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§ 180-18.2 Historic Overlay (HO) District. [Added 6-1-93, Ord. 93-07, Amended 9-5-00, Ord. 00-13; 4-1-03, Ord. 03-07]

- A. Purpose: To preserve and promote Frisco's historical heritage. The HO designation is not a requirement for historical properties, rather it encourages the voluntary preservation of historic buildings, preferably on the original site, and properties through incentives and allows for alteration and rehabilitation of historic structures. Inclusion of properties into the HO will enhance the visual historic character of Frisco.

Historic properties within the HO may be eligible for state tax incentives.

- B. Applicability: An owner of a historic building or property within the Town of Frisco may request that the subject property be rezoned to include the Historic Overlay designation. The underlying zone will remain. Once a property is designated within the HO District, any incentives as described herein may be utilized.

- C. Designation of Historic Overlay Zone District areas. Pursuant to the procedures and criteria hereinafter set forth in this section, the Town Council may, by ordinance:

1. Designate properties that have special historical value as being within the Historic Overlay Zoning District. Such designation must be accomplished through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, area required, of the Frisco Town Code. Each such ordinance shall designate a historic overlay to the existing zoning, shall include a description of the characteristics of the historic site which justify its designation and shall include a legal description of the location and boundaries of the historic site. Any such designation shall be in furtherance of and in conformance with the purposes and criteria of this section. The property included in any such designation shall be subject to the controls and standards, and may also be eligible for the zoning incentives, as set forth in this zoning chapter.

2. The criteria for designating historical properties are as follows:

- a. That the structure(s) be at least fifty (50) years old, and
- b. That the structure(s) or Lot(s) have unique historical significance, and
- c. That remodeling has not covered the original features of the structure(s), or that the structure(s) has been or is in the process of being rehabilitated to its original configuration and design.

- D. Procedures for nominating and designating buildings, properties and historic districts for historic preservation. An application for designation may be made by the owner or by 100% of owners for a historic district, or the Town and/or the Frisco Historical Society, at the owner's or owners' request(s). The Community Development Department shall review the proposal to ensure that the proposed designation conforms with town policies and plans.

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1. Proceedings by the Planning Commission. The Commission shall review such designation through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the public notice procedures listed in Section 180-46.E, of the Frisco Town Code. The Commission shall also review the application for conformance with the established criteria for designation and with the purpose of this zoning chapter. The Commission shall review the application for conformance with the purposes of the Town Code and the Frisco Master Plan. The Commission shall recommend either approval, approval with conditions or denial of the proposal and shall refer the proposal with a recommendation to the Town Council.
 2. Proceedings by the Town Council. Such designation must be accomplished by Town Council through the standard zoning amendment procedures as listed in § 180-48, Amendments; variances and rezoning, excepting Subsection A.3, Area required, and through the Public Notice procedures as listed in § 180-46E, of the Frisco Town Code. The Council shall either approve, approve with conditions or deny the proposal for historic district designation by ordinance. Once a historic property or historic district has been designated by the Town Council as provided above, the Community Development Department shall cause the designation to be reflected on the Frisco Zoning Map. After approval, any structural alterations to the designated property(s) shall follow the procedure described in Subsection F (Alterations of Structures within the Historic Overlay District).
 3. Revocation of designation. For historic structures or properties that have taken advantage of any of the incentives outlined in this chapter, if the historic structure or feature on the historic property was lawfully relocated or demolished (per 180-18.2. F.5), the owner may apply to the town for a revocation of the HO designation on that property. In such an instance, the town shall revoke the HO designation if it determines that without the demolished structure or feature, the property no longer meets the purpose, intent and criteria of this zoning chapter. For historic structures or properties that have not utilized any of the incentives outlined in this chapter, the owner shall be entitled to revocation of designation upon filing of the same application and following the review procedures as outlined for the original designation.
- E. Purchase of development rights: If proposed by the owner of a historic property, the town may consider purchasing some or all of the remaining market-based development rights, which rights are not utilized with the current development or an approved development application, and which rights would exist prior to a preservation easement. As a condition to utilize this incentive, a preservation easement must be established and granted to the town or other entity designated by the town on the subject historic property.

The process of purchasing development rights shall be adhered to as outlined in the town's adopted Historic Preservation Plan, and any related town policies or plans. Any decision of the town to purchase or refrain from purchasing any

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remaining development rights pursuant to this subsection shall be made in the town's sole and absolute discretion. It is not the intent of this subsection to provide any person with a right to have the town purchase the development rights to their property.

