grants and tax incentives.
- (b) Further, it is the intention to create a reasonable balance between private property rights and the public interest in preserving the Town's heritage by entrusting that the demolition of, moving of or alterations to the exterior of properties of historic value shall be carefully considered for its impact to the historical character of the Town.

(Prior code 9-6-1; Ord. 956 §1, 2014)

Sec. 16-12-20. - General provisions.

- (a) A historic building or property shall be defined as being:
 - (1) At least fifty (50) years of age;
 - (2) Without extensive alteration to the exterior of said structure;

- (3) With small or minor modifications and/or alterations made at least fifty (50) years prior to the date of application; and
- (4) Unique to the historical and cultural development of the Town.
- (b) Historic land ownership shall be defined as having been significant to the historical and cultural development of the Town, such as original ownership of property obtained through the Homestead Act of 1862, pre-emption grants, squatters' rights, purchase, inheritance or gift of said property in the 1800s and early 1900s.

(Prior code 9-6-2; Ord. 956 §1, 2014)

Sec. 16-12-30. - Historic Designation Commission.

- (a) The Lyons Historic Designation Commission (LHDC) shall be composed of three (3) or five (5) members.
- (b) The LHDC will function as an advisory board to the Board of Trustees, remaining flexible in order to include persons interested in historical research, the historical development of the Town and/or architecture, red sandstone quarrying, archeology and preservation.
- (c) The goals of the LHDC are to:
 - (1) Encourage and cultivate good stewardship and pride in owners of historic properties in the Town;
 - (2) Help property owners voluntarily preserve their historic landmark;
 - (3) Promote heritage tourism, at the consent of the owners, by printing historic tours of the Town's historic homes;
 - (4) Create and maintain a registry of designated properties; and
 - (5) Identify incentives available through the historic designation process.
- (d) Members of the LHDC shall be by appointed by the Mayor. All interested persons may submit a letter of application when a vacancy occurs.
- (e) Membership to the LHDC is intended, if possible, to consist of persons with a variety of backgrounds, knowledge and interests, including stone quarry operations, stone quarry mining history, architectural design and/or historic preservation.

(Prior code 9-6-3; Ord. 956 §1, 2014)

Sec. 16-12-40. - Historic landmark designations.

- (a) Recommendations for Designation of Historic Sites. Pursuant to the procedures set forth in this Article, the LHDC may make written recommendation to the BOT that a site be designated as an historic site for designation, meeting the criteria set forth in this Article. Each such recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the site. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Article.
- (b) Procedures for Designating Historic Sites.
 - (1) Applications. Applications for designation of historic sites shall be made to the Town Staff on forms provided by the Town. Applications shall be made only by the owners or authorized designees of one hundred percent (100%) of the site for which the application is submitted.

- (2) Staff review. The Town Staff shall review applications for designation of historic sites for content and for completeness. The Town Staff shall, within sixty (60) days of receipt, forward the completed application and staff recommendations to the LHDC.
 - (3) LHDC review. The LHDC shall consider and act upon applications at regularly scheduled or special meetings within sixty (60) days of receipt of Town Staff recommendations. The LHDC shall approve, approve with conditions or disapprove applications, and shall immediately forward notice of its decisions to the BOT. In the event of failure of the LHDC to act in a timely manner, the BOT may proceed without an LHDC recommendation.
 - (4) BOT action. The BOT shall, by resolution, approve, modify and approve or disapprove the proposed historic designation.
 - (5) Withdrawal of applications. Prior to action on applications by the BOT, applicants may withdraw applications by submitting a written request to the Town Clerk.
 - (6) Recording. The resolution designating a site as a local historic landmark shall be recorded in the records of the County Clerk and Recorder.
- (c) The LHDC retains the right to publish any or all part of the application. By written agreement with the property owner, said landmarked property may be included in the Town of Lyons Historic Tourism program.
- (d) Upon designation of the property as being a Lyons Historic Landmark by resolution of the BOT, placement of the application shall be as follows:
- (1) The original application shall be kept at the Lyons Town Hall.
 - (2) A copy shall be returned to the owners of record.
 - (3) Another copy shall be archived at the Lyons Redstone Museum.
- (e) The LHDC shall present the owner of the property with a plaque to be placed on the property, indicating the designation of landmark status.
- (f) Future property owners shall be encouraged to comply with the landmark designation, entrusting that the exterior of any buildings remain as is at the time of landmark designation.

(Prior code 9-6-4; Ord. 956 §1, 2014)

Sec. 16-12-50. - Historic landmark designation standards.

To qualify for designation as an historic site pursuant to this Article, the LHDC shall determine that the property has historic significance due to one (1) or more of the following factors:

- (1) It has character, interest or value, as part of the historical development, heritage or culture of the Town, State or Nation.
- (2) Its location is a site of a significant historical event.
- (3) Its identification with a person or who significantly contributed to the culture and development of the Town.
- (4) Its exemplifications of the cultural, economic, social or historic heritage of the Town.
- (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (6) Its embodiment of distinguishing characteristics of an architectural type of specimen.
- (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the Town.

