CITY OF LOGAN, UTAH
ORDINANCE NO. 13-63

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.27: "Historic District (HD) Overlay Zone and Chapter 17.46: "Permit Authority," are hereby amended as attached hereto as Exhibit A and B, respectively:

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, 20
THIS DAY OF August, 2013.

AYES: [Signatures]
NAYS: [Signatures]
ABSENT: [Signatures]

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 20 day of August, 2013.

Tom Jensen, Vice Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby [Approved] this 20 day of August, 2013.

Randy Watts, Mayor
Chapter 17.27: Historic District (HD) Overlay Zone

§17.27.010. The Historic District Overlay District, Purpose
The Historic District (HD) Overlay Zone is intended to identify those properties in the City which are included within the defined boundaries of the Logan Center Street National Historic District. District boundaries are shown in Figure 17.27.020.

§17.27.020. Modifications of Historic District Boundaries
A. Procedure.
The Historic Preservation Committee may initiate a survey to include outlying areas of the district or areas adjacent to the existing Historic District in order to determine the appropriateness of modifying the district boundaries, or may initiate a survey of other parts of Logan City to determine the appropriateness of creating additional districts. The results of the survey, for the outlying area(s), as well as the proposed boundaries, shall be submitted to the State Historic Preservation Office and the National Trust for Historic Preservation for review and recommendation.

B. Adoption.
The Municipal Council may modify district boundaries, or create additional Historic Districts, upon presentation of the results of the survey and any comments from the Historic Preservation Committee and the State Historic Preservation Office. A public hearing shall be held prior to action by the Council. The Municipal Council may approve or deny the request for modification of the Logan Center Street National Historic District. The Council shall enact changes in boundaries by ordinance.

C. Findings.
1. The district boundaries may be expanded if it is found that a concentration of historic structures or sites exist in areas neighboring current boundaries and a recommendation for expansion is received from the State Historic Preservation Office and/or the National Trust for Historic Preservation.

2. The district boundaries may be reduced if it is found that such a reduction is necessary to maintain the status of the overall district. This may occur if properties within an area of the district have ceased to meet criteria provided by the State Historic Preservation Office or the National Trust of Historic Preservation and therefore threaten the overall integrity of the district.

3. Non-contiguous districts may be created if it is found that the area has a concentration of contributory historic structures or sites and a recommendation for creation is received from the Historic Preservation Committee and the State Historic Preservation Office.
§17.27.030. Recognition of Individual Structures/Sites Outside of the Logan Center Street Historic District

Individual structures and sites outside of the Logan Center Street Historic District may apply for individual nomination to the National Register of Historic Places. The State Historic Preservation Office reviews all requests for individual nomination.

§17.27.040. Reserved

The following language is reserved for further review by the Municipal Council and is not enacted.

§17.27.050. Reserved

The following language is reserved for further review by the Municipal Council and is not enacted.

§17.27.060. Design Review within the HD Overlay Zone

A. New Construction,

1. New non-residential construction within the HD Overlay Zone shall be subject to obtaining a Certificate of Appropriateness and a Design Review permit prior to the issuance of a building permit.

2. New detached single family residential construction shall obtain a Certificate of Appropriateness and is not subject to design review.

3. Prior to the design review hearing, the project shall be presented to the Historic Preservation Committee for its recommendation.

4. New construction is subject to all requirements of the Uniform International Building Code, Public Works Standards and Specifications, and the development requirements of other appropriate departments.

B. Remodeling, Renovation, and Restoration.
17.27: Historic District (HD) Overlay Zone

1. Interior changes are not required to obtain a Certificate of Appropriateness and are not subject to design review;

2. Exterior changes are subject to Section 17.27.050;
   a. If the structure is a "landmark" historic structure, the exterior changes shall be presented to the Historic Preservation Committee for its Certificate of Appropriateness;
   b. If the structure is "contributory," routine maintenance and upkeep, repainting or replacing roofing, shutters, trim, or similar decorative items with similar or like materials shall not require presentation to the Historic Preservation Committee under the procedures in §17.27.070(B)(1);
   c. If the structure is "contributory" or "non-contributory" and the changes involve additions, renovation, exterior remodeling, or major changes in color, material, texture, or size, the project shall be presented to the Historic Preservation Committee for a Certificate of Appropriateness prior to the issuance of a building permit or commencement of work, if no permit is required.

