

CONDITIONAL USES IN HISTORIC BUILDINGS

WHAT IS A CONDITIONAL USE IN A HISTORIC BUILDING?

Salt Lake City allows Offices, Reception Centers, Bed & Breakfasts and House Museums as a conditional use in historic buildings listed on the Salt Lake City Register of Cultural Resources. The purpose for allowing these uses is to preserve sites that contribute to the welfare, property and education of the people of Salt Lake City because of their historic, architectural, or cultural significance. In some instances these sites have outlived their original use as a residential dwelling due to economic conditions, size of the structure, and/or a substantial degree of deterioration of the historic property. Adaptively reusing these buildings is often the only economically feasible way to prevent their demolition.

STANDARDS

The Conditional Use is evaluated by the Planning Commission, based on the standards for conditional uses outlined in SLC Ordinance 21A.54, with the following additional standards:

- 1) The structure is designated as a landmark site on the Salt Lake City Register of Cultural Resources. The designation process must be completed prior to the City accepting a conditional use application for the structure unless the Planning Director determines that it is in the best interest of the City to process the designation and conditional use applications together because of the risk of probable demolition;
- 2) The use is conducive to the preservation of the landmark site;
- 3) The use is compatible with the surrounding residential neighborhood;
- 4) The use does not result in the removal of residential characteristics of the structure or site including mature landscaping;
- 5) The change in use from residential to nonresidential is necessary due to one of the following:
 - a) Probable demolition of the landmark site;
 - b) Economic hardship as provided in subsection 21A.34.020K of this Part; or
 - c) Excessive size of the landmark site for residential uses allowed in the residential district;
- 6) The proposed use will not have a material net cumulative adverse impact on the neighborhood or the City as a whole by considering the following:
 - a) The spatial distribution of:
 - i) Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between one hundred (100) series addresses; and
 - ii) Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map of planning communities maintained by the Zoning Administrator.
 - b) Impacts on neighboring properties including, but not limited to, traffic, parking, signage, lighting, and removal of landscaping. For the purposes of evaluation, professionally prepared impact studies shall not be required unless specifically requested by the Zoning Administrator.

PROCESS

The building for which a conditional use permit is requested *must* be listed on the Salt Lake City Register of Cultural Resources. Listing a building on the City Register is a separate process from the conditional use process. A building that is listed on the City Register is subject to regulation by the Historic Landmark Commission. The request for a building to be placed on the Salt Lake City Register of Cultural Resources must have been presented to and *approved* by the Historic Landmark Commission and the Planning Commission before the application for conditional use will be accepted.

The Planning Commission holds a formal public hearing on the case and then either grants or denies the request for a conditional use. If the conditional use is granted, the owner can then apply for a business license for the proposed commercial use. Business licenses can be obtained from the Building Services and Licensing Division in Room 218 of the City and County Building. (phone: 535-7718)

CONDITIONS

As a condition of approval, Salt Lake City ordinance requires the recipient of a conditional use for a historic building to grant a preservation easement in favor of the City on their historic property. A preservation easement is a formal document that is recorded against the title of a property that grants Salt Lake City the right to approve any changes to the exterior, and/or the demolition, of the building. The easement serves as a legal means, beyond the designation of a building as a City Landmark Site, to assure the preservation of a historic resource. Further information regarding preservation easements and examples of easement documents can be obtained from the Salt Lake City Preservation Planning Staff.

For additional information on application requirements or specific requirements for conditional uses in historic buildings please refer to Chapter 21A.24.010.S of the Salt Lake City Zoning Ordinance. It is recommended that petitioners meet with a member of the Salt Lake City Planning Staff prior to submitting a petition for a conditional use in a historic building. The Planning Office is located at 451 South State Street, Room 406, Salt Lake City, Utah, 84111, or you may phone (801)535-7757.