

4-20.7. Preservation Requirement.

A. Preservation Required: All owners of properties within a Historic Overlay Zone shall be responsible for, preserve and maintain all buildings on their property to prevent decay and deterioration. Owners shall repair buildings if they are found to have any of the following defects:

- (1) Deteriorated or failing foundation;
- (2) Deteriorated or failing flooring or floor structure;
- (3) Deteriorated or failing walls, whether structural load bearing or non-load bearing;
- (4) Deteriorated or failing roofs, ceilings, porches, portales or other building parts such as, but not limited to: fireplaces, chimneys, doors, windows, antennas, etc.;
- (5) Deteriorated or failing plaster or roofing membranes; or
- (6) Should the structural adequacy of a building part become suspect, the owner shall provide to the Code Administrator written documentation prepared by a licensed engineer as to the structural state of the items in question.

B. Preservation shall meet the following standards, or the most recent Standards for Preservation outlined in "The Secretary of the Interior's Standards for the Treatment of Historic Properties," if different:

- (1) The historic character of a building shall be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a building shall be avoided;
- (2) Each building shall be recognized as a physical record of its time, place and use. Work needed to stabilize and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for further research;
- (3) Changes to a building that have acquired historical significance in their own right shall be retained and preserved;
- (4) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a building shall be preserved;
- (5) The existing condition of historic features shall be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material shall match the old in composition, design, color and texture, and shall not, in any way, damage original parts, features or materials of the building;
- (6) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials

shall not be used; and

(7) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

C. Role of Preservation Commission: Buildings requiring preservation may be observed by the Preservation Commission or the need for preservation may be reported by Town Staff. It shall not be the Preservation Commission's responsibility to inspect the Historic Overlay Zone to determine the state of buildings. All decisions by the Preservation Commission that a building requires preservation shall be made at a Public Hearing, and in determining whether the building requires preservation, the owner of such building shall be given fifteen (15) days prior written notice of the Public Hearing by registered mail that his or her building is being reviewed for preservation. If the Preservation Commission determines that a building or structure within a Historic Overlay Zone requires preservation, the owner of said building shall provide and furnish the suggested preservation within a reasonable time after the Preservation Commission's decision. The Commission shall consider financial hardship in making its decision. If a property owner fails to provide suggested preservation, he/she shall be subject to the penalty provisions hereinafter provided.

4-20.8. Standards for Non-Contributing Properties

A. Changes in use, relocation and new construction—including preservation and rehabilitation—of non-contributing properties shall follow the standards of this section.

B. In the "Recent Taos Style," two (2) alternative treatments are recognized and are based on the two (2) styles that are predominant in historic Taos, the Pueblo/Spanish Revival and the pitched-roof appearance of Territorial Revival. It should be noted that the first of these, the Pueblo/Spanish Revival, is most common and most popular and should prevail in new construction. "Recent Taos Style" achieves harmony with historic buildings by retention of a similarity of materials, color, proportion and general detail. Traditionally, the Pueblo/ Spanish Revival has been used for commercial buildings. Both styles are appropriate for residential, public and/or commercial buildings.

C. The appropriate style for new construction should be in harmony with the predominant type and style of architecture of the immediate surrounding neighborhood. Other styles of architecture exist in the Taos area in addition to the two (2) predominant styles described above. When additions to or modifications of "Recent Taos Style" are contemplated, every effort shall be made to maintain the integrity of the existing building's style.

D. If proposed new construction will cause an adjacent building to lose its contributing status, the application cannot be approved.

E. Historic photographic documentation shall, when possible, be submitted to verify the historic use of specific materials, style and detailing for a specific renovation project.

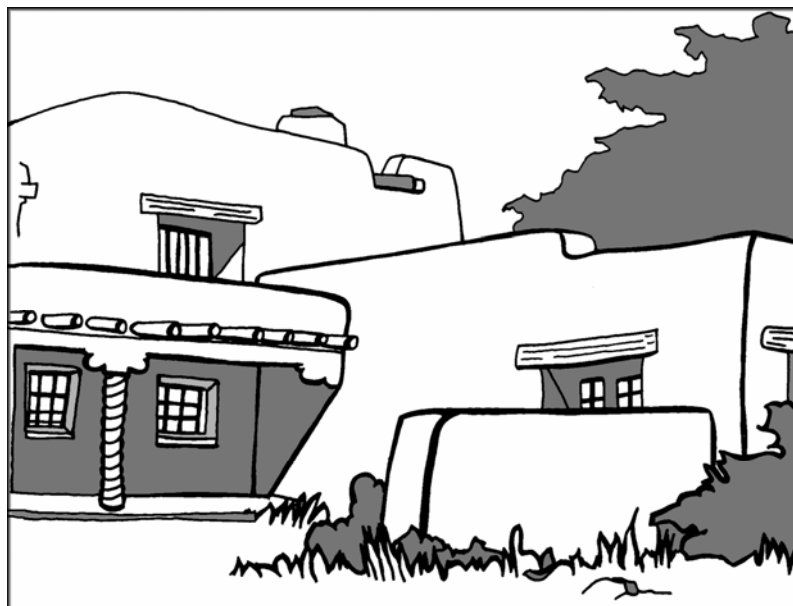
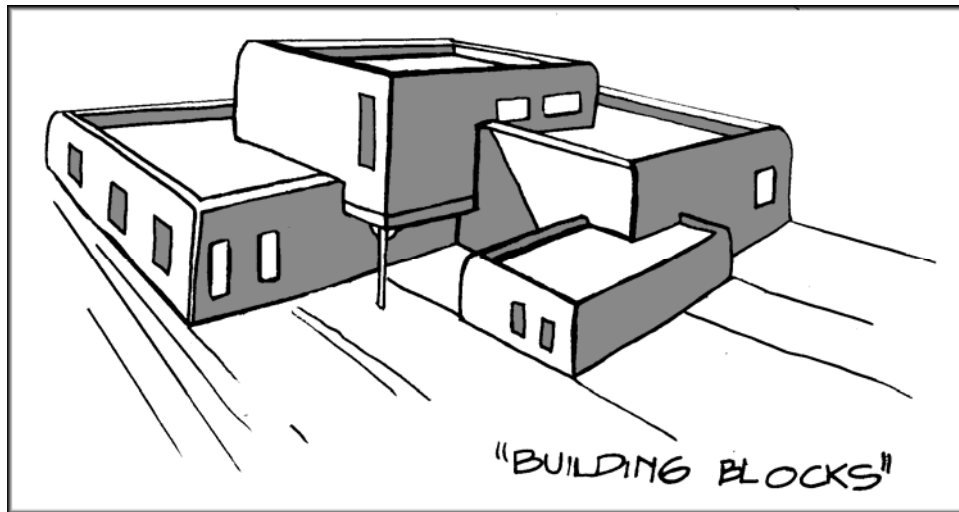
F. The Pueblo/Spanish Revival style.

