

ORDINANCE NO. 2019-23

AN ORDINANCE AMENDING CHAPTER 2-2: "HISTORIC PRESERVATION COMMISSION" TO SET FORTH COMMISSION DUTIES, STANDARDS FOR ADDITIONS TO HISTORIC BUILDINGS, AND OTHER RELATED ADMINISTRATIVE UPDATES.

WHEREAS the City of Bluffdale desires to preserve its history and has appointed an Historic Preservation Commission and;

WHEREAS the City of Bluffdale desires to update its existing Historic Preservation Commission ordinance to include provisions recommended by the Utah State Historic Preservation Office and;

WHEREAS the City Council finds that the proposed amendments will benefit the City of Bluffdale, its citizens, and its historic sites and landmarks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Text Amendment. The City Council hereby amends Chapter 2-2 of the Bluffdale City Ordinances:

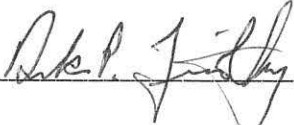
See 'Exhibit A'

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provision of this Ordinance shall be severable.

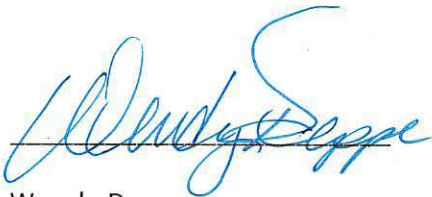
APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 11<sup>th</sup> Day of December, 2019.

CITY OF BLUFFDALE



  
\_\_\_\_\_  
Mayor Derk P. Timothy

ATTEST:

  
\_\_\_\_\_  
Wendy Deppe

Bluffdale City Recorder

Council members	Voting:	
	AYE	NAY
Wendy Aston	<u>  X  </u>	<u>    </u>
Travis Higby	<u>  X  </u>	<u>    </u>
Dave Kallas	<u>  X  </u>	<u>    </u>
Ty Nielsen	<u>  X  </u>	<u>    </u>
Boyd Preece	<u>  X  </u>	<u>    </u>

## Chapter 2

# HISTORIC PRESERVATION COMMISSION

### **2-2-1: PURPOSE:**

### **2-2-2: COMMISSION ESTABLISHED; MEMBERSHIP:**

### **2-2-3: COMMISSION DUTIES:**

### **2-2-4: HISTORIC SITES LIST:**

### **2-2-5: HISTORIC LANDMARK REGISTER:**

### **2-2-6: STANDARDS FOR REHABILITATION:**

### **2-2-1: PURPOSE:**

The City recognizes that the historical heritage of the community is among its most valued and important assets. It is therefore the intent of the city to identify, preserve, protect and enhance historic areas and sites lying within the city limits.

### **2-2-2: COMMISSION ESTABLISHED; MEMBERSHIP:**

A Historic Preservation Commission is hereby established by the City with the following provisions:

- A. Membership; Terms: The commission shall consist of a minimum of five (5) members with a demonstrated interest, competence or knowledge in historic preservation, appointed by the Mayor with the advice and consent of the City Council for terms of two (2) years. The Mayor may remove any member of the Historic Preservation Commission at any time and for any reason with the advice and consent of the City Council.
- B. Qualifications: To the extent available in the community, at least one (1) Commission member should be a professional, as defined by national park service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.
- C. Meetings: The Commission shall meet as needed and conduct business in accordance with the open public meeting laws of the state. This includes public notification of meeting place, time and agenda items.
- D. Minutes: Written minutes of each commission meeting shall be prepared and made available for public inspection.

