

ORDINANCE NO. 2017-19

AN ORDINANCE AMENDING SECTION 12.61.100 OF THE CENTERVILLE ZONING ORDINANCE REGARDING INCENTIVES FOR HISTORIC ASSETS LISTED ON THE HISTORIC LANDMARK REGISTER AND AMENDING SECTION 12.49.100 OF THE SAME REGARDING INCENTIVES FOR HISTORIC LANDMARK REGISTER PROPERTIES IN THE CENTERVILLE DEUEL CREEK HISTORIC DISTRICT

WHEREAS, the City Council previously adopted Chapter 12.61 (Historic Buildings and Sites) and Chapter 12.49 (Centerville Deuel Creek Historic District) of the Centerville Zoning Ordinance creating the Centerville Deuel Creek Historic District and providing certain building permit fee incentives for exterior projects or alterations to properties within the Centerville Deuel Creek Historic District; and

WHEREAS, the City Council, upon the recommendation of the Landmarks Commission, desires to extend these incentives to any properties listed on the Historic Landmarks Register located anywhere in the City (not just the Centerville Deuel Creek Historic District); and

WHEREAS, the proposed amendments and revisions to extend the incentives and design standards for properties listed on the Historic Landmarks Register located anywhere in the City have been reviewed by the Landmark Commission and Planning Commission with recommendations of approval forwarded to the City Council as more particularly provided herein; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Ordinance regarding incentives for Historic Landmark Register properties are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, and are in the best interest of the City and the public to provide meaningful incentives for historic preservation and to celebrate the rich historic fabric of Centerville located within the District; and

WHEREAS, the proposed amendments to the Zoning Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 12.61.100 of the Centerville Zoning Ordinance regarding Alterations/Modification Standards for Historic Assets Listed on the Historic Landmark Register is hereby amended to read in its entirety as follows:

12.61.100 Alterations/Modification Standards for Historic Assets Listed on the Historic Landmark Register

- (a) Alterations or Modifications. In order to ensure the preservation of historic materials and features of Historic Landmark Register assets to the greatest extent possible, all proposed

repairs, alterations or additions involving the exterior structure and/or facade of such assets shall be subject to review by the Landmarks Commission, in accordance with the provisions set forth in this Section. Any property owner desiring to keep their asset on the Historic Landmark Register shall comply with the following provisions of this Section.

- (b) Building Permit Request. An application for a building or related permit pertaining to an asset listed on the Historic Landmark Register shall be forwarded by the Zoning Administrator to the Landmarks Commission prior to issuance. The Landmarks Commission shall promptly review the application and proposed work for compliance with the standards set forth in this Section.
- (c) Appropriateness of Work. The Landmarks Commission shall determine the appropriateness of the work in keeping with the preservation of historic integrity of the asset and shall prepare findings for approval or denial, as follows:
 - (1) Appropriate. If the Landmarks Commission deems the proposed work appropriate, it shall notify both the owner of record and the Zoning Administrator in writing of its determination of the a appropriateness of the work and any conditions for compliance related to the alteration or modification.
 - (A) If the Landmarks Commission deems the alterations and modifications to the structure appropriate, those properties on the Historic Landmark Register (not otherwise located in the Centerville Deuel Creek Historic District) shall be eligible for the same incentives set forth in CZC 12.49.100
 - (2) Not Appropriate. If the Landmarks Commission deems the proposed work inappropriate, it shall forward notice, to the owner of record and the Zoning Administrator, of such determination together with recommendations as to how the work may be accomplished to comply with historic preservation standards.
 - (A) If the Landmarks Commission does not approve the proposed work as "appropriate," the owner is encouraged to work with the Landmarks Commission to determine the most appropriate means of altering or modification to the property in order to maintain the historic integrity of the property.
 - (B) If the owner chooses not comply with the recommendations of the Landmarks Commission, the issuance of the building or associated permit shall be delayed up to 30 days for the documentation of existing conditions of the historic asset. After the necessary documentation time, the permit shall be issued as requested and the asset may be subject to the removal of its designation to the Historic Landmark Register.
- (d) Record Keeping. Any building permit or associated plans issued for an asset listed on the Historic Landmark Register shall be maintained by the office of the Zoning Administrator to assist in preserving and documenting the alterations or modifications made to historic assets listed on the Historic Landmark Register.

