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 Overlay Zone) is hereby amended as attached hereto as Exhibit A.

SECTION 2: That certain code entitled “Land Development Code, City of Logan, Utah” Chapter 17.57 (Appeals) is hereby amended as attached hereto as Exhibit B.

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, ON THE 20

DAY OF June, 2017.

AYES: Needham, Simmonds, Daines, Jensen, Olsen

NAYS: 

ABSENT: 

ATTEST:

Teresa Harris, City Recorder

Holly H. Daines, Chair

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 June, 2017.

Holly H. Daines, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 20 day of June, 2017.

H. Craig Petersen, 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 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 of 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, as well as the proposed boundaries, shall be submitted to the State Historic Preservation Office 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 Historic District.

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.
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 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. Design Review within the HD Overlay Zone
A. New Construction.
   1. New non-residential construction within the HD Overlay Zone shall obtain 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 International Building Code, Public Works Standards and Specifications, and the development requirements of other appropriate departments.
B. Remodeling, Renovation, and Restoration.
   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.

§17.27.050. 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;
   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, but not limited to, sandblasting and chemical cleaning;
9. Installation of new siding and roof materials;
10. Alteration of streetscape features including, but not limited to, curb, gutter and canals; and
11. Installation or alteration of any exterior sign;

B. The following types of applications shall be reviewed administratively by the Director:
   1. Fences and retaining walls;
   2. Demolition of non-contributing structures;
   3. Demolition of accessory structures;
   4. Signs; and
   5. 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.

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.

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

F. Public Notice.
   Public noticing for Certificates of Appropriateness are processed under the provisions of Chapter 17.55 and the requirements of this chapter.

G. Appeals.
   1. All administrative decisions may be appealed to the Historic Preservation Committee within 45 days following the administrative decision.
   2. Decisions of the Historic Preservation Committee may be appealed to the Land Use Appeal Board of Appeals within 15 days following the Committee’s decision as per Chapter 17.57, or the Historic Preservation Appeal Board as per Chapter 17.27 within 30 days following the Committee’s written decision.

§17.27.060. Standards for Certificate of Appropriateness
A. Logan Center Street Historic District Design Standards.
   The Historic Preservation Committee shall utilize the Logan Center Street Historic District Design Standards and the Secretary of the Interior’s Standards for Rehabilitation as standards for project review.

B. Review of Certificate of Appropriateness.
   In issuing 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.

§17.27.070. Signs within the Historic District Overlay Zone
§17.27.090. Historic Preservation Appeal Board - Standing to File An Appeal
The proponent or any affected party who participated in the hearing process may file an appeal of a decision type set forth in Subsection 17.27.120.

§17.27.100. Historic Preservation Appeal Board - Members
The Historic Preservation Appeal Board shall be comprised of the members of the City of Logan Municipal Council.

§17.27.110. Historic Preservation Appeal Board - Authority
A. The Historic Preservation Appeal Board shall hear and decide appeals of decisions made by the Historic Preservation Committee.
B. The Historic Preservation Appeal Board shall:
   1. Act in a quasi-judicial manner;
   2. Serve as the final arbiter of issues involving the interpretation or application of the Center Street Historic Design Guidelines and any Certificate’s of Appropriateness issued by the Historic Preservation Committee subject to appeal to the Utah District Courts as provided in Section 10-9a-801 of the Utah Code.

§17.27.120 Filing Appeals
A. All administrative appeals shall be filed in writing with the Director in the offices of the Department of Community Development within thirty calendar days of the action being appealed. An appeals application not filed in the Department of Community Development shall not constitute a filing for purposes of meeting the 30 day limit.
B. The filing of a written appeal or request does not stay the decision of the Historic Preservation Committee. The Appellant may petition the Historic Preservation Appeal Board to stay the decision. Upon petition, the Historic Preservation Appeal Board may order the decision of the Historic Preservation Committee stayed pending review by the Historic Preservation Appeal Board.