(1) Massing/Scale: Buildings shall express a massive structural

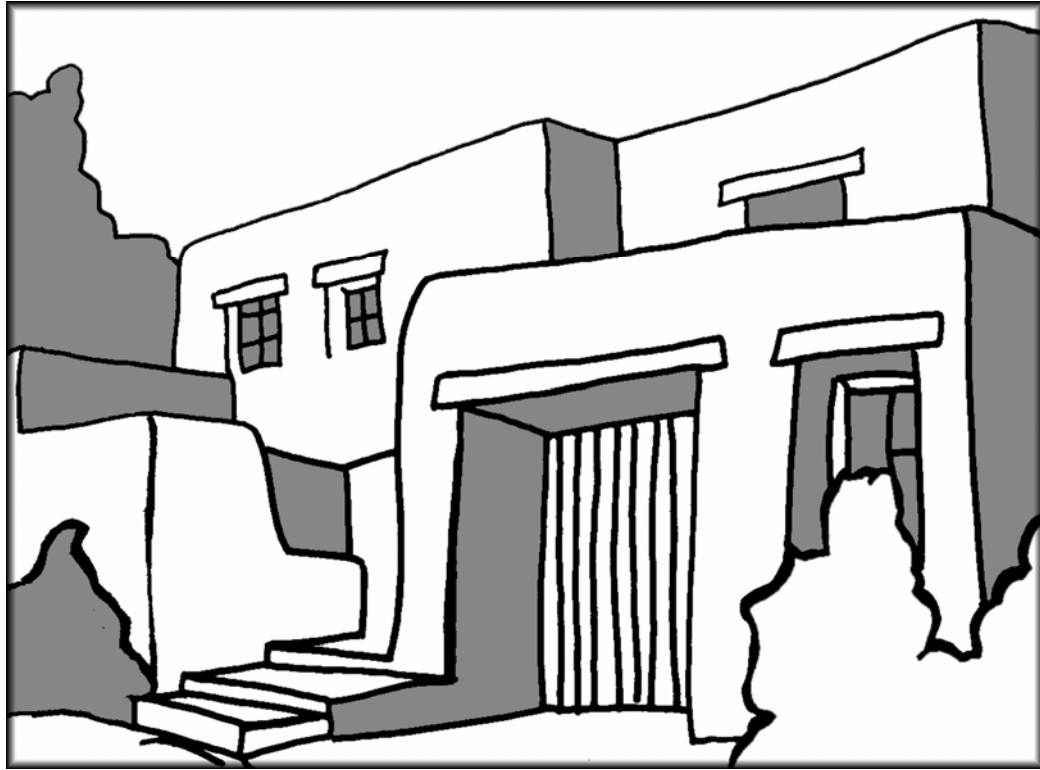
quality in appearance as opposed to a "curtain wall" appearance. Buildings over one (1) story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.

(a) Buildings shall be designed to be "wall dominated" so that building geometry is more defined by walls, and the roofs are visually less dominant in the overall design.

(b) Wall thickness shall be reflected at door and window openings. Columns, lintels and other exposed structural elements should be scaled in a correspondingly massive manner.



Figures 4-20.17 and 4-20.18: The Spanish/Pueblo Revival Style can be simple or complex. Figure 17 (above) includes elaborate detailing such as portales, canales and projecting vigas, while Figure 18 (below) relies on its forms and massing.



(c) Multi-story additions shall cause a building to reach no more than a total of two (2) stories. Second story addition footprints shall not exceed fifty percent (50%) of the footprint of the existing buildings. Second story additions shall be “stepped back” from the first story walls, set to the rear or side rear of the building.

(d) Long, uninterrupted horizontal facades shall be avoided.

(e) The use of parapets is strongly encouraged. Buildings shall be topped by "flat"(moderately sloped) roofs obscured by parapets (firewalls). Dead flat roofs are not recommended. Parapets shall obscure the sloping roof surface on the front and side facades as proper drainage may allow. Alternative treatments should be consistent with the building style.

(f) Building cantilevers or other visually and apparently unsupported structures are not acceptable.

(g) A human scale should be achieved near ground level on larger buildings and along street facades and entry ways through the use of elements such as portales, zaguanes, windows, doors, columns (usually round) and beams. Portales should provide a transition between the outside street and the building interior.

(h) Courtyards and patios serve as protected enclaves of outdoor space which reinforce the sense of “plaza” and should be incorporated whenever possible.



(2) Light and shadow: Building masses should be arranged so that they cast shadows on each other and emphasize the contrast of light and shaded surface at corners. The suggestion as to the use of shadows shall not be construed as to override adjacent building owners' solar rights.

(3) Surface material and texture:

(a) Buildings shall be coated with mud plaster, stucco or related material that has a texture which simulates that of mud plaster;

(b) Stucco or related materials which express a smooth but massive surface shall predominate.

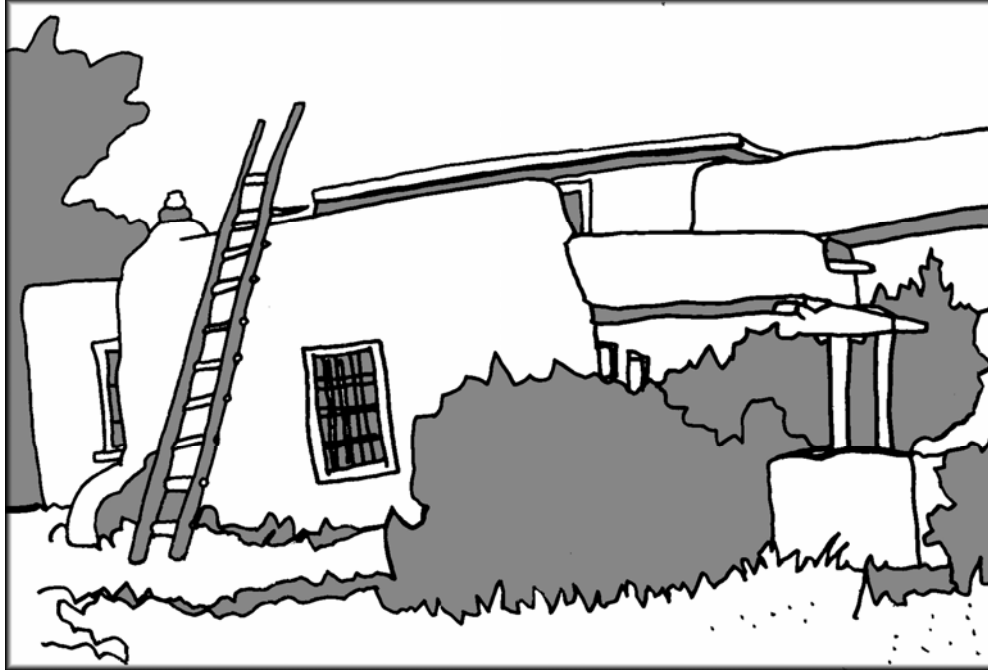


Figure 4-20.20: Spanish/Pueblo Revival Style structures are typically covered with stucco, have felt roofs with parapets and are one (1) story high.

