

**CHAPTER 17.29**  
**HISTORIC PRESERVATION**

**SECTIONS:**

- 17.29.010 Purpose**
- 17.29.020 City Registry Established and Applicability**
- 17.29.030 Definitions**
- 17.29.040 Designation of Historic Structures, Sites and Districts**
- 17.29.050 Procedures For Designating Historic Structures, Sites and Districts For Preservation**
- 17.29.060 Criteria For Designation**
- 17.29.070 Alteration, Relocation, or Demolition of Listed Properties and Districts**
- 17.29.080 Revocation of Designation**

**17.29.010 PURPOSE**

- A. The purpose of this Chapter is to enhance the community's local resources and to promote the public health, safety, prosperity, and welfare through:
  - 1. 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;
  - 2. Establishment of a City Register listing designated structures, sites and districts;
  - 3. Balancing the goals of supporting Fruita's history and historic character with private property rights, while avoiding imposition of unreasonable economic hardship;
  - 4. Strengthening the City's economy by protecting and enhancing the City's character-defining buildings and features;
  - 5. Encouraging the sustainable reuse of historic structures; and
  - 6. Providing educational opportunities to increase public appreciation of Fruita's unique heritage.
  
- B. The City does not intend by the historic preservation program to preserve every old building, but instead to draw a reasonable balance between private property rights and the public interest in preserving Fruita's cultural, historic, and architectural heritage. This should be accomplished by ensuring that demolition of buildings and structures important to that heritage are carefully weighed with other alternatives. Alterations to historically significant buildings and new construction in historically significant areas shall respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them as defined in this Chapter.

### **17.29.020 CITY REGISTRY ESTABLISHED AND APPLICABILITY**

- A. 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.
- B. 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.
- C. This Chapter applies to all properties listed on the City of Fruita Register of Historic Sites, Structures and Districts.

### **17.29.030 HISTORIC PRESERVATION DEFINITIONS**

The following definitions are specific to the terms as used in this Chapter and in the field of historic preservation:

*Alteration.* 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.

*Board (HPB).* The City of Fruita Historic Preservation Board, as further defined in Chapter

*Certificate of appropriateness.* An official form issued by the City stating that the proposed work on a designated historic property is compatible with its historic and architectural character and, therefore, the work may be completed as specified in the certificate and the City may issue any permits needed to do the work specified in the certificate.

*Certificate of demolition approval.* An official form issued by the City authorizing the issuance of a demolition permit for a designated historic property or for a building or structure located in a designated Historic District.

*Compatible.* 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.

*Contributing resource.* A building, site, structure or object that adds to the historic associations, historic architectural qualities or archaeological values for which a property is considered significant.

*Designated property.* An individual property listed on the City of Fruita Inventory of Historic Landmark Sites and Structures.

*Historic District.* A collection, concentration, linkage or continuity of buildings, structures, sites or objects united historically or aesthetically by plan or physical development that is listed on the Fruita Inventory of Historic Landmark Sites and Structures including designated properties, contributing resources, and noncontributing resources located within the boundaries of a Historic District pursuant to the Official Zone District Map.

*Integrity.* The ability of a property to convey its significance relative to the aspects of location, setting, design, materials, workmanship and association.

*Noncontributing resource.* A building, structure, site or object that does not add to the historic architectural qualities or historic associations for which a property is significant because it was not present during the period of significance or does not relate to the documented significance; or due to alterations, additions, disturbances or other changes, it no longer possesses historic integrity.

*Object.* A term used to distinguish buildings and structures from those constructions that are primarily artistic in nature or small in scale and simply constructed. It may be by nature or design movable, but it is associated with a specific setting and environment.

*Rehabilitation.* Making a building or structure sound and usable without attempting to restore it to a particular period appearance, while retaining the character-defining features.

*Relocation.* Moving a building or structure from its original, historically significant or existing location to another location.

*Repair.* To restore to a sound or good state after decay, dilapidation or partial destruction.

*Restore.* The repair or recreation of the original architectural elements or features of an historic property so that it resembles an appearance it had at some previous point in time.

*Significance.* The documented importance of a property for its contribution to or representation of broad patterns of national, regional or local history, architecture, engineering, archaeology and culture.

*Site.* The location of a significant event, a prehistoric or historic occupation or activity or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structure.

## **17.29.040 DESIGNATION OF HISTORIC STRUCTURES, SITES AND DISTRICTS**

### **A. Authority**

Pursuant to the procedures set forth in this Chapter, the City Council may, by ordinance:

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. Designation description**

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.

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.

**C. Purpose and effect of designation**

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.

**17.29.050 PROCEDURES FOR DESIGNATING HISTORIC STRUCTURES, SITES AND DISTRICTS FOR PRESERVATION**

**A. Application for designation**

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. Historic Preservation Board Review**

1. *Public hearing.* The Board shall hold a public meeting on the designation application during a regularly scheduled meeting.
2. *Action.* The Board shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. 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 take one of the following actions:
  - a. Recommend the Planning Commission approve the application for a landmark, conditional upon the execution of certain easements, covenants, or licenses;
  - b. Recommend the Planning Commission disapprove the application for a landmark; or
  - c. Continue the hearing to a future Historic Preservation Board meeting, which continuance may include a modification of the application or a

request for any additional information deemed necessary to make a recommendation to approve or deny the application.

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. *Public hearing.* The Planning Commission shall hold a public hearing on the designation application during a regularly scheduled meeting after receipt of the Historic Preservation Board's recommendation.
2. *Action.* The Planning Commission shall review the application for conformance with the established criteria for designation set forth in this Chapter and with all documents submitted by the Historic Preservation Board. The Planning Commission shall take on of the following actions:
  - a. Recommend the City Council approve, or modify and approve the proposal;
  - b. Recommend the City Council disapprove the proposal; or
  - c. Continue hearing to a future Planning Commission Meeting, which continuance may include a modification of the application or a request for any additional information deemed necessary to make a recommendation to approve or deny the proposal.

**D. City Council Review.**

1. *Public hearing.* The City Council shall hold a public hearing on the designation application during a regularly scheduled meeting after receipt of the Planning Commission's recommendation.
2. *Action.* The City Council shall review the application for conformance with the established criteria for designation set forth in this Chapter and with all documents submitted by the Planning Commission. 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. Recording of designation.**

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.

## **17.29.060 CRITERIA FOR DESIGNATION**

The Historic Preservation Board, Planning Commission and City Council 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 (60) percent 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 (1) 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.

**17.29.070 ALTERATION, RELOCATION, OR DEMOLITION OF LISTED PROPERTIES AND DISTRICTS**

A. Requirements

1. Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any designated property or property within a district (including non-contributing properties) or a structure listed on the City Register, the property owner(s) must first submit the proposed work to the Board under this Section, as well as apply for any other permits required by municipal code.
2. The City shall review any building permit application received to determine whether the property is a listed designated property or located in a designated district and if so, if the applicant has completed review by the Commission as required by this Section.
3. No person shall receive a building permit to construct, alter, remove or demolish any property or other feature on a site, or element of a district nominated for designation after an application has been filed to initiate the designation of such property or district. No such building permit shall be approved while proceedings are pending on such designation.
4. 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.

B. Criteria for Review

1. 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 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.
2. 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."
3. The Board will use the following criteria to determine compatibility of a proposed alteration:
  - a. The effect upon the general historical and architectural character of the structure and property;
  - b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
  - c. The size of the structure. its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
  - d. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;

- e. 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;
- f. The condition of existing improvements and whether they are a hazard to public health and safety; and
- g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

#### **17.29.080 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.