§17.27.130 Contents of the Request for an Appeal
A. Administrative Procedures.
   The Director shall prepare administrative procedures and an application form for filing an appeal before the Historic Preservation Appeal Board.
B. Minimum Requirements for a Request to Appeal.
   At a minimum, the request for an appeal shall be filed in writing and include the following:
   1. The name of the person or persons filing the appeal, a mailing address and daytime telephone number;
   2. The project file number and the name of the project as it appeared on the agenda;
   3. The date of the original hearing;
   4. Any required appeal application fee;
   5. The specific issues being appealed. The appeal may not merely appeal the action of the decision-making body, but must specify how the Historic Preservation Committee erred.
C. Incomplete Applications.
   An incomplete application for an appeal shall not be accepted and shall not waive, defer, or delay the 10 day appeal deadline.

§17.27.140 Standard of Review
A. The review by the Historic Preservation Appeal Board of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Historic Preservation Committee which is the subject of the appeal or request including written communications, the written land use decision and the written appeal or request.
§17.27.150 Staff Report Required
The appeal proceedings shall include a staff report updated from the Committee meeting, with the results of the meeting and a summary of the actions or finding being appealed.

§17.27.160 Appeal Meeting
Not less than thirty (30) calendar days following the mailing of a public notice, the Historic Preservation Appeal Board shall hold a public meeting to hear the appeal. At that meeting, the Historic Preservation Appeal Board shall hear the Staff’s report including a summary of the action being appealed, the testimony of the appellant, and the testimony of the proponent, if different from the appellant.

§17.27.170 Decision of the Appeal
The Historic Preservation Appeal Board shall render its decision at the meeting by majority vote of the five member Board. If the Board overturns or modifies the action of the Historic Preservation Committee, the Board shall make findings substantiated in conformance with the requirements of procedures for the type of action being appealed. If the Board upholds the appealed action, no additional findings are required and the Board’s action automatically affirms previously adopted findings. The Board may, upon upholding the Historic Preservation Committee, add, clarify, or enhance findings based upon the facts of the appeal meeting.

§17.27.180 Final Decision
A decision of the Historic Preservation Appeal Board takes effect on the date when the Historic Preservation Appeal Board issues a written decision.
EXHIBIT B

§17.57.060 Standard of Review

A. The review by the Land Use Appeal Board of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Land Use Authority which is the subject of the appeal or request including written communications, the written land use decision and the written appeal or request.

B. The Land Use Appeal Board may not accept or consider any evidence outside the record of the Land Use Authority unless that evidence was offered to the Land Use Authority and the Board determines that it was improperly excluded. The Appellant has the burden of proving that the Land Use Authority erred.

C. For the granting of variances, the Land Use Appeal Board may grant a variance only as allowed under Utah law.

D. The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: May 26, 2017
FROM: Mike DeSimone, Director
SUBJECT: Ordinance 17-08 (LDC Amendment – Historic Preservation Appeal Board)

Summary of Planning Commission Proceedings

Project Name: Historic Preservation Appeal Board
Request: Code Amendment
Project Address: City-wide
Recommendation of the Planning Commission: Approval

On May 25, 2017 the Planning Commission recommended that the Municipal Council approve amendments to the Land Development Code (LDC) in Sections 17.27 & 17.57 created a Historic Preservation Appeal Board in response to changes made to State Law during the last State Legislative session (HB30).

The proposed language in 17.27 creates an appeals board and process that mirrors the City’s current Land Use Appeal Board established in 17.57, except that the actual Appeal Board for Historic Preservation will be the Municipal Council. The proposed language is consistent with State Law.

Planning Commissioners vote (4 - 0):
Motion for Recommendation: T. Nielson
Second: D. Newman
Yea: T. Nielson, D. Butterfield, E. Ortiz, D. Newman Nay:

Attachments:
Staff Report (PC)
Ordinance 17-08
PC Meeting Minutes
REPORT SUMMARY...
Project Name: Historic Preservation Appeal Board
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: May 25, 2017
Submitted By: Mike DeSimone, Director

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.27 (Historic District Overlay Zone) and 17.57 (Appeals).