(4) Color:

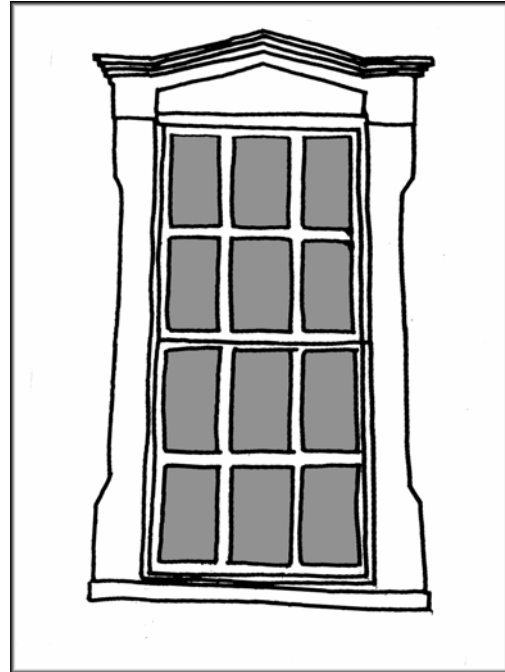
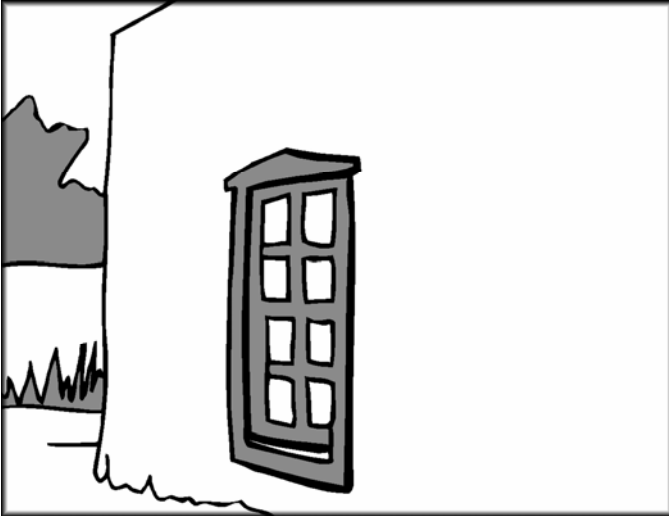
(a) Building surfaces shall be painted or stuccoed alike in off-white to medium brown, colors that predominantly found on the area of the town;

(b) Entries (wall areas below portales) may be emphasized by the use of off-white or other neutral tones complimentary to the predominant colors found in the area of the town. Window frames, door frames, and accent trims only, may be painted in various contrasting accent colors reminiscent of "Taos Blue", white or off-white. Larger surfaces such as doors, columns, beams, and corbeles shall be stained in natural wood tones or weathered wood tones;

(c) Painting of buildings with bold patterns, checks, and using buildings as signs is prohibited.

(5) Doors and windows:

(a) Window shapes, arrangements and types should be reminiscent of those found in historic buildings. Divided light windows are encouraged;



(b) The combined door and window area in any publicly visible facade shall not exceed forty percent (40%) of the total area of the facade, except for the use of large display windows located under portales of commercial buildings and some applications of solar features;

(c) In buildings constructed of masonry or adobe, recessed windows enhance the historic character and give the impression of greater wall thickness. No door or window in a publicly visible facade shall be located nearer than three (3) feet from the corner of the façade;

(d) Window openings or areas shall be bullnosed and framed by wood casings. Doors shall be wooden or a combination of wood and glass;

(e) For residential uses, large exposure of glass should not face streets and should be vertical in proportion;

(f) Skylights should not be visible.

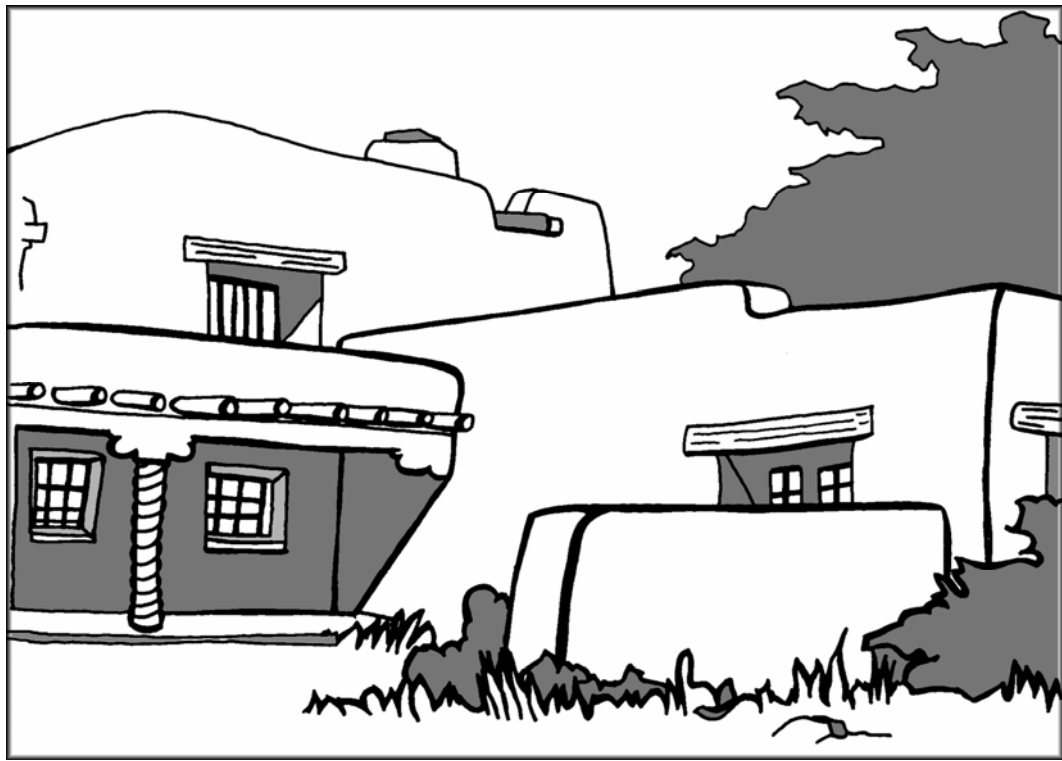


Figure 4-20.23: Example of recessed windows in Spanish/Pueblo Revival Style construction. All Spanish/Pueblo Revival Style buildings should lack large exposures of glass.

