

**Chapter 17.37**  
**HISTORIC PRESERVATION**

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**17.37.010 PURPOSE.** The purpose of this Chapter is to enhance the community's local resources and to promote the public health, safety, prosperity, and welfare through:

- A. The protection and preservation of the City's architectural historic and cultural heritage, as embodied in designated historic structures, sites, and districts, by appropriate regulations and incentives;
- B. The establishment of a City Register listing designated structures, sites and districts; and
- C. The provision of educational opportunities to increase public appreciation of Fruita's unique heritage.

**17.37.020 BOARD ESTABLISHED.** An Historic Preservation Board, hereinafter in this Chapter referred to as the "Board," which shall have principal responsibility for matters of historic preservation, is hereby established.

- A. **Membership** - The Board shall consist of a minimum of five (5) members and not more than seven (7) members providing a balanced, community-wide representation. The Director of the Community Development Department and/or appointed Department representatives shall serve as staff to the Board. There shall be one (1) member representative of the downtown merchants.
- B. **Appointments and Terms of Office** - Members of the Board shall be appointed by the City Council and shall serve three-year staggered terms from the date of appointment.

Members may continue to serve until their successors have been appointed. Appointments to fill vacancies on the Board shall be made by the City Council. All members of the Board 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. Members of the Board may be removed by the City Council without cause being stated.

- C. Powers and Duties - The Board shall after solicitation of public comment and at a properly noticed public meeting:
1. Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
  2. Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;
  3. Review and make recommendations to the owner(s) on proposed alterations or demolitions to a designated historic structure, site or district;
  4. Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places;
  5. Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;
  6. Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas. The Board may create a list of structures of historical or archeological merit which have not been designated;
  7. 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 would implement the completion of purposes of this Chapter; and
  8. Actively pursue financial assistance for preservation-related programs.
- D. Compliance with Laws. The Board shall conduct its business in accordance with the State's Public Meetings Act, Open Records Act and other laws applicable to local public bodies.
- E. Bylaws. The Board shall propose to the City Council for approval bylaws as the Board deems necessary.

**17.37.030 CITY REGISTRY ESTABLISHED.** The Fruita City Council hereby establishes the City of Fruita Register of Historic Sites, Structures and Districts. Historic sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the City Council following recommendation by the Planning Commission and Board.

All properties listed on the National or State Register are eligible for the City Register but are not designated until approval, pursuant to this Chapter, is obtained.

**17.37.040 DESIGNATION OF HISTORIC STRUCTURES, SITES AND DISTRICTS.**

- A. Pursuant to the procedures set forth in this Chapter, the City Council may, by resolution:
1. Designate as historic an individual structure, site or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and/or
  2. Designate as an historic district an area containing a number of structures or sites having special historical or architectural value.
- B. Each such designation shall include a description of the characteristics of the structure, site or historic district. which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic structure, site or district.
- C. No individual structure or site will be designated without the consent of all owners and/or lien holder(s) of record. Historic districts may be designated in accordance with Colorado Revised Statutes and the provisions in this Chapter.
- D. The purpose and effect of designation is:
1. To assist local groups interested in preservation of physical structures, sites or districts, and to recognize locally significant structures, sites or districts;
  2. To provide a mechanism to educate the public on local history, development of the community, architectural styles, and housing and business development;
  3. To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and

4. To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

**17.37.050 PROCEDURES FOR DESIGNATING HISTORIC STRUCTURES, SITES AND DISTRICTS FOR PRESERVATION.**

- A. A nomination for designation listing in the City Register may be made by the Board or by any citizen by filing an application with the Community Development Department. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the City Council.
- B. Board Review
  1. The Board shall hold a public meeting on the designation application no more than thirty (30) days after the filing of the application.
  2. The Board shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter.
  3. Within thirty (30) days after the conclusion of the public meeting, but in no event more than thirty (30) days after the meeting, unless otherwise mutually agreed by the Board, the applicant, and the owner or owners other than the applicant, the Board shall recommend either approval, modification and approval or disapproval of the application. The Board may recommend approval conditional upon the execution of certain easements, covenants, or licenses.
  4. The Board shall forward to the Planning Commission in writing any recommendation concerning a designation and further state any recommendations as to easements, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation.
- C. Planning Commission Review
  1. The Planning Commission shall hold a public hearing on the designation application no more than thirty (30) days after receipt of the Board's recommendation.
  2. The Planning Commission shall review the application for conformance with the established criteria for designation and, with the purposes of this Chapter.

D. City Council Review

1. The City Council shall hold a public hearing on the designation application no more than thirty (30) days after the receipt of the Planning Commission recommendation.
2. The City Council shall review the application for conformance with the established criteria for designation and, with the purposes of this Chapter.
3. After considering the evidence presented to it, the City Council shall choose to designate or not designate a structure, site, or historic district by ordinance.

E. When a structure, site or historic district has been designated as provided herein, the Director of the Community Development Department shall promptly notify the record owners of the property, according to the County Assessor's records or other available information, and record the designation with the County Clerk and Recorder.

**17.37.060 CRITERIA FOR DESIGNATION.** The Board and Planning Commission will consider the following criteria in reviewing nominations of properties for designation.

A. Structures - Structures must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, cultural or geographic/environmental significance. A structure can be exempted from the age standard if the City Council finds it to be exceptionally important in other criteria.

