

Ordinance No. 2016-48

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING LAND MANAGEMENT CODE SECTION 15-11-13, RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE, AND SECTION 15-11-15, DEFINITIONS

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 Historic property; 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 relocation and reorientation of historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board ("HPB"), the official body to review matters concerning the historical designation and design of buildings within the City held a public hearing and forwarded a positive recommendation to Planning Commission and City Council on July 20, 2016; and

WHEREAS, individual members of the Planning Commission, the official body to review matters concerning the Land Management Code held a public hearing a forwarded a positive recommendation to City Council on September 28, 2016;

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

SECTION 1. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 11 (HISTORIC PRESERVATION). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (Exhibit A).

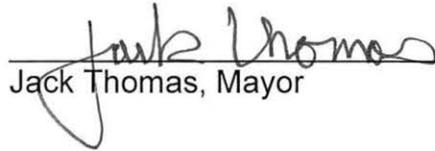
SECTION 2. AMENDMENTS TO TITLE 15- LAND MANGEMENT CODE CHAPTER 15 (DEFINED TERMS). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (Exhibit B).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 20 day of October, 2016

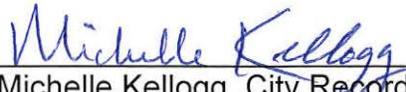
PARK CITY MUNICIPAL CORPORATION





Jack Thomas, Mayor

Attest:



Michelle Kellogg, City Recorder

Approved as to form:



Mark Harrington, City Attorney

Exhibit A

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A-ITS EXISTING LANDMARK OR SIGNIFICANT SITE.**

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) For either a Landmark or Significant Site all of the following shall be met:
 - (a) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and
 - (b) The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
- (2) Landmark structures shall only be permitted to be relocated on its existing site if
 - a. the relocation will abate demolition; or
 - b. the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.
- (3) For Significant sites, at least one of the following shall be met:
 - (1a) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
 - (2b) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or
 - (3c) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site.

Unique conditions shall which include but are not limited to all of the following:

- ~~i. The historic context of the building Historic Building(s) and/or Structure(s) has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be considered to will enhance the ability to interpret the historic character of the building Historic Building(s) and/or Structure (s) and the Historic District or its present setting; and~~
- ~~ii. The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and~~
- ~~iii. The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or~~
- ~~iv. The historical integrity and significance of the hHistoric bBuilding(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; or and~~
- ~~v. The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation~~
- ~~vi. All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:~~
 - ~~1. Restoring the building at its present site; or~~
 - ~~2. Stabilizing the building from deterioration and retaining it at its present site for future use; or~~
 - ~~3. Incorporating the building into a new development on the existing site.~~

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) TO A PERMANENT NEW SITE. To approve a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site to a new site, the Historic Preservation Board shall find the project complies with the following criteria.

- (1) For either a Landmark or Significant Site, all of the following shall be met:
 - (a) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant

has demonstrated that a professional building mover will move the building and protect it while being stored; and

(b) The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;

(2) Landmark structures shall only be permitted to be relocated to a new site if the relocation will abate demolition and the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.

(3) For Significant Sites, at least one of the following must be met:

(a) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(b) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or

(c) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation to a new Site. This criterion is only available to Significant Sites. Unique conditions shall include all of the following:

i. The relocation will not negatively affect the historic integrity of the Historic District, nor the area of receiving site; and

ii. One of the following must also be met:

a. The historic building is located within the Historic districts, but its historic context and setting have become so radically altered that the building may be enhanced by its new setting if the receiving site is more similar to its historic setting in terms of architecture, style, period, height, mass, volume, scale, use and location of the structure on the lot as well as neighborhood features and uses; or

b. The historic building is located outside of the Historic districts, and its historic context and setting have been so radically altered that the building may be enhanced by its new setting if the receiving site is more similar to its historic setting in terms of architecture, style, period, height, mass, volume, scale, use, and location of the structure on the lot as well as neighborhood features and uses; or

(d) City Council, with input from the Historic Preservation Board, Planning Director, and Chief Building Official, determines that the Historic Building(s) and/or Structure(s) is deterrent to a major improvement program outside of the Historic districts that will be of Substantial Benefit to the community such as but not limited to:

- a. The relocation of the Historic Building(s) and/or Structure(s) will result in the restoration of the house—both the interior and exterior—in compliance with the Secretary of the Interiors Standards and the relocation will aid in the interpretation of the history of the Historic Building(s) and/or Structure(s); or
- b. The relocation of the Historic Building(s) and/or Structure(s) will result in the revitalization of the receiving neighborhood due to the relocation; or
- c. The relocation of the Historic Building(s) and/or Structure(s) will result in a new affordable housing development on the original site that creates more units than currently provided on the existing site and the rehabilitation of the Historic Building(s) and/or Structure(s) on the new receiving site.

(C) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

Exhibit B

15-15 DEFINED TERMS

1.269 **SUBSTANTIAL BENEFIT.** Significant improvement or positive effect that will fill a community need and/or meet a specified City Council goal and provide a considerable economic, financial, or environmental benefit to the community that does not currently exist.