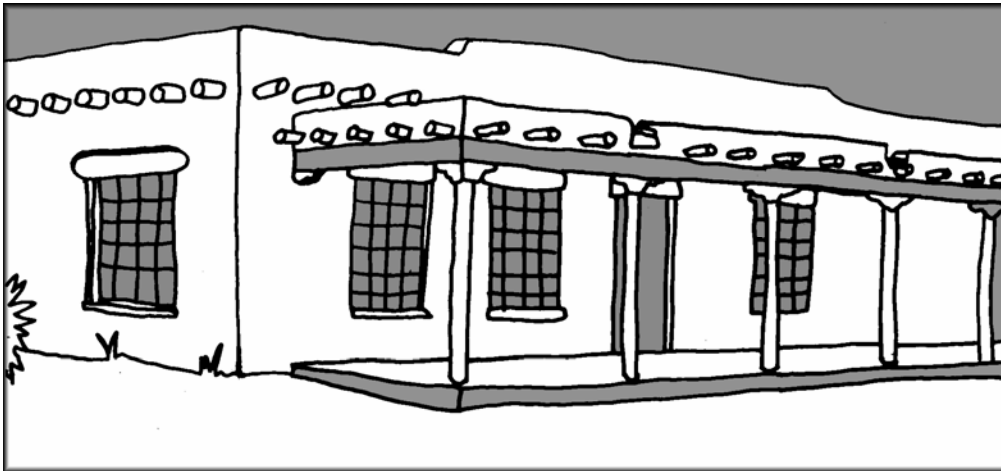


Figure 4-20.24: Spanish/Pueblo Revival Style architectural detailing, including portal, canales and exposed vigas.

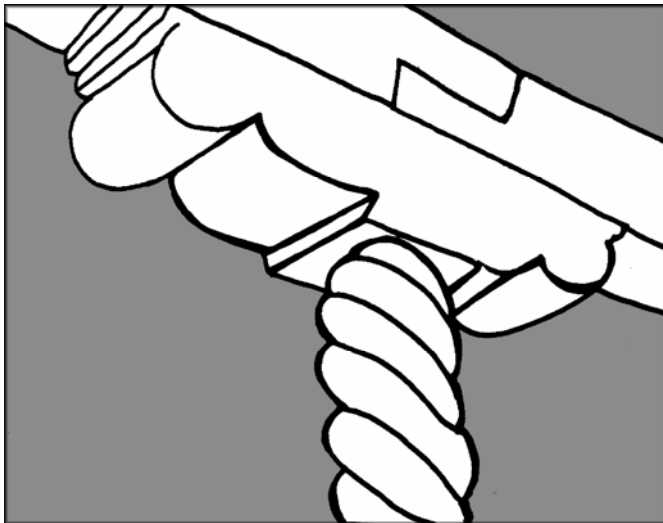
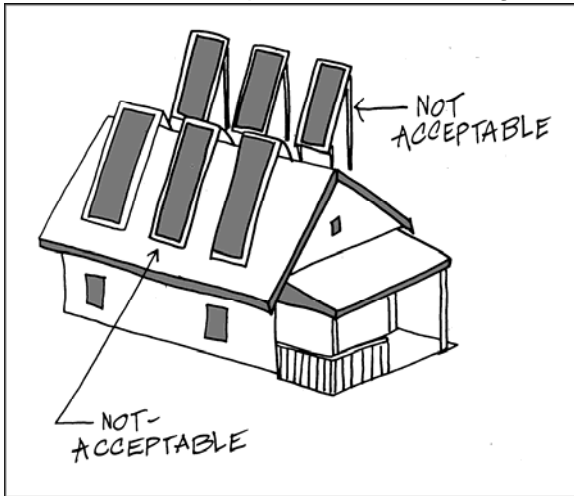


Figure 4-20.25 (left): Corbel characteristic of Spanish/Pueblo Revival Style architectural detailing.

(6) Architectural detailing:

(a) Detailing should be functional. Portales should provide protection from weather, canales should drain a roof area, and projecting vigas should reflect structural members within. Avoid "weaving" vigas. All exposed structural elements should express understanding of the traditional structural sense. Applied, non-



functional structural elements (such as exposed viga ends where no viga beams are used for actual structural members) and other "applied" architectural details are not appropriate;

(b) Window and door moldings and exposed lintels are appropriate. Wood trim is minimal around window and door openings. A rounding effect or bullnosing should be used creating a transition from wall surface to window surface. Lintels above window and door openings are usually of wood;

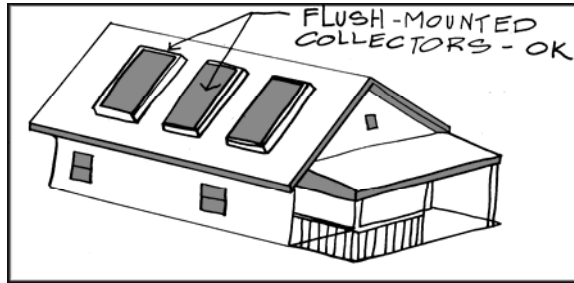
(c) Awnings within the Historic Overlay Zone shall be reviewed on a case by case basis for a certificate of appropriateness pursuant to Section 4-22.12 (c) of this Code. Retractable awnings with an historical precedent are encouraged. Aluminum, plastic and bubble-shaped awnings are prohibited. (Added 8/02)

(d) Portales should express exposed beams and columns with transitional devices such as corbels. Corbels may be ornamental.