(e) Approval Standards. Any alteration or modification of any historic asset designated on the Historic Landmark Register shall be reviewed for appropriateness in keeping with the preservation of historic integrity of the asset. The following standards shall be used by the Landmarks Commission and/or City Council when determining the historic appropriateness of any application pertaining to the Historic Landmark Register:

- (1) Use. The asset shall be primarily used for its intended historic purpose or be placed in a compatible new use that requires minimal change to the defining characteristics of the building and its site and/or environment.
- (2) Character. The historic character of the asset shall be retained and preserved to the greatest extent possible. The removal of historic materials or alteration of features and spaces that characterize the asset shall be avoided.
- (3) Developments. Each asset 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 dissimilar buildings shall not be undertaken.
- (4) Changes. Most assets change over time; changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive Items. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the historic asset shall be preserved.
- (6) Deterioration. Deteriorated historic features shall be repaired rather than replaced. Where 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 that such feature was previously present.
- (7) Cleaning. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures or materials, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Resources. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) Materials. New additions, exterior alterations, modifications, or related new construction shall not destroy historic materials that characterize the asset. 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 asset and its environment.
- (10) Historic Integrity. 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 asset and its environment would be substantially

unimpaired.

- (11) Additional Guidelines. Additional guidelines may be used as set forth in "The Secretary of the Interior's Standards for Rehabilitating Historic Buildings."

Section 2. Amendment. Section 12.49.100 of the Centerville Zoning Ordinance regarding Incentives for Properties Not Located on Main Street in the Centerville Deuel Creek Historic District is hereby amended to read in its entirety as follows:

12.49.100 Incentives for Properties Not Located on Main Street

- (a) Setback reduction. Setback shall be measured from the building line and a property or designated right-of-way line. Actual setback shall be determined by the property owner prior to approval of any setback reductions. Setback standards in relation to decks and patios shall still apply and follow standards found in CZC 12.55.130(g), except for approved front porches as indicated in this Section.
 - (1) Front Yard Setback: 20 Feet
 - (2) Front Yard Setback from Porch: 15 Feet
 - (3) Side Yard Setback (each side yard): 7 Feet
 - (4) Street Side Setback: 18 Feet
 - (5) Rear Yard Setback: 18 Feet
- (b) Building Permit Review Fee Reduction. All applicants who meet the above criteria found in CZC 12.49.090 shall be allowed a tiered reduction on the building permit review fees depending upon the classification of the property and the proposed construction or alteration as follows:
 - (1) 100% reduction for Historic Landmark Register Property so long as the Historic Landmark Register Property retains such classification and designation after the new construction or alteration;
 - (2) 50% reduction for construction involving Contributing Property so long as the Contributing Property retains such classification after the new construction or alterations;
 - (3) 25% reduction for new construction (not involving the demolition of a Contributing Property or an Historic Landmark Register Property) or construction involving a Noncontributing Property; and
 - (4) 0% reduction for new construction involving the demolition of a Contributing Property or a Historic Landmark Register Property.
- (c) This tiered reduction on building permit review fees shall only be allowed for properties within the Centerville Deuel Creek Historic District and for properties on the Historic

Landmark Register (as provided in CZC 12.61.100) for the purpose of encouraging and promoting the preservation of existing contributing properties and encouraging harmony between new and historic architectural and property designs.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.


Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 18th DAY OF JULY, 2017.

ATTEST:


Marsha L. Morrow, City Recorder

CENTERVILLE CITY

By: 
Mayor Paul A. Cutler

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	<u>X</u>	_____
Councilmember Ince	<u>X</u>	_____
Councilmember Ivie	<u>X</u>	_____
Councilmember McEwan	<u>X</u>	_____
Councilmember Mecham	<u>X</u>	_____



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.


MARSHA L. MORROW, City Recorder

DATE: July 20, 2017

RECORDED this 20 day of July, 2017.

PUBLISHED OR POSTED this 20 of July, 2017.