- F. Alterations of Structures within the Historic Overlay District. No person shall carry out or permit within a designated historic district any new construction, alteration, rehabilitation, removal/relocation, demolition or any other structural alteration of a building or other designated feature, without first receiving approval of the proposed work, as described in this section, as well as any other permits required by this code or other ordinances of the town.
1. Any proposed addition, alteration or rehabilitation to a historic structure or feature must comply with all of the US Secretary of the Interior's Standards for Rehabilitation as listed below:
 - a. A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alternations of features and spaces that characterize a property shall be avoided.
 - c. 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 or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 2. Incentives for additions, alterations and rehabilitation to historic structures or features within the Historic Overlay District. Any proposed addition, alteration or rehabilitation to a historic structure or feature that preserves the integrity of the existing historic property, meets a minimum of two of the following criteria, and all of the standards in Subsection F.1, shall be

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eligible to utilize some or all of the incentives described in Subsection F. 3, with the lesser number of criteria met justifying fewer incentives and a greater number of criteria met justifying more incentives:

- a. Protects and preserves the town's historic and cultural heritage by retaining and/or remodeling aspects of the building such as, but not limited to, the facades to be compatible with the character of the historic era; and
- b. Increases economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism; and
- c. Provides educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage; and
- d. Maintains the structural integrity of the historic structure and/or rectifies safety concerns for the structure.
- e. Retains some or all of the historic structure(s) on the original site.
- f. Structural or use changes further goals or objectives of the Master Plan for the town.

3. Incentives

- a. Relief from underlying zoning requirements: The following development standards may be modified or waived (up to 100 percent) within the underlying zone district requirements:
 1. lot coverage
 2. setbacks
 3. lot area, within a minimum allowability of 6,000 square feet, or 3,000 sf if a duplex
 4. lot frontage
 5. driveway width
 6. density bonus
- b. Relief from architectural overlay district requirements: Architectural overlay (GGO, MO, SBCO or RO) standards may be modified or waived (up to 100 percent).
- c. Relief from development standard requirements: The following development standards may be modified or waived (up to 100 percent), if applicable:

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1. Snow storage (180-20 G)
 2. Parking and loading (180-23)
 3. Landscaping (180-20.1)
 4. Access (180-20 I)
 5. Bicycle racks (180-20 k)
 6. Refuse (180-20 w)
 7. Lighting (180-20.2)
- 3.1 In the event that an owner of a historic property intends to utilize any or all of the incentives outlined in this subsection, such development application will require a final decision to be made by Planning Commission during a public hearing.
4. Unsafe or dangerous conditions exempted. Nothing in this section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct an unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Frisco Building Department or Lake Dillon Fire Authority,
 5. Demolition of a historic structure or feature. An owner of a designated historic property must provide data to clearly demonstrate that the situation meets all of the following criteria before demolition can occur:
 - a. Review for total demolition:
 1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure; and
 2. The structure cannot be rehabilitated or reused onsite to provide for any reasonable beneficial use of the property; and
 3. The structure cannot be practically moved to another site in Frisco; and
 4. The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - b. Any impact on the historic importance of the structure(s) located on the property and adjacent properties.

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- c. Any impact to the architectural integrity of the structure(s) located on the property or adjacent properties.
6. In the case of archaeological sites or relocation of a historic structure, consideration will be given to whether information can be recovered as part of the demolition or relocation process.
 - a. Review criteria for partial demolition or relocation:
 1. The partial demolition or relocation is required for renovation, restoration or rehabilitation of the structure in its present location or future site; and
 2. The applicant has mitigated to the greatest extent possible:
 - I. Impacts on the historic importance of the structure(s).
 - II. Impacts on the architectural integrity of the structure(s).
7. Procedures for Alterations or Demolition of Structures within the Historic Overlay District:
 - a. Department review. The Community Development Department shall maintain a current record of all designated historic district areas and pending designations. The Community Development Department will review all development application information within these areas by the criteria as noted in Section F. 1 (a-f), and make a determination as to whether there would be a significant impact or potential detriment to the historical character of the site as a result of the proposal. If no significant impact is determined and the structural change is considered to be minor, the Community Development Department may approve these applications without Planning Commission review. Both the Frisco Historical Society and the Planning Commission shall receive updates of all changes to buildings within the HO.
 - b. Planning Commission review. If the Community Development Department determines there may be a significant impact or potential detriment to the historical character of the site as a result of the proposal, or if any incentive is requested as noted in Section F. 2, or if a permit application for demolition of a historic structure(s) has been received then prior to the Community Development Department signing off on the building permit or demolition permit, the Planning Commission will be notified of the proposed change and given a maximum of forty-five (45) days to review and approve or deny the application. Additional information such as but not limited to comments from the Frisco Historical Society, may be requested if it is determined to be beneficial for a comprehensive review of the application. Planning Commission comments and a decision will be in writing and mailed to the owner and/or applicant, and the Frisco Historical Society.

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8. Construction on proposed buildings. No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed historic property after an application has been filed to initiate the designation of such property as a historic district and designation status is pending.
- G. Property maintenance and enforcement. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of structures within designated historic district properties. No owner, lessee or occupant of any building within the Historic Overlay District shall allow significant deterioration of the exterior of the structure.
- Owner notification. The Commission, in cooperation with the Community Development Department, shall notify the property owner, lessee or occupant of the designated historic district property of the need to repair, maintain or restore the property. The Town shall assist the owner, lessee or occupant in determining how to preserve the property and shall provide the owner with possible incentives and a reasonable time to perform such work.
- H. Waiver of fees. At the discretion of the Community Development Director for purposes such as but not limited to fiscal ability, any and/or all planning and building application fees may be waived for designation into the HO District, and/or for review of development applications that occur within the HO.
- I. Enforcement penalties. No person shall violate or permit to be violated the requirements of this section. Violations of this section are punishable as provided in §180-47 (Violations and penalties)