

180-4.1 General

Development applications within an overlay district shall meet all zoning district regulations with regard to the underlying zoning requirements. In addition, all development applications shall also meet the development regulations specific to each applicable overlay district (see the Town of Frisco Zoning District Map). Where the provisions of the overlay district and the underlying zoning district are in conflict, the provisions of the overlay district shall govern.

180-4.2 Historic Overlay (HO) District

[Amended 03-13-18, Ord. 18-03]

180-4.2.1 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, and the addition of new development of lands designated HO. Inclusion of properties into the HO will enhance the visual, historic, and cultural character of Frisco.

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

180-4.2.2 APPLICABILITY

An owner of a historic building or property within the Town of Frisco may request that the subject property be rezoned to the HO designation. The underlying zone district will remain. Once a property is designated as HO, any incentives described in this section may be requested and, if granted, applied to the entire development site.

180-4.2.3 DESIGNATION OF HISTORIC OVERLAY DISTRICT

Pursuant to the procedures and criteria of this section, the Town Council may, by ordinance:

- A. Designate properties that have special historical value as being within the Historic Overlay District. The designation must be accomplished through the amendment procedures as described in Section 180-2.4, Amendments, with the exception of Subsection 180-2.4.1.C, Area Required. Each ordinance shall designate a historic overlay, shall include a description of the characteristics of the historic site that justify its designation, and shall include a legal description of the location and boundaries of the historic site. Any designation shall be in compliance with the purposes and criteria of this section. The property included in any designation shall be subject to the controls and standards of this section.
- B. The criteria for designating properties within the Historic Overlay District are as follows:
 - 1. That the structure(s) is at least 50 years old; and
 - 2. That the structure(s) or lot(s) has unique historical significance; and
 - 3. That remodeling has not covered the original significant 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.

180-4.2.4 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 percent of owners for a historic district, or the Town, 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.

A. Proceedings by the Planning Commission

The Commission shall review the designation through the amendment procedures as listed in Section 180-2.4, Amendments, with the exception of Subsection 180-2.4.1.C, Area Required, and through the public notice procedures listed in Section 180-2.3.5.

The Commission shall review the application for conformance with the criteria in Section 4.2.3.B for designation, and shall recommend either approval, approval with conditions, or denial, and shall refer the proposal with a recommendation to the Town Council:

B. Proceedings by the Town Council

Such designation must be accomplished by Town Council through amendment procedures as listed in Section 180-2.4, Amendments, with the exception of Subsection 180-2.4.1.C, Area Required, and through the public notice procedures listed in Section 180-2.3.5. The Council shall approve, approve with conditions, or deny the proposal for designation. Once a historic property or historic district has been designated by the Town Council as provided above, the Community Development Department shall reflect the designation on the Frisco Zoning Map. After approval, any structural alterations to the designated property(s) shall follow the procedure described in Section 180-4.2.6.

C. 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 180-4.2.7.E, the owner may apply to the Town for a revocation of the historic overlay designation on that property. The Town shall revoke the historic overlay designation if it determines that without the demolished structure or feature, the property no longer meets the purpose, intent, and criteria of this section. 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.

180-4.2.5 PURCHASE OF DEVELOPMENT RIGHTS

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

180-4.2.6 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 Chapter or other ordinances of the Town.

- A. Any proposed addition, alteration or rehabilitation to a historic structure or feature must comply with all of the Secretary of the Interior's Standards for Rehabilitation as listed below:
1. 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.
 2. 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.
 3. 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.
 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 6. 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.
 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 10. New additions and adjacent or related new 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.

180-4.2.7 INCENTIVES FOR ADDITIONS, ALTERATIONS, AND REHABILITATION TO HISTORIC STRUCTURES, HISTORIC FEATURES, OR NEW DEVELOPMENT ON PROPERTIES WITHIN THE HISTORIC OVERLAY DISTRICT

A. Applicability

Any proposed addition, alteration, or rehabilitation to a historic structure or feature that preserves the integrity of the existing historic property, and meets a minimum of two of the following criteria, and all of the standards in Section 180-4.2.6.A, shall be eligible to utilize some or all of the incentives described in Section

180-4.2.7.C. New development on HO properties is not subject to the standards in Section 180-4.2.6.A, but shall be eligible to utilize some or all of the incentives described in Section 180-4.2.7.C, if it is found in its design, massing, and scale to be sensitive to and compatible with the architectural character of the historic structure(s) on the property, and meets a minimum of two of the following criteria. In evaluating and recommending or deciding upon the granting of incentives, a greater number of incentives may be recommended or granted when a greater number of criteria are met, and fewer incentives may be recommended or granted when a lesser number of criteria are met. Criteria for review are that the development project:

1. The development project protects and preserves the Town's historic and cultural heritage by retaining and/or remodeling aspects of a historic building(s) such as, but not limited to, the facades being compatible with the character of the historic era.
2. The development project promotes economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism.
3. The development project includes educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage.
4. The development project maintains the structural integrity of the historic structure and/or rectifies safety concerns for the structure or brings the structure into greater compliance with life, health, and safety codes;
5. The development project retains some or all of the historic structure(s) on the original site;
6. The structural or use change furthers goals or objectives of the Master Plan; and
7. The development project brings new development/redevelopment on the site that allows for the preservation of historic resources on the site that would not likely occur without the development.

B. Procedure

In the event that an owner of a historic property intends to utilize any or all of the incentives outlined in this section, the development application will require a final decision to be made by the Planning Commission during a public hearing.