- (8) Its embodiment of the elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.
- (9) Its relationship to other distinctive areas that are eligible for designation according to a plan based on a historic, cultural or architectural motif.
- (10) Its unique location of singular physical characteristic representing an established familiar visual feature of a neighborhood or the Town.

(Prior code 9-6-5; Ord. 956 §1, 2014)

Sec. 16-12-60. - Landmark designation amendments.

A landmark may be amended to add features or property to the site according to the application process described in this Article for new landmark designations.

(Prior code 9-6-6; Ord. 956 §1, 2014)

Sec. 16-12-70. - Landmark designation alterations.

If an owner intends to make significant modifications and retain the landmark designation, the owner shall notify the Town Clerk of the owner's intention to alter, demolish, move or remove the site and provide plans for the work at least thirty (30) days prior to beginning such work. This notification requirement shall run with the land and shall bind successors and assigns. The Town Clerk shall, upon receipt, forward the notification and plans to the LHDC for review. The LHDC shall review the plans and may advise the owner on the potential affect of the plans on the historic designation. The LHDC may forward a recommendation to the BOT that, based on the plans, the historic designation be modified or revoked.

(Prior code 9-6-7; Ord. 956 §1, 2014)

Sec. 16-12-80. - Revocation of landmark status.

- (a) The BOT may, by resolution, revoke or modify the designation of a site after fifteen (15) days' notice to the owner and after a public hearing if any of the following conditions exist:
 - (1) If any owner of a designated site fails to provide notification as required in this Article, or if alterations to the site will significantly alter the historic character of the site;
 - (2) If an owner of a designated historic site submits a written request to the Town for revocation of a historic designation;
 - (3) If the LHDC makes a recommendation for modification or revocation based on an owner's written intent to alter a designated historic site; or
 - (4) If modifications are made to an historic landmark that are found by the LHDC to not be in accordance with the standards specified in this Article.
- (b) The resolution revoking or modifying the landmark designation shall be recorded in the records of the County Clerk and Recorder.

(Prior code 9-6-8; Ord. 956 §1, 2014)

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: WORKSHOP
Meeting Date: April 19, 2021**

TO: Mayor Angelo and Members of the Board of Trustees
FROM: Reyana Jones, Historic Preservationist/Planner
DATE: April 19, 2021
ITEM: WORKSHOP – Draft Historic Preservation Ordinance

ORDINANCE
 MOTION/RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The HPC and Staff would like feedback from the Board of Trustees on the draft Historic Preservation Ordinance update.
- II. **RECOMMENDED ACTION / NEXT STEPS:** Discuss the draft ordinance with the HPC and Staff so any changes can be made prior to presentation to the Board for adoption.
- III. **FISCAL IMPACTS:** This is a workshop item, so there are no direct fiscal impacts. There are fees associated with the legal review of the proposed ordinance, but those costs were accounted for in the 2021 budget for the Historic Preservation Commission.

IV. BACKGROUND INFORMATION:

Becoming a “Certified Local Government,” or “CLG,” with the State of Colorado allows municipalities to maintain their own local registers of designated historic places and opens access to special funding for those designated properties, for preservation planning efforts, and other preservation opportunities. For example, Colorado has the best state income tax credit rate for preservation projects in the country (as high as 35% of qualified costs), and locally designated historic property owners (both commercial and residential) can apply for those funds. Being a CLG also connects you to a state-wide network of preservationists in other CLGs and the experts with History Colorado.

As part of the requirements from the SHPO/History Colorado to become a Certified Local Government, a municipality must have a Historic Preservation Ordinance that meets certain requirements that the current Lyons ordinance does not meet. The HPC has been working on revising the “Basic” model ordinance provided by History Colorado; the “Basic” model takes the middle road between an aggressive preservation direction and a weak one. The HPC’s draft is attached.

One of the major differences between the existing and draft ordinances is that the HPC would assume some design review responsibilities to approve exterior alterations to designated Lyons Landmarks against the Secretary of the Interior's Standards for Rehabilitation or the Treatment of Historic Properties and would serve in an advisory capacity for changes to buildings designated on the National Register of Historic Places.

It should be noted that changes to the historic preservation ordinance would also result in some needed changes to the description of the HPC under Chapter 2 of the municipal code (current code attached), where all of the different boards and commissions are listed, to make sure those sections are in alignment (e.g. the goals/purpose section).

V. LEGAL ISSUES: None.

VI. SUMMARY AND ALTERNATIVES: The Board of Trustees should discuss the draft ordinance with the HPC and advise Staff of any changes they would like to see applied to the draft.

Attachments:

1. Draft Historic Preservation Ordinance
2. Existing Historic Preservation Code