

## 16.07.060. Historic Preservation<sup>187</sup>







### A. Purpose

The purpose of this section is to promote the educational, cultural, economic, and general welfare of the public through the identification, evaluation, designation, and protection of buildings, sites, areas, structures, and objects that reflect significant elements of the City's, the state's, and the nation's historic, architectural, archaeological, and cultural heritage.

### B. Applicability

1. The regulations and procedures set forth in this section shall apply to any structure listed on the adopted historic building/site list. All other buildings over 50 years of age shall follow the process for demolition of buildings per section 15.16.040 of the Ketchum Municipal Code.<sup>188</sup>
2. Except as provided in §16.07.060.C.2.c, no person shall make, or otherwise cause to be made, any demolition or alterations to structures on the historic building/site list without approval by the Historic Preservation Commission (HPC). The following types of modifications require HPC review:
  - a. Partial or total demolition of any portion of the structure;
  - b. Exterior alterations, including windows or siding replacement;
  - c. Additions to any structure; or
  - d. On-site moving of any structure.<sup>189</sup>
3. This section shall not apply to dangerous building conditions that would imperil the health or safety of the public as determined by the Building Official and the Administrator<sup>190</sup>.

### C. Alteration to Historic Structure Procedure

PRE-APPLICATION MEETING	PRE-APPLICATION NEIGHBORHOOD MEETING	APPLICATION SUBMITTAL AND PROCESSING	STAFF REVIEW	PUBLIC NOTICE AND PUBLIC HEARINGS	REVIEW AND DECISION	APPEAL
16.07.020.A	16.07.020.B	16.07.020.C	16.07.020.E	16.07.020.E.5	16.07.020.E	16.07.090.A
						

<sup>187</sup> Current Chapter 17.20. Content of 17.20.060, Relief from regulations, relocated across associated sections in Code.

<sup>188</sup> Removed "except that no demolition permit shall be issued for any structure over 50 years old until a complete Building Permit application for a replacement project on the property and required fees have been accepted by the City" because it is applicable to all buildings regardless of age.

<sup>189</sup> New.

<sup>190</sup> Replaced "Director of Planning and Building."



## 1. Application Submittal and Processing

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

## 2. Review and Action: Public Hearing Approvals

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

### a. Public Notice and Public Hearings

The application shall be scheduled for at least one public hearing before the HPC and shall be noticed within 60 days of the application being deemed complete.

### b. Enforcement and Maintenance

- (1) If any alteration is made without approval of an alteration application, the City shall issue a stop work order for all construction activity, withhold inspections and final approvals, withhold approval of additional City permits, and take any other available action, or any combination of the aforementioned, until the applicant has applied for and received approval for the alteration. If the alteration is not approved, the property owner shall restore the structure to its original condition prior to any alteration occurring.
- (2) Normal repair and maintenance of structures on the historic building/site list is permitted. Nothing in this section shall be construed to prohibit the alteration of any structure necessary as a part of normal repair and maintenance when such alteration will not change the exterior appearance or materials or the interior support structure of the building, including the character or appearance of the land itself.

### c. Remediating of Dangerous Building Conditions

- (1) If the Building Official finds a historic structure constitutes dangerous building conditions that would imperil the health or safety of the public, it shall first be determined by the Building Official if the structure is capable of being made safe by repairs at the expense of the owner.
- (2) If the Building Official finds the structure is not capable of being made safe by repairs, then the Building Official may order the structure to be demolished.
- (3) Nothing contained herein shall be construed as making it unlawful for any person to comply with the Building Official's authority as stated in this section.

### d. Subsequent Development Permits

Except as provided in §16.07.060.C.2.c, above, no permit shall be issued authorizing any alteration to a structure listed on the historic building/site list until the HPC approves the request for alteration application. If the approval or denial of the application is

administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

**e. Effect of Approval**

Approval of each individual alteration application is unique to that property and does not constitute a precedent for other properties.

**f. Expiration of Approval**

- (1) The term of the application shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the Planning and Zoning Commission.
- (2) Application must be made for a Building Permit with the Planning and Building Department during the 12-month term. Once a Building Permit has been issued, the alteration approval shall be valid for the duration of the Building Permit.
- (3) Unless an extension is granted as set forth below, failure to file a complete Building Permit application for a project pursuant to these provisions shall cause the approval to be null and void.

**g. Extension of Approval**





- (1) For approvals pertaining to "civic" buildings, the Administrator may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired alteration approval.
- (2) For approvals pertaining to all other buildings, the City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired alteration approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the HPC. Whether or not an extension is warranted shall be based on the following considerations:
  - (A) Whether there have been significant amendments to ordinances that will apply to the subject alteration approval;
  - (B) Whether significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;
  - (C) Whether hazardous situations have developed or have been discovered in the project area; or
  - (D) Whether community facilities and services required for the project are now inadequate.
- (3) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired Design Review approval.