§17.27.0705. Certificate of Appropriateness

A. The following types of activities require a Certificate of Appropriateness by the Historic Preservation Committee:
   1. New construction;
   2. Demolition of contributory structures;
   3. Exterior construction requiring a building permit, unless otherwise determined by the Director of Community Development to be eligible for administrative review;
   4. Removal or replacement/alteration of architectural detailing, such as porch columns, railing, window moldings, window sash replacements, cornices;
   5. Construction of additions;
   6. Construction or alterations of accessory structures, such as garages and sheds;
   7. Construction or alterations of porches and decks;
   8. Exterior masonry work including, and but not limited to, sandblasting and chemical cleaning;
   9. Installation of new siding and roof materials;
   10. Alteration of streetscape features including, and but not limited to, curb, gutter and canals; and
   11. Installation or alteration of any exterior sign; and
   12. Construction or alterations of site features including, and not limited to, fences and retaining walls.

B. The following types of applications shall be reviewed administratively by the Director:
   1. Fences and retaining walls;
   2. Demolition of non-contributing structures;
17.27: Historic District (HD) Overlay Zone

3. Demolition of accessory structures;

4. Signs; and

5. Maintenance and upkeep.

2. The following applications shall be reviewed administratively using the Logan Historic District Design Standards:
   a. Fences and retaining walls;
   b. Demolition of non-contributing structures;
   c. Demolition of accessory structures;
   d. Signs; and
   e. Maintenance and upkeep.

C. An application for a Certificate of Appropriateness shall be made on the appropriate application and submitted to the Department of Community Development. The Director shall determine completeness of the application and whether the project may be reviewed administratively.

1. All other projects shall be reviewed by the Historic Preservation Committee prior to the issuance of a Certificate of Appropriateness. An application for a Certificate of Appropriateness shall be made on the appropriate application and submitted to the Community Development department. The Director shall determine the completeness of the application and if the project may be reviewed administratively.

D. The Historic Preservation Committee may approve, conditionally approve, or deny the application after reviewing all submitted materials, consideration of the recommendation of the Department of Community Development, and conducting a field inspection if necessary. The Committee shall include written findings with all its decisions.

1. All applications that can not be decided upon at the administrative level shall be reviewed by the Historic Preservation Committee. Applications shall be reviewed to determine consistency with design standards provided in the City of Logan Historic District Design Standards and the Secretary of the Interior’s Standards for Rehabilitation. The Committee may approve, conditionally approve or deny the application after reviewing all materials submitted, the recommendation of the Department of Community Development and conducting a field inspection if necessary. Applications shall be reviewed to determine consistency with design standards provided in the City of Logan Historic District Design Standards and the Secretary of the Interior’s Standards for Rehabilitation. The Committee shall make written findings of all its decisions.

E. Application Materials.
In addition to the appropriate application form, the application shall include all documentation required by the Historic Preservation Committee.

F. Public Notice.
Public noticing for Certificates of Appropriateness are processed under the provisions of Chapter 17.63-55 and the requirements of this chapter. Applications for Certificates of Appropriateness, not decided administratively, are heard before the Historic Preservation Committee.

G. Appeals,
1. All administrative decisions may be appealed to the Historic Preservation Committee within 15 days following the administrative decision.
2. Decisions of the Historic Preservation Committee may be appealed to the Planning Commission Board of Appeals within 15 days following the Committee’s decision.

§17.27.080060. Standards for Certificate of Appropriateness

A. Adoption of the City of Logan Logan Center Street Historic District Design Standards. Prior to the adoption of the Historic District Design Standards and the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as standards for project review.

B. Review of Certificates of Appropriateness. In issuing approving an application for a Certificate of Appropriateness, the Historic Preservation Committee shall find that the project substantially complies with the standards outlined in the Logan Center Street Historic District Design Standards and the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, including the following standards:

1. 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.

2. The historic character 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.

3. 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.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired or restored rather than replaced. Where the severity of deterioration requires replacement of distinctive features, 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.

7. 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 the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale,
17.27: Historic District (HD) Overlay Zone

17.27.090070. Signs within the Historic District Overlay Zone

A. Signs within Residential Areas of the Historic District Overlay Zone.

Sign requirements for businesses in the residential areas of the Logan Center Street Historic District are subject to the following standards and specifications and are exempt from the standards in Chapter 17.40, Signs.