C. Incentives

1. Relief from Underlying Zoning Requirements

The following development standards may be modified or waived (up to 100 percent) within the underlying zoning district requirements:

- a. Lot coverage
- b. Setbacks
- c. Lot area
- d. Lot frontage
- e. Driveway width
- f. Density bonus (waiver of all or part of the deed restriction requirement)
- g. Ceiling height requirements of the Central Core and Mixed Use Districts

2. Relief from Overlay District Requirements

Overlay district standards may be modified or waived up to 100 percent.

3. Relief from Development Standard Requirements

The following development standards may be modified or waived (up to 100 percent), if applicable:

- a. Snow storage
- b. Parking and loading
- c. Landscaping and revegetation
- d. Access

- e. Bicycle parking
- f. Refuse management
- g. Outdoor lighting, but only to the extent necessary to preserve the historic features of a building
- h. Non-residential development standards
- i. Residential development standards
- j. Bulk plane

4. Planning Commission Approval

In the event that an owner of a historic property requests the use of any or all of the incentives outlined in this subsection after such time as the property has been designated by the Town Council as being within the HO district, such request will require a final decision to be made by the Planning Commission after a public hearing on a development application that makes such a request.

D. 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.

E. Demolition of a Historic Structure or Feature in the Historic Overlay District

Before demolition may occur, an owner of a designated historic property must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. Review Criteria for Total Demolition

- a. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure; and
- b. The structure cannot be rehabilitated or reused onsite to provide for any reasonable beneficial use of the property; and
- c. The structure cannot be practically moved to another site in Frisco; and
- d. The applicant demonstrates that the proposal mitigates the following to the greatest extent practicable:
 - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - ii. Any impact on the historic importance of the structure(s) located on the property and adjacent properties.
 - iii. Any impact to the architectural integrity of the structure(s) located on the property or adjacent properties.
- e. 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.

2. Review Criteria for Partial Demolition or Relocation

- a. The partial demolition or relocation is required for renovation, restoration or rehabilitation of the structure in its present location or future site; and
- b. 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).
- c. 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.

F. Procedures for Alterations or Demolition of Structures within the Historic Overlay District

1. 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 180-4.2.6, 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. The Community Development Department shall provide updates of all changes to buildings within an HO to the Planning Commission.

2. Planning Commission Review

If the Community Development Department determines that 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 180-4.2.7, or if a permit application for demolition of a historic structure(s) has been received, then the application will be forwarded up to the Planning Commission for review and decision. Additional information, such as but not limited to comments or analysis from a historic preservation specialist, may be requested if it is determined to be beneficial for a comprehensive review of the application.

G. 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 HO and designation status is pending.

180-4.2.8 PROPERTY MAINTENANCE AND ENFORCEMENT

- A. 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 HO shall allow significant deterioration of the exterior of the structure.
- B. 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.

180-4.2.9 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 Historic Overlay District, and/or for review of development applications that occur within the Historic Overlay District.

180-4.2.10 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 Section 180-1.7.

180-4.3 Planned Unit Development Overlay (PUD) District

180-4.3.1 MAXIMUM DENSITY

The allowable density on the total site shall not exceed the density allowed in the underlying zoning district with the following exceptions.

A. Accessory Dwelling Unit Exemption

Any accessory housing unit meeting the Town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit Combined Housing Authority.

B. Affordable Housing Exemption

A density bonus over the maximum allowable density is available. A density bonus is an increase in the allowable number of dwelling units over the maximum density, provided that:

1. A minimum of 50 percent of the total number of bonus units is provided as affordable housing; or
2. For each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Frisco or within one mile of any corporate limit of the Town of Frisco.

180-4.3.2 DEVELOPMENT STANDARDS

- A. A minimum of 55 percent of the site shall be devoted to usable open space. The Planning Commission may determine whether portions of stream areas, floodways, floodplains, wetlands, accessible bodies of water and outdoor recreational facilities may or may not be included in the calculation of usable open space as defined in Chapter 180, Article 9. In making such a determination, the Planning Commission shall consider the following criteria:
 1. The relationship of these areas to other areas, structures, and uses within the planned unit development.
 2. The degrees to which these areas contribute to the quality, aesthetics, and overall objectives of the planned unit development.
- B. The development shall be made accessible by public streets that conform to the street standards established by the Town of Frisco's Minimum Street Design and Access Criteria, Chapter 155, and shall provide direct access to the existing street system.
- C. Structures within the planned unit development shall be placed no closer than thirty (30) feet from the planned unit development boundary line, provided that this provision may be modified subject to Planning Commission approval, if the Commission finds the following to be true:
 1. That the interests of the Town concerning harmonious design, environmental amenities, and the efficiency of public services are thereby enhanced.
 2. That the modification has no adverse effect on neighboring properties.
 3. That it is consistent with the purposes of the planned unit development regulations.
- D. No building shall be more than 35 feet in height unless a review of the following factors indicates no adverse impacts will occur if this height is exceeded:
 1. Building orientation in relation to the natural and built environment.
 2. Adverse visual effects to adjoining districts or property owners, including potential problems caused by shadows, loss of solar access, or loss of view.

3. Other related impact(s) to existing uses in the area.
- E. Planned unit developments shall be required to meet all requirements specified in Chapter 180, Article 6, including, but not limited to, signage, parking, steep slope, snow storage, lighting and landscaping regulations.
 - F. If the Planned Unit Development is located within an overlay district, all applicable requirements of that overlay district shall be met.