

CHAPTER 9. DESIGNATION OF LANDMARK SITES

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2-9-1. Designations.

Upon application of the property owner or by recommendation from the Historic Preservation Commission with written consent of the property owner, the Planning Commission may designate certain areas or structures as landmark sites if the property satisfies the criteria in this section.

(Ord. 2023-39, 01-17-2024)

2-9-2. Criteria for designations

Any building, structure, or site (hereinafter referred to as "historic resource") may be designated as a Tooele City landmark site if it meets the criteria in subsections 2a through 2c of this Section, and at least one (1) of the other criteria set forth in subsections 2d through 2g of this Section:

- (a) It is located within the boundaries of Tooele City.
- (b) It is at least seventy-five (75) years old.
- (c) There are no major alterations or additions that have obscured or destroyed significant historic features, such as: 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 non-historic materials, moving the resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and its appearance when viewed from the public rights-of-way.
- (d) It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6. Properties listed on or determined to be eligible for the national register must still retain their structural, architectural, and historic integrity. This process may be undertaken by consulting the State Historic Preservation Office to conduct a Reconnaissance Level Survey.
- (e) It is associated with events that have made a significant contribution to the broad patterns of the history of the city, state, or nation.
- (f) It embodies the distinctive characteristics of a

rare or unique type, period, or method of construction, or represents the work of an architect or builder recognized as a master in their field, or possesses high artistic values or style, or represents a significant and distinguishable entity whose components may lack individual distinction.

(g) It has yielded or may be likely to yield information important in prehistory or history (archaeological sites, for example). (Ord.2024-39, 09-19-2024)

2-9-3. Process for landmark site designations

(a) Application: Any person, group or association may nominate a prospective historic resource for formal designation. The initiation of designation proceedings must be made by submitting to the Economic Development Department an application on a form furnished by the Department. The Department shall deliver all applications to the Historic Preservation Commission. The Commission, on its own motion, may initiate proceedings for the designation of a potential historic resource. The application shall be similar in form to that used for the National Register of Historic Places.

(b) Notice to Owner: Notice that an application for designation is being considered by the Historic Preservation Commission shall be given to the owner or owners of record of the historic resource. The owner or owners shall be notified by regular U.S. mail, at the mailing address on record with the Tooele County Recorder, and at the property address, at least five (5) business days prior to Commission consideration of the application. The owner or owners shall have the right to confer with the Commission prior to final action by the Commission.

(c) Recommendation of Commission: Following any investigation deemed necessary by the Commission, but in no case more than sixty (60) days after the receipt of any application for designation, the Historic Preservation Commission shall make a formal recommendation regarding the application. If designation proceedings are initiated by the Commission, final recommendation shall be made by the Commission no more than sixty (60) days after such initiation. The Commission's recommendation shall be in writing and signed by the chairperson of the Commission, and shall state the reasons for the recommendation. The recommendation may be limited to the proposed historic resource as described in the application, or may include other historic resources.

(d) Forward Recommendations to Planning Commission: Within thirty (30) days after the final recommendation of the Historic Preservation Commission on a designation application, the Commission shall forward each application to the Planning Commission, together with the Commission's recommendations.

(e) Action by Planning Commission: After considering the Historic Preservation Commission's recommendations, the Planning Commission may, by resolution, designate historic resources. Prior to the

passage of the resolution, the Planning Commission shall hold a public hearing, notice of which shall be published online at Utah Public Notice, on the Tooele City website, and mailed to the owner or owners of property proposed for designation. Notice shall be as described in this Section. Following designation by resolution, a notice of such shall be mailed to the owners of record together with a copy of the designation resolution and of this Title.

(f) Amend or Rescind: After an historic resource has been formally designated by the Planning Commission, the designation may be amended or rescinded in the same manner as the original designation was made.

2-9-4. Recordation of landmark site designation:

Upon official designation, the City Recorder shall record the designation resolution with the County Recorder's Office. The City Recorder will also deliver copies of all designation resolutions to the Economic Development Department. (Ord.2024-39, 09-19-2024)

2-9-5. Certificate of appropriateness for landmark sites:

After the Planning Commission's approval of a designation resolution and prior to construction, landmark sites may be granted a certificate of appropriateness only if the following conditions are satisfied:

(1) Substantial investment is made to upgrade the property and enhance its historic significance.

(2) Any renovation maintains or enhances the historic, architectural and aesthetic features of the property.

(3) The Planning Commission may impose such other conditions for granting a certificate of appropriateness as it deems necessary to protect the character of the landmark site. (Ord.2024-39, 09-19-2024)

2-9-6. Construction upon a landmark site:

Any construction upon a landmark site that materially changes the exterior appearance of, adds to, reconstructs, or alters a landmark site shall require a certificate of appropriateness from the Planning Commission. Applications for such permits shall be made to the Historic Preservation Commission who shall recommend the granting or denial of the certificate to the Planning Commission. The Planning Commission shall have final authority to grant or deny a permit to construct that is consistent with standards set forth herein. A certificate of appropriateness shall be required for alterations such as but not limited to:

(a) Any construction that requires a building permit

(b) Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;

(c) Relocation of a structure or object on the same site or to another site;

(d) Construction of additions or decks;

(e) Alteration or construction of accessory structures, such as garages, carports, sheds, accessory dwelling units, etc.;

(f) Alteration of windows and doors, including replacement or changes in fenestration patterns;

(g) Construction or alteration of porches;

(h) Masonry work, including, but not limited to, tuckpointing, sandblasting and chemical cleaning;

(i) Construction or alteration of site features including, but not limited to, fencing, walls, paving and grading;

(j) Installation or alteration of any exterior sign;

(k) Any demolition;

(l) Change, addition of, or removal of exterior paint; and

(m) New construction.

(Ord.2024-39, 09-19-2024)

2-9-7. Demolition Prohibited:

No structure of building within a landmark site designation shall be demolished or removed unless the structure poses an immediate hazard to human health and safety. An owner's application for landmark site designation includes the owner's (1) acknowledgment of and agreement to construction limitations and demolition prohibitions on the site, (2) waiver of construction and demolition rights the owner might otherwise have, and (3) release of claims against Tooele City and its officers, agents, boards, and employees. The landmark site application form shall expressly state this owner acknowledgment, agreement, and waiver, with the location for the owner's signature. (Ord.2024-39, 09-19-2024)

2-9-8. Remedy for violation:

Application for, assistance with, and use of grant funding for landmark sites shall be conditioned upon the Owner's agreement to comply with the provisions of this Chapter. Persons who violate this ordinance through unapproved demolition, construction, or modifications to landmark sites shall be required to correct or remedy improper construction and to restore the landmark site to the former, historic condition.

(Ord.2024-39, 09-19-2024)