



Midway City
75 North 100 West
Midway, UT 84049

Community Development
435-654-3223 ext. 106
mjones@midwaycityut.gov

Application for Historic Building Permit

Application Fee: \$200 + costs

(Cost may include engineering review expenses, legal noticing, or mailings)

Owner(s) of Record:

Name: _____ Phone: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Email: _____

Applicant or authorized representatives:

Name: _____ Phone: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____
Email: _____

Historic property address: _____

Year historic property was constructed: _____

Reason for demolition, dismantling, moving, modifying, or altering exterior of the structure: _____

FOR OFFICE USE ONLY

STAFF:

Date Received: _____
Received By: _____
Fee Paid: _____

Application Number: _____
Zone: _____
Tax ID Number: _____

PLANNER:

Complete / Incomplete
Date: _____ Reviewed by: _____

Applicants are subject to the provisions of Midway City Municipal Code Chapter 2.09 HISTORIC PRESERVATION COMMITTEE Section 2.09.030 Procedures.

Please review and acknowledge the following:

1. Midway City must receive written notification 30 days before beginning to demolish, dismantle, move, modify, or alter the exterior of the structure. If under City ordinances, a building permit or other permit is required for the proposed work. Such written notice to the City shall state the general nature of the changes proposed to be made to the structure.
2. During the 30-day period, the Historic Preservation Committee or any other entity or individual may propose and submit to the owner in writing a plan for preservation of the structure. Any plan for preservation of the structure submitted to the owner shall also be submitted to the Historic Preservation Committee.
3. If a plan for preservation of the structure is submitted, an additional 30 days shall be added to the time in which the owner is prohibited from beginning any work on the structure for a total of 60 days from the date the written notice of proposed changes is first given by the owner the City.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinance will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other laws. I make this statement under penalty of perjury.

I fully understand that I am responsible for the payment of back taxes and declare that I am responsible for all fees incurred.

Signature of Owner or Agent: _____ Date: _____

Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees are paid (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.

CHAPTER 2.09 HISTORIC PRESERVATION COMMITTEE

Section 2.09.010 Establishment

Section 2.09.020 Authority and Responsibility

Section 2.09.030 Procedures

Section 2.09.010 Establishment

There is hereby established a Historic Preservation Committee (hereinafter known as the “HPC” for Midway City).

- A. **Members.** The HPC shall consist of seven members appointed by the Mayor, with the advice and consent of the City Council. Members are limited to two consecutive four-year terms. Partial terms shall not be considered in determining whether a person has served two consecutive terms.
- B. **Meetings:** The HPC shall establish a regular time and place of meetings and shall hold no fewer than four public meetings per year. Special meetings may be called by the Chair and adequate notice shall be provided to members and the public. A Report of Action shall be forwarded to the City Council as needed.

Section 2.09.020 Authority and Responsibilities

- A. **Certificates of Appropriateness.** The HPC shall be responsible to review a Certificate of Appropriateness submitted to the Building Safety Department when a permit is required for proposed work on a historic building, structure, object, or site.
- B. **Standards for Rehabilitation and Design Guidelines.** The HPC shall have the authority to compile, publish, and review standards for rehabilitation and design guidelines of historic buildings, structures, objects, and sites, for use by the HPC and by applicants in accomplishing the purpose of the provisions contained herein.
- C. **Maintenance of the Midway City Historic Register.** The HPC shall have the responsibility to maintain the Midway City Historic Register. The City Recorder shall have the responsibility for the location and maintenance of the official register files.
- D. **Criteria for Designating Properties to the Midway City Historic Register.** The HPC shall have the authority to compile, publish, and review the Criteria for Designating Properties to the Midway City Historic Register.
- E. **Recommendations for listings to the national and local register.**
 - 1. The HPC shall have the authority to identify, initiate, recommend, review, and approve nominations for eligible buildings, structures, objects or sites to the local register.
 - 2. The HPC shall recommend and facilitate nominations to the National Historic Register.
- F. **Certified Local Government Committee.** The HPC shall act as the Certified Local Government Committee.
- G. **Public information.** The HPC shall have the responsibility of providing information to the public on historic resources and historic events.
- H. **Review by HPC.** Demolishing, dismantling, relocating, modifying or altering any historic structure requires review by the HPC.

(2010-22, Sub-section Added, eff. 7/28/2010)

Section 2.09.030 Procedures

Review and approval by the HPC shall be governed by the following provisions:

- A. **Certificates of Appropriateness:**
 - 1. Application material must be submitted to the Building Safety Department a minimum of 30 days prior to any scheduled exterior work or permit approval on buildings, structures, sites, or objects built in whole or in part more than 75 years ago, whether or not they are listed on the Midway City Historic Register. The Building

Safety Department shall forward the application to the Planning Department. The Planning Department shall forward the application to the Historic Preservation Committee within five days. The Historic Preservation Committee shall review the application with the applicant and make a recommendation and return the application to the Planning Department with recommendations. The Planning Department shall then review the application for zoning compliance and notice and post signs. After all reviews are complete, the application shall be forwarded to the Building Safety Department for permit review and issuance or other processing as necessary.