1. Signs shall be single sided and located on private property;
2. Signs shall be flush mounted on the structure or fence, as approved by the Historic Preservation Committee and/or the Department of Community Development, and shall not exceed two feet in sign area.
3. Signs may be illuminated by a single external light source mounted in the ground. The light shall be shielded so that the source of light is not visible from adjoining properties or a street.

B. Signs within Commercial Areas of the Historic District Overlay Zone.

1. No pole mounted signs shall be permitted within the commercial portions of the Historic District.

C. Signs Displaying Historic Information of Site or Structure.

Signs displaying historic information about the site or the structure are subject to the sign standards in the City of Logan Center Street Historic District Design Standards and are not subject to the standards in Chapter 17.40, Signs.

Figure 17.27.070.A.0-1: Residential Signs at Residential Uses in the Historic District
EXHIBIT B
Chapter 17.46: Permit Authority

§17.46.010. Purpose
Permit review procedures are intended to provide an opportunity for a property owner to learn and understand the development standards and regulations of the City prior to initiating development of a site. The various permits are intended to provide the City with an opportunity to work with a property owner in ensuring safe development that meets City standards.

§17.46.020. Application Review Standards
Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.46.020 identifies the decision-makers and appeals boards for all project and application types.

Table 17.46.020: Application Decision-Makers and Appeals Boards

<table>
<thead>
<tr>
<th>Certificate of Appropriateness</th>
<th>§17.27</th>
<th>Historic Preservation Committee</th>
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<tbody>
<tr>
<td>Subdivisions</td>
<td>§17.47</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Boundary Line Adjustment</td>
<td>§17.48</td>
<td>City Engineer</td>
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<tr>
<td>Conditional Use Permit</td>
<td>§17.49</td>
<td>Planning Commission</td>
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<tr>
<td>Design Review, all other projects</td>
<td>§17.50</td>
<td>Planning Commission</td>
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<tr>
<td>Amendments to the Land Development Code</td>
<td>§17.51</td>
<td>Planning Commission, Municipal Council</td>
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<tr>
<td>Amendments to the Official Zoning Map</td>
<td>§17.51</td>
<td>Planning Commission, Municipal Council</td>
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<tr>
<td>Amendments to the General Plan</td>
<td>§17.52</td>
<td>Planning Commission, Municipal Council</td>
</tr>
<tr>
<td>Variances</td>
<td>§17.53</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>Appeals of Staff Decisions</td>
<td>§17.57</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>Appeals of Staff's General Plan Interpretations</td>
<td>§17.57</td>
<td>Municipal Council</td>
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<tr>
<td>Appeals of Boundary line Adjustments</td>
<td>§17.57</td>
<td>Board of Appeals</td>
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<tr>
<td>Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions</td>
<td>§17.57</td>
<td>Board of Appeals</td>
</tr>
<tr>
<td>Appeals of Amendments to the Land Development Code, Official Zoning Map, General Plan, Variances, or actions of the Board of Appeals</td>
<td>§17.57</td>
<td>District Court</td>
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§17.46.030. Permit Required Before Proceeding
The construction, alteration, repair, removal, use or occupancy of any site improvements, site development, structure, or any part thereof shall not commence or proceed until the issuance of an appropriate permit(s).
A. Complete Applications.
A complete permit application shall be submitted prior to review by the appropriate department. Permits may be issued following a review to ensure that the proposed project is in compliance with the Logan Municipal Code.

B. Permits Issued Only For Complying Projects.
Permits shall be issued only upon the approval of a site plan meeting the requirements of the Department of Community Development and the International Building Code. The Chief Building Official, in association with the Public Works Director, City Engineer, and the Director, shall prepare a list of the requirements for site plan
REPORT SUMMARY...
Project Name: Historic District Amendment
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: July 11, 2013
Submitted By: Mike DeSimone, Director

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval to the Municipal Council for the following amendment to the Land Development Code (LDC): Chapters 17.27 and 17.46.

REQUEST
The proposed text amendments to the Land Development Code are attached in their entirety and are summarized as follows:

- Amend LDC Chapter 17.27 to clarify when a Certificate of Appropriateness is required, when formal design review is required, and clean up the language and formatting in the Chapter.
- Amend LDC Table 17.46.020 to include the Historic Preservation Commission and Certificate of Appropriateness in the list of decision makers.