### **2-2-3: COMMISSION DUTIES:**

The Historic Preservation Commission shall have the following duties:

- A. Advise the City Council and other interested parties in the community on matters related to historic preservation and community history.
- B. Coordinate with other city entities and community organizations related to the community's history and cultural affairs.
- C. Conduct, or cause to be conducted, surveys of local historic properties in compliance with standards set by the Utah State Historic Preservation Office.
- D. Maintain an inventory of surveyed historic properties in a publicly accessible location.
- E. Promote and conduct educational and interpretive programs related to the community's history and historic properties.
- F. Review and approve or deny nominations for designation to the city's historic sites list.
- G. Review and comment to the City Council on all nominations of properties to the city's historic landmark register.
- H. Review and comment to the Utah State Historic Preservation Office regarding all National Register nominations of properties within the municipal boundary.
- I. Apply for and administer grants and other financial aid for historic preservation and community history-related projects in the city.

#### **2-2-4: HISTORIC SITES LIST:**

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

A. Criteria For Designating: Any district, building, structure, object or site may be designated to the Historic Sites List if it meets all the criteria outlined below:

1. Location: It is located within the official boundaries of the city.
2. Age: It is at least fifty (50) years old.

3. Historic Integrity: The site retains its historic integrity.

a. For the purposes of this chapter the term “historic integrity” shall be interpreted as there are no major alterations or additions that have obscured or destroyed the significant historic features of the building or site. Major alterations that would destroy the historic integrity include: changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with nonhistorical materials, moving the resource from its original location to one that is dissimilar to the original form and appearance of the house when viewed from the public way.

b. If the property does not meet the integrity requirements outlined in subsection A3a of this section, it may still qualify for designation if it meets at least one of the following requirements for exceptional significance:

(1) It is directly associated with events of historic significance in the community; or

(2) It is closely associated with the lives of persons who were of historic importance to the community; or

(3) It exhibits significant methods of construction or materials that were used within the historic period.

4. Documentation: It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys .

B. Designation Procedures: Any person, group or governmental agency may nominate a property for listing in the City Historic Sites List. The nomination and listing procedures are as follows:

1. Completed intensive level survey documentation in accordance with the requirements of the Utah State Historic Preservation Office for each nominated property must be submitted to the Historic Preservation Commission.

2. The Commission will review and consider properly submitted nominations at its next meeting. The commission will provide a courtesy notice to the nominating party ten (10) calendar days prior to the meeting that the nomination will be considered.

3. The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with the criteria for designating historic properties to the City Historic Sites List and will make its decision accordingly.

C. Results Of Designation:

1. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the Mayor and the Historic Preservation Commission Chairperson.
2. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
  - a. Documentation should include exterior photographs (both black and white and color) of all elevations of the historic building. When possible, both exterior and interior measurements of the building should be made in order to provide an accurate floor plan drawing of the building.

D. Removal Of Properties from List: Properties which are determined by the commission to no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the commission. The commission will provide a courtesy notice to the owner of the property of the meeting date and time at which the property's removal from the historic sites list will be considered no later than ten (10) calendar days prior to the scheduled meeting. Findings for removal shall be made on the record. The property owner(s) may have their property removed from the city's historic sites list by submitting a written request to the historic preservation commission.

## **2-2-5: HISTORIC LANDMARK REGISTER:**

Significant historic properties may be designated to the historic landmark register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

A. Criteria For Designating: Any district, building, structure, object or site may be designated to the historic landmark register if it meets all the criteria outlined below:

1. It is located within the official boundaries of the city.
2. It is currently listed on the National Register of Historic Places, or it has been determined eligible for listing by the commission under the provisions of 36 CFR 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following criteria:
  - a. Be associated with events that have made a significant contribution to the broad patterns of our history;
  - b. Be associated with the lives of persons significant in our past;

- c. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
  - d. Have yielded, or be likely to yield, information important in prehistory or history (archeological sites, for example).
3. The owner(s) of the property approves of the action to designate their property to the Historic Landmark Register and has submitted to the Commission a written statement to that effect.

