

Ordinance No. 16-15

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING APPEALS, SECTION 15-1-18; HISTORIC PRESERVATION BOARD PURPOSES, SECTION 15-11-5; HISTORIC PRESERVATION BOARD ADDITIONAL DUTIES, SECTION 15-11-6; PARK CITY HISTORIC SITES INVENTORY, 15-11-10; HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW, SECTION 15-11-12; HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS SECTION 15-11-12.5; AND DEFINITIONS, SECTION 15-15.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic); and

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings; and

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

SECTION 1. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER ONE (GENERAL PROVISIONS AND PROCEDURES), SECTION 18 (APPEALS). The recitals above are incorporated herein as findings of fact. Chapter 1 Section 18 of the Land Management Code of Park City is hereby amended as redlined (Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 11 (HISTORIC PRESERVATION) SECTIONS 5 (PURPOSES), 6

(ADDITIONAL DUTIES), 10 (PARK CITY HISTORIC SITES INVENTORY), 12 (HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW) AND 12.5 (HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS). The recitals above are incorporated herein as findings of fact. Chapter 11, Sections 5, 6, 10, 12 and 12.5 of the Land Management Code of Park City is hereby amended as redlined (Exhibit B).

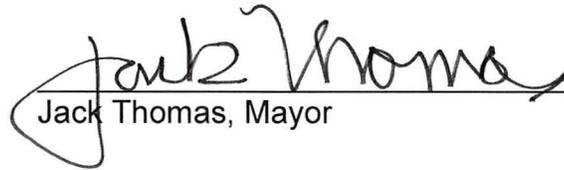
SECTION 3. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 15 (DEFINITIONS) SECTION 1.74 (DEMOLISH OR DEMOLITION). The recitals above are incorporated herein as findings of fact. Chapter 15, Section 1.74 of the Land Management Code of Park City is hereby amended as redlined (Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 24 day of March, 2016

PARK CITY MUNICIPAL CORPORATION





Jack Thomas, Mayor

Attest:



Michelle Kellogg, City Recorder

Approved as to form:



Mark Harrington, City Attorney

**Exhibit A- Amendments To Title 15- Land Management Code Chapter One
(General Provisions And Procedures), Section 18 (Appeals)**

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) STAFF. Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment ~~as described in 15-11-12(E)~~.

Exhibit B -- Amendments to Title 15- Land Management Code Chapter 11 (Historic Preservation) Sections 5 (Purposes), 6 (Additional Duties), 10 (Park City Historic Sites Inventory), 12 (Historic District Or Historic Site Design Review), and 12.5 (Historic Preservation Board Review For Demolition).

15-11-5. PURPOSES.

The purposes of the HPB are:

- (A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;
- (B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;
- (C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;
- (D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;
- (E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;
- (F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;
- (G) To administer all City-sponsored preservation incentive programs;
- ~~(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites;~~
- (I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and
- (J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

- (A) Participate in the design review of any City-owned projects located within the designated Historic District or are structures on the Historic Sites Inventory.
- (B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.
- (C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.
- (D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property which

are structures on the Historic Sites Inventory or are within a two (2) block radius of the Historic District.

15-11-10 PARK CITY HISTORIC SITES INVENTORY

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

- (1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.
- (2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- (3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

~~(4) — **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.~~

(C) REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic ~~Sties~~ Sites Inventory are as follows:

- (1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

(a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

~~(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.~~

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION CONFERENCE.**

(1) It is strongly recommended that the Owner and/or Owner's representative attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) and Historic Preservation Board Review For Material Deconstruction as outlined in LMC Sections. 15-11.12.5 are is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of

paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(d) For Significant and Landmark Historic Structures and Sites, the Planning Director may determine that the proposed work is Emergency Repair Work having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District.

(B) **COMPLETE APPLICATION.** The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **PUBLIC HEARING AND DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code the Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

~~(E) — **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.~~

~~All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.~~

~~Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.~~

~~(1) — The Historic Preservation Board shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.~~

~~(2) — The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Historic Preservation Board decision made on a Historic Preservation Board Review for Material Deconstruction to the Board of Adjustment. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.~~

~~(i) The Board of Adjustment shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.~~

(F) **EXTENSIONS OF APPROVALS.** Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of the expiration of the HDDR approval.

(Amended by Ord. Nos. 09-23; 10-11; 11-05; 12-37; 15-53)

15-11-12.5 HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS MATERIAL DECONSTRUCTION.

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public, Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management

Code. Planning staff shall review ~~m~~Material ~~d~~Deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

(A) COMPLETE APPLICATION.

The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.

(B) NOTICE. Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(C) PUBLIC HEARING AND DECISION. Following the fourteen (4) day public notice period noted in Section 15-1-21 of this Code, the Historic Preservation Board shall hold a public hearing and make written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy.

(Approved by Ord. No. 15-53)

**Exhibit C -- Amendments to Title 15- Land Management Code Chapter 15
(Definitions)**

1.74 DEMOLISH OR DEMOLITION. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Buildings(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code, and Reconstruction pursuant to Section 15- 11-15 of this Code. It also excludes any Material Deconstruction approved by the Historic Preservation Board pursuant to Section 15-11-12.5, or is exempt pursuant to 15-11-12(A).