2. If the owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial, the HPC may require the owner to provide additional support information. A site visit by the Building Official and/or the HPC may be required.
3. An applicant who has been denied any permit by the Building Official, based on the HPC's recommendation, may appeal that decision to the City Council. The appeal must be made on or before 30 days after the HPC's decision.

(2010-22, Sub-section Amended, eff. 7/28/2010)

B. Standards for Rehabilitation and Design Guidelines. Rehabilitation means the act or process of returning a building, object, site, or structure to a state of utility through repair, remodeling or alteration that enables an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values. The following standards and guidelines shall be used by the HPC in determining the historic appropriateness of any application pertaining to historic properties whether or not it is listed on the Midway City Historic Register. In reviewing an application for a Certificate of Appropriateness, the HPC shall find that the project substantially complies with all of the following standards and guidelines that pertain to the application and that the decision is in the best interest of the City.

1. Standards of Rehabilitation:
 - a. A property shall be used for its historic purpose or placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property should 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 the addition of 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 should 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 should be repaired rather than replaced. Where the severity or 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 should not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- h. Significant archeological or geological resources that may be affected by a project should be protected and preserved where possible. If such resources must be disturbed, mitigation measures should be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials which characterize the property. 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 property and its environment.
- 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 be unimpaired.

(2010-22, Sub-section Amended, eff. 7/28/2010)

- C. Creation and Maintenance of the Midway City Historic Register. The Midway City Historic Register shall be created by resolution of the City Council. The Register shall list those properties that have met the Criteria for Designating Properties to the Midway City Historic Register, been approved by the HPC, and approved by resolution by the City Council. All information must be made available to the public and routinely maintained by the City Recorder.
- D. Criteria for Designating Properties to the Midway City Historic Register. Any building, structure, object, or site may be designated to the Midway City Historic Register if it meets the following criteria:
 - 1. It was built in whole or part over 75 years ago and is located within the municipal boundaries of the City.
 - 2. It is currently listed in the National Register of Historic Places and a copy of the approved National Register application has been placed in the local historic preservation files.
 - 3. If the property is not listed in the National Register, it must retain its historic integrity and meet at least one of the following National Register criteria:
 - a. It is associated with events that have made a significant contribution to the broad patterns of our history.
 - b. It is associated with the lives of persons significant to our past.
 - c. It embodies the distinctive characteristics of a type, period, or method of construction that represents the work of a master.
 - d. It possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
 - e. It has yielded, or may be likely to yield, information important in pre-history or history (archeological sites, for example).
 - 4. The owner of the property must sign the Criteria for Designating Properties to the Midway City Historic Register and the Standards for Rehabilitation and Design to initiate review of his/her property to the Midway City Historic Register.
 - 5. The owner must agree to a minimum level of exterior maintenance.
 - 6. If listed on the local register, the Planning Department, upon review, may offer special consideration for parking or conditional use requests.
 - 7. At the discretion of the HPC, any building, structure, object, or site that is not 75 years old but is determined to have a historic value to the community, may be designated to the local register.

(2010-22, Sub-section Amended, eff. 7/28/2010)

- E. Initiation or reviewing nominations for listings to the local register.

1. Nominations must be made by the property owner. The owner of the property must submit and sign the Criteria for Designating Properties to the Midway City Historic Register and the Standards for Rehabilitation and Design Guidelines which must be accompanied by a completed Intensive Level Survey or National Register of Historic Places documentation. Assistance may be available from the HPC.
2. The HPC shall place properly submitted nominations on the agenda for its next scheduled meeting and shall notify the nominating party and the property owner in writing, 14 days prior to the meeting that the nomination will be considered.
3. The HPC shall review the documentation for completeness, accuracy, and compliance with the Criteria for Designating Properties to the Midway City Historic Register. If recommended by the HPC, a resolution designating the property to the Midway City Historic Register will be given to the City Council for approval.
4. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance. The City Recorder shall record the Midway City Historic Register status designation with Wasatch County Recorder's office. The designation will be in the form of a deed restriction and include an executed copy of the Criteria for Designating Properties to the Midway City Historic Register and an executed copy of the Standards for Rehabilitation and Design Guidelines.

F. Repealed

(2010-22, Sub-section Repealed, eff. 7/28/2010)

G. Repealed

(2010-22, Sub-section Repealed, eff. 7/28/2010)