(7) Solar Integration:

(a) The use of solar and other energy collecting and conserving features may be used;

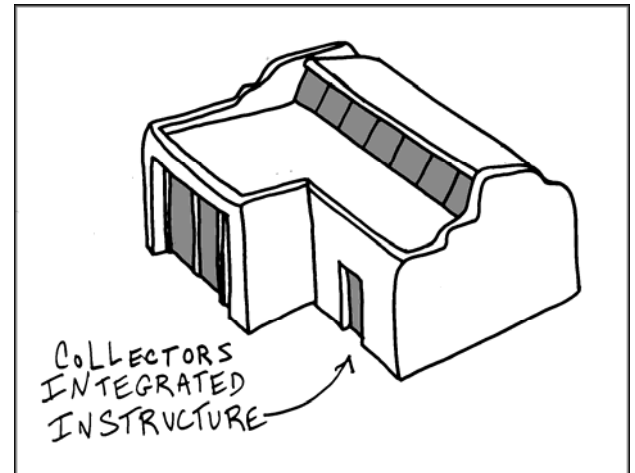
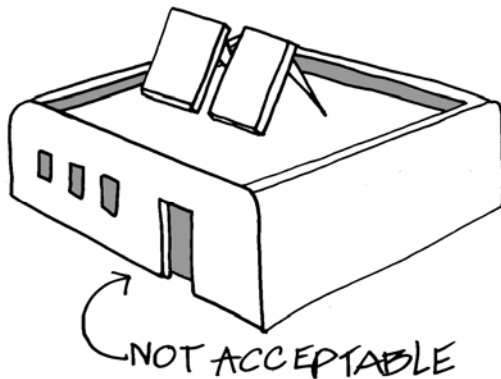
(b) Solar features, such as trombe walls, sunspaces, greenhouses and clerestories should be hidden, and are best handled if they are integrated into the new building. Skylights must not be visible;



(c) Solar hardware such as collectors, especially water heating collectors, shall not appear to have been set on roofs, walls or the ground as an afterthought. They shall be built into and integrated into the overall building design;

(d) Solar features that do not comply with the above shall be hidden from public view by a screening device or disguise. Screening methods include: sufficiently high parapets, roof-mounted apparatus, fences, berms, landscaping or buildings to block from public view, and ground-mounted apparatus;

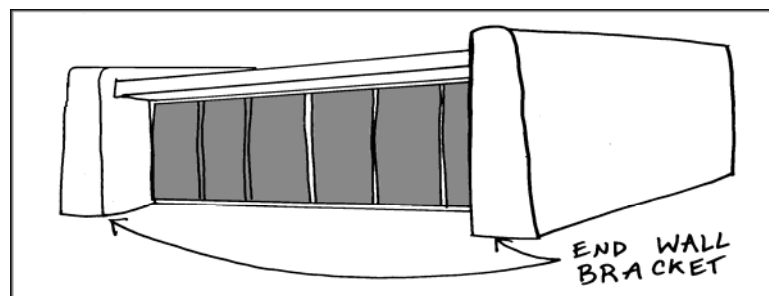
(e) The use of glass areas for collectors, trombe walls, greenhouses, or direct solar gain is acceptable, provided the percentage of glass on the south elevation does not exceed seventy five percent (75%) of the total wall surface;



Figures 4-20.26 and 4-20.27 (above): Non-acceptable solar integration for Spanish/Pueblo Revival Style structures in the Historic Overlay Zone.

Figures 4-20.28 and 4-20.29 (above): Acceptable solar integration for Spanish/Pueblo Revival Style structures in the Historic Overlay Zone.

Figure 4-20.30: End walls used as a screening device for direct gain glass. The glass area, however, shall not exceed more than seventy five percent (75%) of the total wall surface.



(f) Reflected glare on nearby buildings, streets or pedestrian areas shall be avoided.

(8) Mechanical equipment:

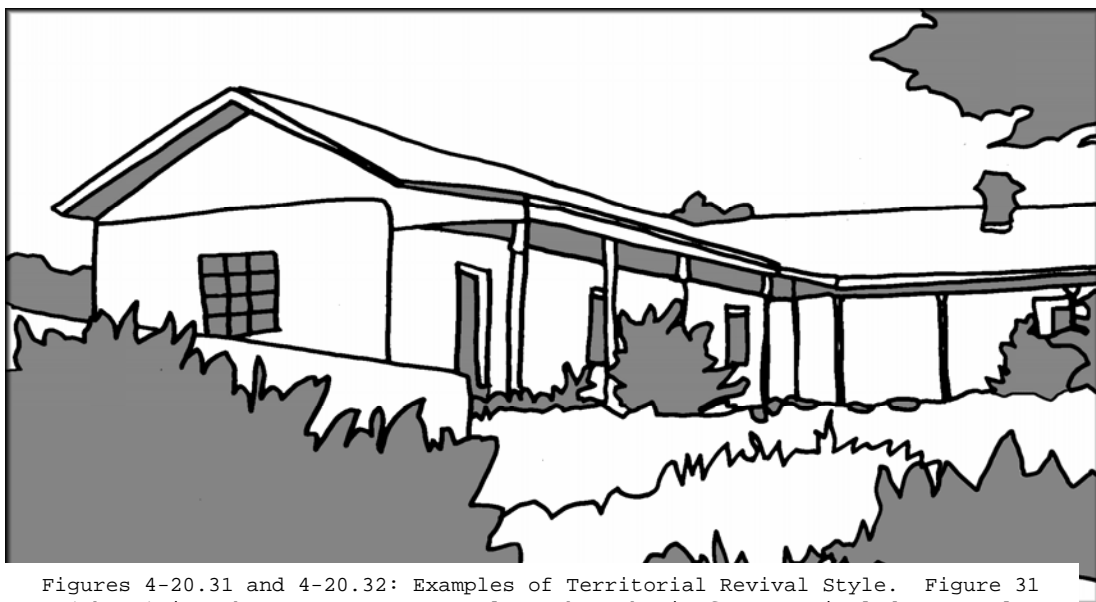
(a) Exterior mounted mechanical and electrical equipment, vents, solar hardware and satellite dishes shall be architecturally screened and, in particular, roof mounted equipment shall be of a low profile to minimize the screening problem;

(b) Roof-mounted satellite dishes, larger than twenty four (24) inches in diameter, are prohibited. Screening for ground-mounted satellite dishes shall be accomplished in a manner as described for solar hardware.

G. The Pitched-Roof Territorial Revival:

(1) Massing/scale:

(a) Buildings shall be designed to appear as single block, usually rectangular in shape;



Figures 4-20.31 and 4-20.32: Examples of Territorial Revival Style. Figure 31 (above) is a house near La Loma Plaza whose basic features include a metal pitched roof, wood porch and double-hung windows.



Figure 4-20.33: Example of Territorial-Revival Style.