**3. Review Criteria<sup>191</sup>**

In reviewing a request for alteration of a historic structure, the HPC shall determine if the application complies with the following:

- a. The proposed work preserves, enhances or restores and does not damage or destroy the exterior architectural features of the historic structure;
- b. The historic property remains recognizable as a physical record of its time, place, and use. The alteration will not create a false sense of historical development by adding conjectural features or elements from other historic properties or time periods;
- c. Changes to the property that have acquired historic significance in their own right are retained and preserved to the extent possible; and
- d. In the case of partial demolition, the applicant must establish that the partial demolition is required for the renovation, restoration, or rehabilitation of the structure.

**D. Demolition of Historic Structure Procedure**

PRE-APPLICATION MEETING	PRE-APPLICATION NEIGHBORHOOD MEETING	APPLICATION SUBMITTAL AND PROCESSING	STAFF REVIEW	PUBLIC NOTICE AND PUBLIC HEARINGS	REVIEW AND DECISION	APPEAL
16.07.020.A	16.07.020.B	16.07.020.C	16.07.020.E	16.07.020.E.5	16.07.020.E	16.07.090.A
						
				HPC Public Hearing Required	Decision by HPC	Appeal to Council

**1. Application Submittal and Processing**

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

**2. Review and Action: Public Hearing Approvals**

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

**a. Public Notice and Public Hearings**

The application shall be scheduled for at least one public hearing before the HPC and shall be noticed within 60 days of the application being deemed complete.

<sup>191</sup> New. Paragraphs (4)-(6) are Secretary of the Interior’s Standards for Rehabilitation.

**b. Conditions of Approval<sup>192</sup>**

- (1) If demolition is granted, the applicant shall propose and install a monument, plaque, photo exhibit, three-dimensional model, or similar site element with a narrative inscription describing the historical significance of the building, or a public arts project commemorating the same. The monument or commemoration should be incorporated into the project at or near the original location of the historically significant building and will be installed at the applicant's expense.
- (2) Any new construction following demolition shall be compatible with the size, scale, and exterior architectural features of the original structure being demolished.

**c. Effect of Approval**

- (1) Approval of each individual demolition application is unique to that property and does not constitute a precedent for other properties.
- (2) Except as provided in §16.07.060.C.2.c, no permit shall be issued authorizing any demolition to a structure listed on the historic building/site list until the HPC approves the request for alteration application. If the approval or denial of the application is administratively appealed, no further development permits shall be approved for the property until the City Council has made a final decision on the administrative appeal.

**d. Expiration of Approval**

- (1) The term of the application shall be 12 months from the date that findings of fact, conclusions of law, and decision are adopted by the Planning and Zoning Commission.
- (2) Application must be made for a Building Permit with the Planning and Building Department during the 12-month term. Once a Building Permit has been issued, the demolition approval shall be valid for the duration of the Building Permit.
- (3) Unless an extension is granted as set forth below, failure to file a complete Building Permit application for a project pursuant to these provisions shall cause the approval to be null and void.

**e. Extension of Approval**

- (1) For approvals pertaining to "civic" buildings, the Administrator may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired demolition approval.
- (2) For approvals pertaining to all other buildings, the City may, upon written request by the holder, grant a maximum of two 12-month extensions to an unexpired demolition approval. The first 12-month extension shall be reviewed by the Administrator. The second 12-month extension shall be reviewed by the HPC. Whether or not an extension is warranted shall be based on the following considerations:

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<sup>192</sup> New.

- (A) Whether there have been significant amendments to ordinances that will apply to the subject alteration approval;
  - (B) Whether significant land use changes have occurred in the project vicinity that would adversely impact the project or be adversely impacted by the project;
  - (C) Whether hazardous situations have developed or have been discovered in the project area; or
  - (D) Whether community facilities and services required for the project are now inadequate.
- (3) If any of the foregoing considerations are found to exist with regard to the project for which an extension is sought, an extension will not be granted and the City shall issue this decision in writing; otherwise the City shall approve such an extension. No extensions shall be granted for an expired demolition approval.

### **3. Review Criteria<sup>193</sup>**

In reviewing a request for demolition of a historic structure, the HPC shall determine if the application complies with the following:

- a. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.
- b. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.
- c. The structure cannot be practically moved to another site in the city.
- d. The proposal mitigates the following:
  - (1) Any impacts that occur to the visual character of the neighborhood.
  - (2) Any impact on the historic importance or architectural integrity of the structure located on the property and adjacent properties.