GENERAL PLAN
This is a “clean up” type of amendment that is consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY
Staff finds that the proposed amendments will clarify the relationship between the Historic District requirements and processes with the Land Development Code; clarify when a Certificate of Appropriateness is required; and includes the Historic Preservation Commission within the list of decision makers.

PUBLIC COMMENTS
As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION
Public notices were published in the Herald Journal on June 27, 2013, posted on the City’s website and the Utah Public Meeting website on June 27, 2012, and noticed in a quarter page ad on June 30, 2013.

AGENCY AND CITY DEPARTMENT COMMENTS
As of the time the staff report was prepared, no comments had been received.

RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings:
1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments clarify the regulatory process for the Historic District Overlay, the Certificate of Appropriateness and the Historic Preservation Commission.
4. The proposed Code Amendment do not change or alter any historic design standards or substantive requirements. The proposed amendments are “clean up” in nature.
5. This type of Code Amendment is consistent with the overall goals and objectives of the General Plan as it helps to clarify the purpose, intent, processes and requirements of the Land Development Code.
The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 1, 2013. Contact 716-9021 or www.loganutah.org for further info.

Public Hearings:

**PC 13-016 LDC Amendment - Infill & Flag Lots** Code Amendment. Logan City requests an amendment to the Land Development Code Section 17.37 to include new infill and flag lot development standards.

**PC 13-024 LDC Amendment - 17.60 Civil Fees** Code Amendment Logan City requests to amend the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

**PC 13-025 1200 E. Rezone** Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels along 1200 East 1250 North from Mixed Residential High (MRH) to a mixture of eight (8) acres of Mixed Residential High (MRH) and twelve (12) acres of Neighborhood Residential Eastside (NRE). This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005.

**PC 13-029 LDC Amendment - Wireless Telecommunications** Code Amendment. Logan City requests to amend sections 17.13, 17.17, 17.21, 17.45 and 17.50 in the Land Development Code regarding telecommunication facilities.

**PC 13-030 LDC Amendment - Historic District 17.27 & 17.46** Code Amendment. Logan City requests to amend sections 17.46 and 17.27 in the Land Development Code to clarify the project review process for Certificate of Appropriateness and design review in the Historic District.

**PC 13-031 LDC Amendment - Design Standards 17.18 & 17.50** (continued from June 27, 2013) Code Amendment. Logan City requests to amend sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial service zones. The amendment also clarifies Planning Commission review authority in the design review process.

**PC 13-035 LDC – Gateway Zone** Code Amendment. Logan City is requesting to amend the Land Development Code Use Table 17.17.030. Change outdoor storage, warehouse, freight movement and waste-related use from not permitted to be allowed by conditional use.

**PC 13-039 Hospital Remodel & Budge Clinic Addition** Design Review, Conditional Use, Code Amendment & Zone Change. IHC, authorized agent/owner, request an amendment to the Land Development Code Section 17.30 to add a Hospital Overlay at 500 East 1400 North in the Commercial (COM) zone; TIN 05-016-0028.

Publication Date: Tuesday, July 23, 2013
SUMMARY OF AN ORDINANCE($)

The following ordinances were adopted and approved by the Logan Municipal Council, Logan, Utah on August 20, 2013.


ORD. 13-60 Amending Sections 17.46 and 17.27 of the Land Development Code regarding civil fees.

ORD. 13-61 Repealing Ordinance 13-30; Section 17.37 of the Land Development Code to include new infill and flag lot development standards.

ORD. 13-62 Amending the Land Development Code Section 17.60 to modify the administrative enforcement provisions regarding civil fees.

ORD. 13-63 Amending Sections 17.46 and 17.27 of the Land Development Code to modify the project review process for the Historic District.

ORD. 13-64 Amending Sections 17.18 and 17.50 of the Land Development Code to clarify design standards in commercial, industrial, mixed use and commercial store zoning. The amendment also clarifies Planning Commission review authority in the design review process.

ORD. 13-65 Amending the Land Development Code Section 17.30 to add a Hospital Overlay.

These ordinances are effective immediately upon publication. Full text of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 290 North 100 West, Logan.

Teresa Harris, City Recorder