(b) Multi-story additions are discouraged;

(c) A human scale should be achieved near ground level on larger buildings and along street facades and entry ways through the use of scale elements such as porches, doors, windows, columns (usually square) and railings;

(d) Buildings should not appear to be paneled with either rows or stacks of panels. A single wall plane should dominate any elevation;

(e) Porches are encouraged and shall be designed to appear as "attachments" to the main portion of the building. Porches should provide a transition between the outside street and the building interior.

(2) Materials and texture: Buildings shall be coated with mud plaster or a stucco material that has a texture which emulates that of mud plaster to express a smooth massive surface.

(3) Color:

(a) Building surfaces shall be painted or stuccoed alike in off-white to medium brown, colors that predominantly found in the area of the town;

(b) Woodwork shall be stained in natural wood tones, weathered wood tones, white or off-white. Window frames, door frames and accent trims may be painted in an accent color compatible with the predominant colors found in the area of the town.

(4) Roofs:

(a) Roofs shall be pitched, either gable or hip, with a substantial slope, but not to exceed 12:12 nor less than 4:12 in general conformity with existing adjacent neighboring buildings;

(b) Porch roofs shall have a slope of not more than 3:12;

(c) Roof material shall be composition shingles, roll roofing, plastic corrugated, or metal. Roof glazing, within the plane of the roof may be allowable, provided the total area does not exceed twenty percent (20%) of the roof area on any one elevation. Domed or pyramidal skylights are not allowed;

(d) Dormers are allowed to provide additional usable space in half-story areas. Dormers exterior walls should have wood shingles, horizontal wood siding or stucco. Dormer roofing material shall be consistent with the building roofing material;

(e) Flat skylights are acceptable.

(5) Doors and windows:

(a) Window shapes, arrangements and types shall be reminiscent of those found in similar historic buildings.

(b) The combined door and window area of any publicly visible facade shall not exceed forty percent (40%) of the total area of the facade, except for the use of large display windows located under the porches of commercial buildings.

(c) Windows and doors may be topped by pedimented moldings and have wide wood borders.

(d) Windows shall be framed by wood casings. Doors shall be wooden or a combination of wood and glass.

(6) Architectural Detailing:

(a) Porches should provide protection from the weather and be constructed of square or turned wood posts with simple detailing reminiscent of those found in similar historic buildings;

(b) Porch railings shall have balusters of turned or square wood and should terminate at simple top and bottom rails;

(c) Shingles and horizontal wood siding or stucco may be used in gable ends and for dormers.

(d) Awnings within the Historical Overlay Zone shall be reviewed on a case by case basis for a certificate of appropriateness pursuant to Section 4-22.12 (C) of this Code. Retractable awnings with a historic precedent are encouraged. Aluminum, plastic and bubble-shaped awnings are prohibited. (Added 8/02)

(7) Solar integration:

(a) Solar collection features incorporated into the building are not appropriate to this style and should be avoided;

(b) Solar hardware shall be flush with the roof and included in overall glazing allowances;

(c) Solar hardware such as collectors, especially water heating collectors, shall not appear to be set on roofs, walls, or the ground as an afterthought; and rather they shall be built into and integrated into the overall building design;

(d) Solar features that do not comply with the above shall be hidden from public view by a screening device or disguise. Screening methods include: fences, berms, landscaping or buildings to block from public view, and ground mounted apparatus;

(e) Residential use of glass areas for collectors, trombe walls, greenhouses, or direct gain is acceptable, provided the percentage of the glass on the south elevation does not exceed sixty-five percent (65%) of the total wall surface area.

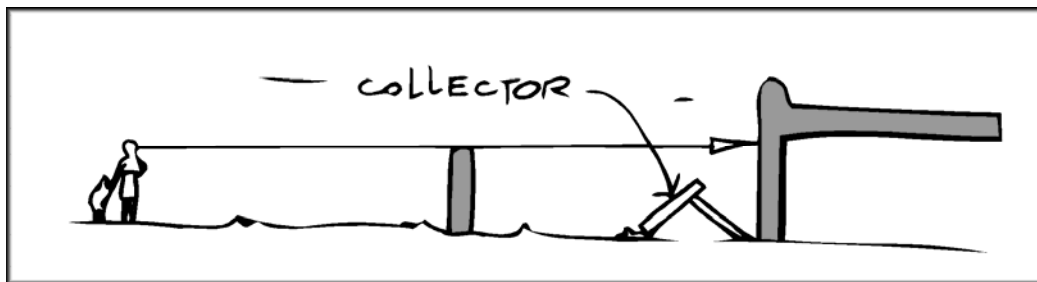
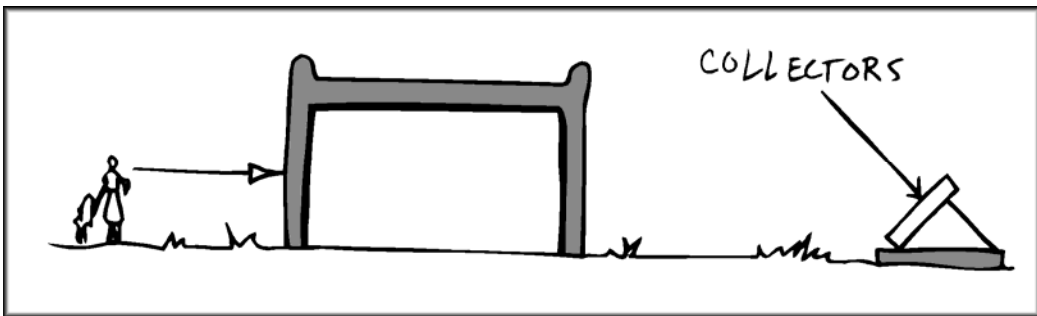
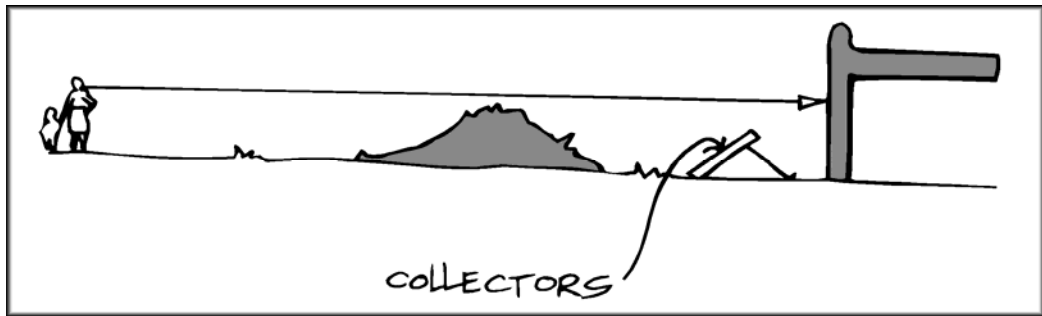
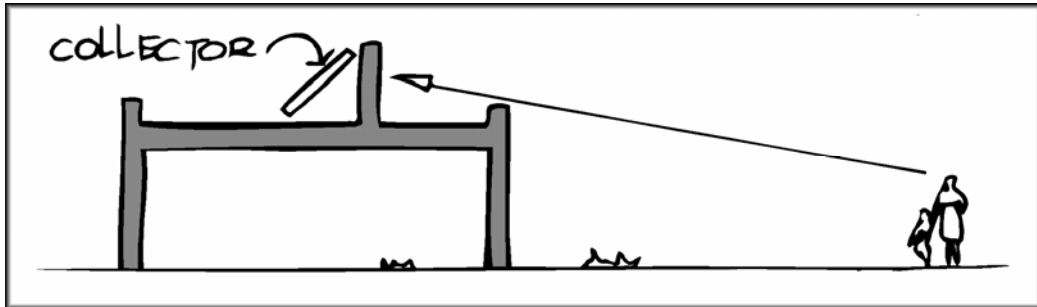
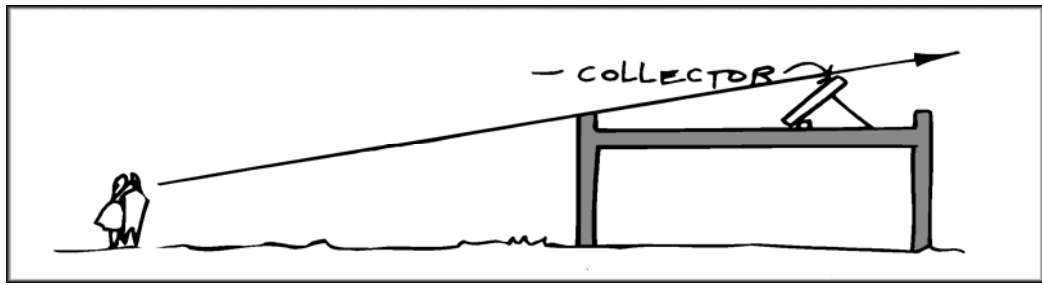
(f) Reflected glare on nearby buildings, streets or pedestrian areas shall be avoided.