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<sup>193</sup> New.

**E. Designation of a Historic Building/Site<sup>194</sup>**

**1. Historic Building/Site List Established**

- a. The historic building/site list shall be established and maintained by the HPC.
- b. The HPC shall have the authority to add or remove structures from the historic building/site list using the criteria below to determine if a structure should be added or removed from the historic building/site list.

**2. Procedure**

PRE-APPLICATION MEETING	PRE-APPLICATION NEIGHBORHOOD MEETING	APPLICATION SUBMITTAL AND PROCESSING	STAFF REVIEW	PUBLIC NOTICE AND PUBLIC HEARINGS	REVIEW AND DECISION	APPEAL
16.07.020.A	16.07.020.B	16.07.020.C	16.07.020.E	16.07.020.E.5	16.07.020.E	16.07.090.A
						
				HPC and Council Public Hearing Required	Recommendation by HPC Decision by Council	

**a. Application Submittal and Processing**

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

**b. Review and Action: Public Hearing Approvals**

The application shall be reviewed pursuant to the common review procedures for applications requiring a public hearing in §16.07.020.E. In addition:

**(1) Maintenance**

All structures on the historic building/site list shall be maintained to meet the requirements of the International Property Maintenance Code and/or the International Existing Building Code, as adopted and amended by the City. The owner of such structure(s) shall also keep in good repair all structural elements that, if not so maintained, may cause, or tend to cause the exterior portions of such structure to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair that would have an adverse effect upon such designated structures.

<sup>194</sup> Added subheadings throughout for clarity.

**c. Review Criteria**

In reviewing a request for designation of a historic building/site, the HPC shall determine if the application complies with the following:

**(1) General Criteria**

- (A) Historic buildings must be at least 50 years old. A historic building may be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
- (B) All buildings and sites must retain their physical integrity as determined by the following criteria. However, a site need not meet all of the following criteria:
  - i. Shows character, interest, or value as part of the development, heritage or cultural characteristics of Ketchum, the region, state, or nation;
  - ii. Retains a significant amount of the original design features, materials, character or feeling of the past;
  - iii. Is in the original location or same historic context after having been moved;
  - iv. Has been accurately reconstructed or restored based on documentation.

**(2) Additional Criteria**

In addition to a. above, historic buildings or sites shall meet one or more of the following criteria, (A), (B) or (C):

**(A) Architectural**

- i. Exemplifies specific elements of a recognized architectural style or period or a style particularly associated with Ketchum neighborhoods;
- ii. Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
- iii. Demonstrates superior craftsmanship or high artistic value;
- iv. Represents an innovation in construction, materials, or design;
- v. Pattern or grouping of elements that enhance the identity of the community;
- vi. Significant historic remodel contributing to Ketchum's identity.

**(B) Social/Historic**

- i. Site of historic event;
- ii. Exemplifies cultural, political, ethnic, economic, or social heritage of the community through the built environment or with people associated with an era of history;
- iii. Associated with a notable person or the work of a notable person;
- iv. Is valued by the Ketchum community as an established or familiar visual or cultural feature due to its architectural history, siting, massing, scale,



cultural characteristics, or heritage such that its removal would be irreparable loss to the setting.

**(C) Geographic/Natural Features**

- i. Enhances sense of identity of the community;
- ii. Is an established and familiar natural setting or visual feature of the community.

**16.07.070. Ordinance Amendments**

**A. Code Amendment**

**1. Purpose<sup>195</sup>**

The purpose of a Code Amendment is to make amendments to this Code to reflect changes in public policy, changed conditions, or to advance the welfare of the City.

**2. Applicability<sup>196</sup>**

A Code Amendment is required to incorporate new text in this Code or revise or delete text in this Code.

**3. Procedure**

PRE-APPLICATION MEETING	PRE-APPLICATION NEIGHBORHOOD MEETING	APPLICATION SUBMITTAL AND PROCESSING	STAFF REVIEW	PUBLIC NOTICE AND PUBLIC HEARINGS	REVIEW AND DECISION	APPEAL
16.07.020.A	16.07.020.B	16.07.020.C	16.07.020.E	16.07.020.E.5	16.07.020.E	16.07.090.A
➤	⊘	➤	➤	➤	★	
				P&Z and Council Public Hearing Required	Recommendation by P&Z Decision by Council	

**a. Preapplication Conference**

A preapplication meeting shall be held pursuant to §16.07.020.A.

**b. Application Submittal and Processing**

The application shall be submitted and accepted, and may be revised or withdrawn, pursuant to §16.07.020.C.

<sup>195</sup> New.

<sup>196</sup> New.