

Ordinance No. 09-05

**ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE OF PARK CITY, UTAH
TO ADDRESS REVISIONS TO CHAPTERS 11 AND 15**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, welfare, and safety of Park City's citizens and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the General Plan and Land Management Code and identifies necessary amendments to address planning and zoning issues that arise and to address specific LMC issues raised by Staff and the Commission; and

WHEREAS, the City Council goals include protecting the City's historic and cultural resources by encouraging sound preservation practices; and

WHEREAS, Chapter 11-Historic Preservation provides regulations and procedural requirements for Historic Preservation in Park City and the City desires to revise these regulations as outlined in the staff report; and

WHEREAS, Chapter 15-Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code; and

WHEREAS, these amendments represent changes identified by the City Council in discussions held in 2008. Amendments to establish a Historic Sites Inventory, to broaden the criteria by which buildings, structures and sites are designated as historic, to modify the criteria and procedure for the designation of Landmark Sites and Significant Sites; and to define the criteria and procedure for removing a property from the Historic Sites Inventory are consistent with City Council goals to protect historic and cultural resources; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the special meeting held January 7, 2009, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 22, 2009; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park

City community and City Council to protect the health, safety, and welfare, and to maintain the quality of life for its residents, and to preserve the community's unique character.

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

Section 1. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Exhibit A. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 11.

Section 2. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit B. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 22nd day of January, 2009

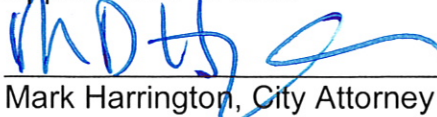
PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Jan M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney

EXHIBIT A

LMC, Chapter 11-HISTORIC PRESERVATION.

~~15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.~~

~~The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.~~

~~The Planning Department shall maintain a list of such Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.~~

~~(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:~~

- ~~(1) The Building, Structure or Site is associated with events or lives of Persons Significant _____ to _____ our _____ past; _____ and/or~~
- ~~(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or~~
- ~~(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or~~
- ~~(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance _____ to _____ the _____ community; _____ and/or~~
- ~~(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or~~

~~(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.~~

~~(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of the Code.~~

~~(C) **DECISION.** If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. 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 HPB 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 HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.~~

15-11-12. PARK CITY HISTORIC SITES INVENTORY

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the preservation of historic Sites in the community.

(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

(1) LANDMARK SITE. Any Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of Location, Design, Setting, Materials, Workmanship, Feeling and Association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one of the following:

(i) an era that has made a significant contribution to the broad patterns of our history,

(ii) The lives of persons significant in the history of the community, state, region, or nation, or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) SIGNIFICANT SITE. Any Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form; meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if:
(a) the change was made after the Period of Historic Significance, or

(b) the change is NOT due to any structural failure, or

(c) the change is NOT due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous owner.

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to one that is Dissimilar to the original, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public right-of-way.

(c) It is important in local or regional history, architecture, engineering or culture associated with at least one of the following:

(i) An era of historic importance to the community, or

(ii) Lives of persons who were of historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the historic period.

(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 15-11-12(A)(1) or 15-11-12(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/them 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 15-11-12(A)(1) or section 15-11-12(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.

(1) CRITERIA FOR REMOVAL.

(a) The Site no longer meets the criteria set forth in 15-11-12(A)(1) or 15-11-12(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed,

(b) The Building (Main, Attached, Detached or Public), Accessory Building, and/or Structure on the Site have been demolished and will not be Reconstructed, or

(c) Additional information indicates that the Building(s), Accessory Building(s), and/or Structures on the Site do not comply with the criteria set forth in 15-11-12(A)(1) or 15-11-12(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 designation, 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". If the HPB finds that the Application does not comply with the criteria set forth in section 15-11-12(A)(1) or section 15-11-12(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.

LMC, Chapter 15-DEFINITIONS.

Dissimilar Location. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

Essential Historical Form. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

Historic Integrity. The ability of a Site to retain its identity and, therefore, convey its significance in the history of Park City. Within the concept of historic integrity, Park City Municipal Corporation recognizes seven aspects or qualities as defined by the National Park Service that, in various combinations, define integrity. They are:

(A) Location. The place where the historic Site was constructed or the historic event took place.

(B) Design. The combination of physical elements that create the form, plan, space, structure, and style of a Site. Design includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

(C) Setting. The physical environment, either natural or manmade, of a historic Site, including vegetation, topographic features, manmade features (paths, fences, walls), and the relationship between Structures and other features or open space.

(D) Materials. The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic Site.

(E) Workmanship. The physical evidence of the crafts of a particular culture or people during any given period in history; including methods of construction, finishes (plain or decorative), painting, carving, joinery, tooling, and turning.

(F) Feeling. A Site's expression of the aesthetic or historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the property's historic character.

(G) Association. The direct link between an important historic era or person and a historic Site. A Site retains association if it is the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

Historic Sites Inventory. A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set forth in LMC Chapter 15-11.

Landmark Site. Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

Noteworthy. Deserving notice or attention because of uniqueness, excellence, or Significance.

Period of Historic Significance. A specific period of time that provides a context for Historic Sites based on a shared theme.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Reconstruction. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period.

15-15-1.207. **Significance.** The value placed on a Building relating to its architectural or Historical importance. The quality of having Historical consequence or being regarded as having great architectural value.

Significant Site. Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

Site. An area, Lot, or piece of land where a Building (Main, Attached, Detached or Public), Accessory Building(s), and/or Structure(s) were, are, or will be located.