(8) Mechanical equipment:

(a) Exterior mounted mechanical and electrical equipment, vents, solar hardware and satellite dishes shall be architecturally screened and, in particular, roof-mounted equipment shall be low-profile to minimize the screening problems;

(b) Solar hardware shall be mounted flush with the roof consistent with the roof pitch and profile and be included in overall glazing allowances;

(c) Roof mounted satellite dishes larger than twenty-four (24) inches in diameter are prohibited. Screening for ground-mounted satellite dishes shall be accomplished in a manner as described for solar hardware.



Figures 4-20.34, 4-20.35, 4-20.36 and 4-20.38; Proper screening of ground-mounted solar hardware and satellite dishes in the Historic Overlay Zone.

4-20.9. Standards for Contributing Properties

A. Changes in use, relocation and new construction—including preservation and rehabilitation—of contributing properties shall follow the standards for New Construction of Non-Contributing Properties listed in Section 4-20.8 of this Code and the following rehabilitation standards, or the most recent Standards for Rehabilitation outlined in “The Secretary of the Interior’s Standards for the Treatment of Historic Properties,” if different:

(1) If a proposed rehabilitation will cause that building, or another adjacent building, to lose its contributing status, the application cannot be approved;

(2) A building shall be used as it was historically, or be given a new compatible use that maximizes the retention of distinctive materials, features, spaces, spatial relationships, site and environment. Examples of compatible uses include conversion of a residence to professional offices, a second story of commercial building to apartments, and retail space to offices;

(3) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided;

(4) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features of elements from other historic properties, shall not be undertaken;

(5) Changes to a property that have acquired historic significance in their own right shall be retained and preserved;

(6) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved;

(7) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence. Missing features should be duplicated or replaced, based on careful study of similar features and historical evidence;

(a) Substitute material may be proposed in the following circumstances:

- i. Unavailability of historic materials;
- ii. Unavailability of skilled craftsmen;
- iii. Inherent flaws in the original materials; or
- iv. Code-required changes

(b) If substitute material is proposed, it shall be evaluated according to the following standards:

i. The substitute material is compatible in appearance with the original material;

ii. The physical properties of the substitute material are compatible with those of the original material, so as to produce no negative impact on adjacent historic materials;

iii. The substitute material is installed correctly and in a manner that tolerates differences and is careful to protect adjacent historic materials; and

iv. The substitute material has been tested in similar applications and is expected to perform well. Specifically, stability of color and texture, compressive or tensile strengths (if appropriate), the acceptable range of thermal coefficients, and the durability of coatings and finishes should be considered.

(8) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used;

(9) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken;

(10) New additions, exterior alterations, or related construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment;

(11) New additions may be proposed if the purpose for the addition cannot be met by altering non-significant or secondary interior spaces. New additions and adjacent or related construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. If additions or adjacent or related construction is proposed, it shall be evaluated according to the following standards:

(a) The result is as inconspicuous as possible from the public view; and

(b) The result will not threaten character-defining features, including the setting and/or relationship of buildings.

4-20.10. Reconstruction and Restoration.

Reconstruction and restoration, as defined in Section 2-4.105 of this Code, shall be undertaken according to the Standards for Reconstruction and Standards for Restoration, respectively, as defined in the most recent version of "The Secretary of the Interior's Standards for the Treatment of Historic Properties." Reconstruction and restoration of contributing and non-contributing properties requires a certificate of

appropriateness under Section 4-20.12 of this Code.

4-20.11. Demolition.