#### B. Designation Procedures:

1. Official designation proceedings must begin with the submittal of an application for designation by the property owner(s) to the Commission chairperson. This application shall include completed intensive level survey documentation in accordance with the requirements of the Utah State Historic Preservation Office. The documentation must identify the property by its address and historic name, give the date the property was listed on the National Register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by Commission members, private citizens, local officials or others regarding designation of the property.
2. The Commission will review and consider nominations at its next meeting. The Commission will provide a courtesy notice to the nominating party ten (10) calendar days prior to the meeting that the nomination will be considered. The Commission will forward a recommendation to the City Council for final designation on the City Historic Landmark Register.
  - a. The recommendation by the Commission shall be based on the eligibility of the property in terms of meeting the criteria for designating properties to the City Historic Landmark Register. The commission shall forward its recommendation in writing to the City Council.
4. Upon receiving a recommendation from the Commission, the City Council may, by approval and passage of an appropriate resolution, designate properties to the City Historic Landmark Register. Following designation, a notice of such shall be mailed to the owner(s) of record, together with a copy of this chapter.

C. Notification and Recording Of Designation: When historic properties have been officially designated to the City Historic Landmark Register by the City Council, the Commission shall promptly notify the owner(s) of the designated properties. The city shall record the Historic Landmark Register status designation with the County Recorder's Office.

#### D. Results of Designation:

1. Owners of a Historic Landmark may seek assistance from the Historic preservation Commission in applying for grants or tax credits for rehabilitating their properties.
2. Proposed repairs, alterations or additions to buildings listed on the Historic Landmark Register are subject to the review and comment of the Historic Preservation Commission. The purpose of this review is to encourage the preservation of historic materials and features to the greatest degree possible.
  - a. Applications for permits pertaining to Historic Landmark properties shall be submitted to the Historic Preservation Commission for its review prior to submittal to the building department.
  - b. A The Commission shall hold a meeting to review the proposed repairs, alterations or additions within thirty (30) calendar days of receiving the proposal. The Commission shall review the application and proposed work for compliance with the secretary of the interior's standard for rehabilitation, hereafter referred to as the "standards". Copies of the Commission's comments shall be sent to the building official and the property owner(s).

E. Removal by Property Owner(s) The property owner(s) may have their property removed from the City's Historic Landmark Register by submitting a written request with reasoning for the removal to the City Council. Following such removal by passage of a resolution, a notice of removal from the City Historic Landmark Register will be recorded at the Salt Lake County Recorder's Office. Further, the City shall not accept any liability whatsoever for an owner's decision to remove property from the Historic Landmark Register.

F. Removal by City: Properties which no longer meet the criteria for eligibility may be removed from the Historic Landmark Register by the City Council after receiving a recommendation by the Commission. The property owner shall be advised by mail of the meeting(s) during which the removal will be considered. Following such removal by passage of a resolution, a notice of removal from the City Historic Landmark Register will be recorded at the Salt Lake County Recorder's Office. The owner will be notified of the decision of the City Council and will have thirty (30) calendar days to appeal the decision of the City Council to the District Court. Nothing in this chapter shall be construed to prevent an owner from removing their property from the Historic Landmark Register as the owner in their sole discretion shall deem appropriate.

#### **2-2-6: STANDARDS FOR REHABILITATION:**

The following "standards for rehabilitation" shall be used by the Historic Preservation Commission and City Council when determining the historic appropriateness of any application pertaining to Historic Landmark properties:



- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic integrity, as defined in section 2-2-4(A)(3)(a) of this chapter, of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. 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.
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive features, finishes and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
- F. 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.
- G. 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 gentlest means possible.
- H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. If at any time an archaeological resource is discovered on an active project site, work must cease until the Utah Division of State History has been notified and has provided further instruction.
- I. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. New additions to historic buildings should be subordinate to the original building, that is, lower in height, attached to the rear or set back along the side, and subordinate in scale and architectural detailing. Window and door openings should be similar in size and orientation (vertical or horizontal) to openings on historic buildings and take up about the same percentage of the overall façade as the original building.

J. 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 not be impaired.