1. Historic structures or sites shall meet one (1) or more of the following in order to be considered for designation.
  - a. Architectural:
    - i. Exemplifies specific elements of an architectural style or period;
    - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, State-wide, regionally, or locally;
    - iii. Demonstrates superior craftsmanship or high artistic value;
    - iv. Represents an innovation in construction, materials or design;
    - v. Represents a built environment of a group of people in an era of history;

- vi. Exhibits a pattern or grouping of elements representing at least one (1) of the above criteria; or
    - vii. Is a significant historic remodel.
  - b. Cultural:
    - i. Is a site of historic event that had an effect upon society;
    - ii. Exemplifies cultural, political, economic or ethnic heritage of the City; or Is associated with a notable person or the work of a notable person.
  - c. Geographic/Environmental:
    - i. Enhances the sense of identity of the City; or
    - ii. Is an established and familiar natural setting or visual feature of the City.
- 2. Prehistoric, paleontological and historic archaeological structures or sites shall meet one (1) or more of the following:
  - a. Architectural:
    - i. Exhibits distinctive characteristics of a type, period or manner of construction; Is a unique example of structure.
  - b. Cultural:
    - i. Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
    - ii. Is associated with an important event in the area's development;
    - iii. Is associated with a notable person(s) or the work of a notable person(s);
    - iv. Is a typical example or is associated with a particular ethnic or other community group; or

- v. Is a unique example of an event in local history.
- c. Geographic/Environmental:
  - i. Is geographically or regionally important.
- 3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
  - a. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
  - b. Retains original design features, materials and/or character;
  - c. Is in the original location or same historic context if it has been moved; or
  - d. Has been accurately reconstructed or restored.

#### B. Historic Districts

- 1. For the purposes of this Chapter a district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities.
- 2. Significance is determined by applying criteria to the pattern(s) and unifying element(s).
- 3. Nominations will not be approved unless the application contains written approval from owners of at least sixty percent (60%) of the properties within the district boundaries.
- 4. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the non-contributing elements do not noticeably detract from the district's sense of time, place and historical development. Non-contributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or Information potential.
- 5. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or intensity as established through testing or survey.

6. Once districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
7. In addition to meeting at least one (1) of the criteria as outlined in subsection (8) of this subsection (B), the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
8. Historic districts shall meet one (I) or more of the following:
  - a. Architectural:
    - i. Exemplifies specific elements of an architectural period or style;
    - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, State-wide, regionally or locally;
    - iii. Demonstrates superior craftsmanship or high artistic value;
    - iv. Represents an innovation in construction, materials, or design;
    - v. Represents a built environment of a group of people in an era of history;
    - vi. Is a pattern or a group of elements representing at least one of the above criteria; or
    - vii. Is a significant historic remodel.
  - b. Cultural:
    - i. Is the site of an historic event that had an effect upon society;
    - ii. Exemplifies cultural, political, economic or social heritage of the community; or
    - iii. Is associated with a notable person(s) or the work of a notable person(s);
  - c. Geographic/Environmental:
    - i. Enhances sense of identity of the community; or

- ii. Is an established and familiar natural setting or visual feature of the community.
- d. Archaeology/Subsurface:
  - i. Has the potential to make an important contribution to the area's history or prehistory;
  - ii. Is associated with an important event in the areas development;
  - iii. Is associated with a notable person(s) or the work of a notable person(s);
  - iv. Has distinctive characteristics of a type, period or manner of construction;
  - v. Is of geographical importance;
  - vi. Is a typical example/association with a particular ethnic group;
  - vii. Is a typical example/association with a local cultural or economic activity; or
  - viii. Is a unique example of an event or structure.

**17.37.070 REVIEW OF ALTERATIONS AND DEMOLITION.** The owner is required to consult with the Board before making any alteration or any demolition of a structure listed on the City Register. The Board shall determine if the alteration is compatible with the designation. The Board shall review any proposed demolition and have up to one hundred eighty (180) days to review alternatives to demolition such as historic grants and loans for rehabilitation, adaptive reuse alternatives, advertisement for alternatives to demolition, public/private partnerships, etc.

- A. For the purposes of this Section, the term "alteration" shall mean any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for, which the structure was designated.
- B. Criteria to Review Alterations - In reviewing a proposed alteration, the Board shall consider the project in terms such as design, finish, material, scale, mass and height. When the

subject site is in an historic district, the Board must also find that the proposed development is visually compatible with the development on adjacent properties, as well as any guidelines adopted as part of the given historic district designation. For the purposes of this Section, the term "compatible" shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

The Board will review all alterations in terms of the Secretary of the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

- C. The Board will use the following criteria to determine compatibility of a proposed alteration:
1. The effect upon the general historical and architectural character of the structure and property;
  2. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
  3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
  4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
  5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
  6. The condition of existing improvements and whether they are a hazard to public health and safety; and
  7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

#### **17.37.080 REVOCATION OF DESIGNATION.**

- A. If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Board for a revocation of the designation, or the Board shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so.

- B. If a designated structure is moved or demolished, the designation shall, without notice and without Board recommendation, automatically terminate. If moved, a new application for designation at the new location must be made in order for designation to be considered.
- C. Upon the City Council's decision to revoke a designation, the Department of Community Development shall cause to be prepared a notice to the property owner (s) of the revocation.