Demolition of buildings within the Historic District Overlay Zone is discouraged. Upon any application for demolition of a contributing property, the Code Administrator shall notify, in writing, and provide a copy of the application, to the Historic Preservation Division of the State of New Mexico Office of Cultural Affairs. Comments from the Historic Preservation Division shall be considered by the Town of Taos Planning Commission in approving or denying the demolition application. (Rev. 8/02)

4-20.12. Historic Overlay Zone Review Process

Any act or process which changes an exterior architectural feature or otherwise affects the exterior appearance of a building within the Historic Overlay Zone requires either an administrative permit or a Certificate of Appropriateness issued by the Historic Review Commission, unless explicitly exempted by this Section. No work shall be commenced until the owner has obtained a permit or a Certificate of Appropriateness for the specific work being permitted. Substantive changes in the nature of the work requires an amendment to the permit or a certificate of appropriateness. (Rev. 8/02)

The purpose of the Historic Properties Review Process and the substantive requirements of the Code are not to arbitrarily impede development, but to encourage preservation and enhancement of historic Taos. Applications should be completed and presentations made with this in mind. It is the intent of the Town that the review proceed efficiently with minimum delays. Efficient reviews can be accomplished only if applicants submit complete and accurate applications. Preservation Commission members shall familiarize themselves with applications prior to the Public Hearing. In addition, as much as possible, the various reviews required by the Code will proceed concurrently.

A. The following activities within the Historic Overlay Zone require an administrative permit, provided that their total valuation is five thousand dollars (\$5,000) or less:

1. Replacement in kind or with compatible substitute material, provided that the style of the building is not altered, of:

- (a) Windows;
- (b) Window frames;
- (c) Doors;
- (d) Door jams;
- (e) Canales;
- (f) Replacement with visibly different roofing
- (g) Brackets;

- (h) Steps;
- (i) Plaster;
- (j) Lentils; and
- (k) Vigas, latillas, or the like. (Rev. 8/02)

B. Administrative Permit Required: Within the boundaries of the Historic Overlay Zone, an administrative permit must be issued by the Code Administrator for any activity listed in Section 4-22.12 A of this Code:

(1) An application shall be made to the Code Administrator in writing on forms, the contents of which have been approved by the Code Administrator. The application shall include photographs of all parts of the building which are the subject of the application;

(2) The Code Administrator shall inspect the property before issuing the administrative permit;

(3) The Code Administrator may approve, modify or deny the application in whole or in part. The application shall be approved if the proposed work is consistent with the Historic Overlay Zone development standards and is compatible with the spirit and purposes of the Code. If the proposed work may have significant impact on the property, the Code Administrator may deny the application, causing the applicant to apply for a Certificate of Appropriateness under Section 4-22.12. of this Code;

(2) All approved work shall be inspected by the Code Administrator after the work is completed. No additional work will be completed after the inspection without a new administrative permit.

C. No Permit is Required for the Following Activities Within the Historic Overlay Zone unless a building permit is required pursuant to the Uniform Building Code.

- (1) Surface Cleaning of a building;
- (1) Evaluation of the condition of a building to determine its condition and/or what work will be required; provided that the building is returned to its original condition;
- (2) Replacement in kind with compatible substitute materials, provided that the style of the building is not altered, of:
 - (a) glass
 - (b) plaster;
- (3) Rust Removal;
- (4) Calking;

- (5) Painting, stuccoing, mud plastering or applying protective coatings, provided that the colors used comply with section 4-20 of this Code;
- (6) Replacement Fencing, provided that the existing fencing meets all requirements of this Code;
- (7) Protective plywood;
- (8) Landscaping;
- (9) Installation or upgrading of mechanical, electrical and plumbing systems, or similar code required work, provided such work complies with Section 4-22 of this Code;
- (10) Town of Taos Public Works projects, so long as such projects meet the criteria of this Code.
- (11) Roof repairs (but not replacement)
- (12) Emergency temporary repairs (Added 8/02)

D. Within the boundaries of a Historic Overlay Zone, an application for a certificate of appropriateness must be filed for all changes in use, demolition, relocation and new construction—including preservation, reconstruction, rehabilitation and restoration—except for those activities requiring an administrative permit or specifically exempt from the Code. (Added 8/02)

(1) An application for a certificate of appropriateness shall be made in writing on forms, the contents of which have been approved by the Code Administrator and shall be accompanied by a site plan prepared according to Section 5-8 of this Code, photos of all elevations of the structure, photos of the surrounding area taken from each elevation of the structure, along with the fee established pursuant to Appendix A of this Code, in good funds. Once an application has been submitted, the Code Administrator shall review it for completeness and accuracy. The application is then submitted to the Preservation Commission and the review proceeds as specified in the Code.

(2) Preliminary review before the Preservation Commission shall be scheduled at the next monthly meeting of the Commission after the application is submitted.

(3) After the preliminary review, a Public Hearing shall be scheduled and conducted in accordance with Section 3-4.5 of this Code.

(4) At the Public Hearing, the Preservation Commission shall approve, approve with modifications or conditions, deny, or suspend an application in whole or in part. The Commission may consider information and opinions submitted to it by the State Historic Preservation Office or from the National Register of the US Department of the Interior.

(a) Approval means that the proposed work is consistent with the

development standards and use guidelines contained within this section of the Code, and is compatible with the spirit and the purposes of the Code. A certificate of appropriateness is granted and the project can proceed, as long as all other permits are obtained.

(b) Approval with modifications or conditions means that the applicant has agreed to alter the proposal in accordance with the recommendations of the Preservation Commission. A certificate of appropriateness can be granted and the project can proceed.

(c) Denial means that the Preservation Commission has found that the proposed project does not conform to the Code. Any denial must be accompanied by a written statement from the Preservation Commission which documents the specific guidelines which have not been met and the reasons they have not been met.

(d) Suspension means that the Preservation Commission lacks adequate information to review an application. Once that information has been requested and supplied, the review process can proceed, with proper notification. An application cannot be suspended for more than one hundred eighty (180) days.

D. Notification of Preservation Commission's decision: Notification of the Preservation Commission's decision shall be made in writing to the applicant or the property owner(s) within fifteen (15) days after the final decision.

4-20.13. Penalties, Remedies

A. Any person who violates any provision of Section 4-20 of this Code shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a period not exceeding ninety (90) days. A violation exists whenever there is a performance of an act which is prohibited by the provisions of Section 4-20 of this Code, or a failure to perform an act which is required by Section 4-20 of this Code. Each day a violation exists shall be considered a separate offense.

B. In case any structure is erected, constructed, externally reconstructed, externally altered, added to, or demolished in violation of this ordinance, the Town or any person may institute an appropriate action or proceeding in a court with competent jurisdiction to prevent such unlawful erection, construction, reconstruction, exterior alteration, addition or demolition, and the violating party shall pay all court costs and expenses, including reasonable attorney's fees, if the court should find in favor of the Town or persons suing on behalf of the Town to enforce the provisions of Section 4-20 of this Code.

Figure 40: historic overlay zone map

The historic overlay zone map, attached to ordinance 99-05 on file in the office of the town clerk, as amended, is hereby incorporated by reference. (Ord. 99-05, 1999)