

26.415.110. Benefits.

The City is committed to providing support to property owners to assist their efforts to maintain, preserve and enhance their historic properties. Recognizing that these properties are valuable community assets is the basic premise underlying the provision of special procedures and programs for designated historic properties and districts.

Benefits to encourage good historic preservation practices by the owners of historic properties are an important aspect of Aspen's historic preservation program. Historic resources are a valuable community asset and their continued protection is the basic premise supporting the creation of an innovative package of preservation tools that are unlike any other in the country.

Aspen's preservation benefits are in response to tight historic preservation controls that have been legislated by the City since 1972. The Community Development Department and Historic Preservation Commission (HPC) are dedicated to assisting property owners in renovating and maintaining their property.

Aspen is unique. Its historic resources and spirit of community have not been duplicated anywhere else in the world. It is this basic character that has helped make the City both economically vital and cherished by many.

All properties listed on the Aspen Inventory of Historic Landmark Site and Structures may be eligible for the following benefits.

A. Historic landmark lot split. Properties listed on the Aspen Inventory of Historic Landmark Sites and Structures may receive an exemption from the subdivision and growth management quota system, pursuant to Sections 26.480 and 26.470, allowing owners of designated historic properties to create a second unit in addition to the historic building on their lot through the subdivision of the property. Refer to specific zone district information in Chapter 26.710 for further information. All parcels created through a Historic Landmark lot split shall retain designation on the Aspen Inventory of Historic Sites and Structures.

B. Increased density. Two detached single-family dwelling units or a duplex may be allowed on a smaller sized lot than is required for a non-designated property. Refer to specific zone district information in Chapter 26.710 for further information.

C. Variances. Dimensional variations are allowed for projects involving designated properties to create development that is more consistent with the character of the historic property or district than what would be required by the underlying zoning's dimensional standards.

1. The HPC may grant variances of the Land Use Code for designated properties to allow:
 - a. Development in the side, rear and front setbacks;
 - b. Development that does not meet the minimum distance requirements between buildings;
 - c. Up to five percent (5%) additional site coverage;
 - d. Less public amenity than required for the on-site relocation of commercial historic properties.
2. In granting a variance, the HPC must make a finding that such a variance:

- a. Is similar to the pattern, features and character of the historic property or district; and/or
- b. Enhances or mitigates an adverse impact to the historic significance or architectural character of the historic property, an adjoining designated historic property or historic district.

D. Parking. Parking reductions are permitted for designated historic properties on sites unable to contain the number of on-site parking spaces required by the underlying zoning. Commercial designated historic properties may receive waivers of payment-in-lieu fees for parking reductions.

The parking reduction and waiver of payment-in-lieu fees may be approved upon a finding by the HPC that it will enhance or mitigate an adverse impact on the historic significance or architectural character of a designated historic property, an adjoining designated property or a historic district. Refer to Chapter 26.515 for further information.

E. Conditional uses. A variety of conditional uses are allowed for designated historic properties. These uses are identified in Chapter 26.710.

F. Floor area bonus.

1. In selected circumstances, the HPC may grant up to five hundred (500) additional square feet of allowable floor area for projects involving designated historic properties. To be considered for the bonus, it must be demonstrated that:
 - a. The design of the project meets all applicable design guidelines;
 - b. The historic building is the key element of the property and the addition is incorporated in a manner that maintains the visual integrity of the historic building;
 - c. The work restores the existing portion of the building to its historic appearance;
 - d. The new construction is reflective of the proportional patterns found in the historic building's form, materials or openings;
 - e. The construction materials are of the highest quality;
 - f. An appropriate transition defines the old and new portions of the building;
 - g. The project retains a historic outbuilding; and/or
 - h. Notable historic site and landscape features are retained.
2. Granting of additional allowable floor area is not a matter of right but is contingent upon the sole discretion of the HPC and the Commission's assessments of the merits of the proposed project and its ability to demonstrate exemplary historic preservation practices. Projects that demonstrate multiple elements described above will have a greater likelihood of being awarded additional floor area.
3. The decision to grant a floor area bonus for major development projects will occur as part of the approval of a Conceptual Development Plan, pursuant to Subsection 26.415.070.D. The floor area bonus may also be approved as part of a Historic Landmark Lot Split Review. No development application that includes a request for a

floor area bonus may be submitted until after the applicant has met with the HPC in a work session to discuss how the proposal might meet the bonus considerations.

4. Floor area bonuses are cumulative. A property shall receive no more than 500 square feet total.

G. Exemption from growth management quota system requirements. Certain types of development on designated historic properties are exempt from the growth management quota system and have reduced impact mitigation requirements. Refer to Chapter 26.470 for further information.

H. Waiver of impact fees. Designated historic properties may be eligible for waiver of Impact Fees. Refer to Chapter 26.610 for further information.

I. Rehabilitation loan fund. City Council may approve a zero interest loan in an amount up to twenty-five thousand dollars (\$25,000.00) for any property that is in violation of Section 26.415.100 of the Land Use Code, Demolition by Neglect, or to fund other rehabilitation work which is considered necessary for the preservation or restoration of a designated structure. To be eligible for this benefit, a property owner shall show evidence of financial need. These one-time loans shall be repaid at the time of transfer-of-title or by the end of ten (10) years, whichever comes first.

J. Conservation easement program. The City may accept a "Conservation Easement" from a property owner who wishes to forgo any of the allowed square footage on their property in exchange for a federal tax deduction. A deed restriction shall be filed on the site to show that future development is limited. The five hundred (500) square foot floor area bonus provided in Subsection 26.415.110 of the Land Use Code cannot be donated as a conservation easement.

K. City-owned building rehabilitation fund. The City shall give priority in the asset management plan to budgeting the funds necessary to adequately maintain, rehabilitate or restore City-owned designated properties.

L. Transferable Development Right (TDR). Pursuant to Chapter 26.535 of this Code, owners of properties listed on the Aspen Inventory of Historic Landmark Sites and Structures may sever and convey, as a separate development right, undeveloped floor area to be developed on a different property within the City. Refer to Section 26.710, Zone Districts for further information on landing sites for TDRs.

M. Tax credit applications. Community Development staff shall assist property owners in participating in State and Federal Rehabilitation Tax Credit programs by helping with the preparation of application materials, undertaking the necessary reviews to assist in obtaining certification. A twenty percent (20%) state rehabilitation income tax credit may be available for locally designated properties and may be combined with a twenty percent (20%) Federal Income Tax Credit which may be available for income producing properties listed on the National Register of Historic Places.

N. Community-initiated development. The City shall consider opportunities to be involved in public-privately funded rehabilitation efforts, building expansion, or infill projects that demonstrate good historic preservation practices.

O. Building codes. The International Building Code (IBC) provides for flexibility in its application to historic structures. In addition to the IBC, the City has adopted the International Existing Building Code (IEBC) to assist owners in making repairs in a manner that minimizes intrusion into the historic structure.

P. Contractor training. The Community Development Department shall provide periodic workshops for contractors on proper preservation techniques, using grants or other sources of funding.

Q. Cultural heritage tourism. Through grants or other sources of funding, the City may facilitate collaborative partnerships among tourist industry sectors, historic property owners and cultural heritage attractions to create a marketing strategy and marketing products to attract visitors interested in the distinctive historic character of Aspen.

R. Preservation honor awards. The Aspen Historic Preservation Commission shall present annual awards to recognize exemplary historic preservation efforts in the City.

S. Historic markers. Through grants or other sources of funding, the City may provide a historic marker of a standard design for any owner of a designated historic property who desires a marker to install on their building. The City may also develop a marker or signage program to recognize designated historic districts.