REQUEST
Changes made to State Law during the 2017 session now require local governments to adopt an appeals process specifically for appeals within a Historic District. The proposed modifications to 17.27 create a Historic Preservation Appeals Board, which in this case is the Municipal Council, as well as the procedures for the appeals process. These subsections generally mirror the existing language and procedures established for the broader Land Use Appeal Board in 17.57. The proposed modification to 17.57.060 is new language taken from State Law that was included to ensure clarity in the standard of review for appeals. The proposed code changes are attached.

GENERAL PLAN
The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments help clarify the overall code and simplify its administration and implementation. The proposed amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY
Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

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

PUBLIC NOTIFICATION
Legal notices were published in the Herald Journal on May 14, 2017, posted on the City’s website and the Utah Public Meeting website on May 8, 2017, and noticed in a quarter page ad on May 7, 2017.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments have been received.
RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission 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 are minor in nature by establishing a Historic Preservation Appeal Board to hear appeals of development related actions within the Logan Center Street Historic District.
4. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.
STATE OF UTAH
COUNTY OF CACHE, ss

On this 27th day of June, A.D. 2017 personally appeared
before me MONICA CHRISTENSEN who being first being duly sworn, deposes and says that
(s)he is the Principal Legal Clerk of the Cache Valley Publishing Co., publishers of The Herald Journal
a daily newspaper published in Logan City, Cache County Utah, and that the
Legal Notice, a copy of which is hereto attached was published in said
newspaper for 1 issue(s) and that said notice also published on utahlegals.com
on the same day(s) as publication in said newspaper

Commencing on the following days:
06/25/2017

_________________________ , Principal Legal Clerk

Subscribed and sworn to before me on this 27th day of June, A.D. 2017

_________________________ , Notary Public
Commissioned in the State of Utah
My Commission expires 10/18/2019

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL
SUMMARY OF AN ORDINANCE: The following ordinances were adopted and approved by the Logan Municipal Council,
Logan, Utah on June 20, 2017
ORD. 17-08 An ordinance amending the Land Development Code Chapters 17.57 Appeals and 17.27 Historic District Overlay Zone.
ORD. 17-10 An ordinance amending the Logan Municipal Code Section 5.18 regarding Itinerant or Transient Merchants.
ORD. 17-12 An ordinance vacating a Public Right of Way on Parcel 09-097-0028 at 1020 East 100 North, Logan, Utah.
ORD. 17-13 An ordinance vacating a portion of Public Utility and Walkway Easements on Parcel 07-052-0011 located at 1595 Sumac Drive, Logan, Utah.
ORD. 17-14 An ordinance vacating a portion of Public Right of Way on Parcel 02-058-0056 located at approximately 500 South 500 West, Logan, Utah.

These ordinances are effective immediately upon publication. Full texts of the ordinances can be reviewed at the office of
the Logan City Recorder, City Hall, 230 North 100 West, Logan, Utah during regular business hours.
Teresa Harris, City Recorder
Publication Date: June 25, 2017
The Logan City Planning Commission will hold a public hearing to receive input on the following:

**PC 17-024 LDC Amendment 17.57 & 17.27 HP Appeal Board** (Code Amendment) Logan City request and amendment to the Land Development Code (LDC) Chapters 17.57 Appeals and 17.27 Historic District Overlay Zone to establish a Historic Preservation Appeal Board.

The **Municipal Council** is tentatively scheduled to hold a workshop on **Tuesday, June 6, 2017** and a public hearing on **Tuesday, June 20, 2017**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm.

Contact the Department of Community Development at 716-9021 or [www.loganutah.org](http://www.loganutah.org) for more information.
LEGAL NOTICE
Logan Municipal Council
May 16 & June 6, 2017

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. Contact 716-9023 or www.loganutah.org for further info.

City Council Workshop item for June 6 and Public Hearing for June 20, 2017:

PC 17-024 LDC Amendment 17.57 & 17.27 HP Appeal Board [Code Amendment] Logan City request and amendment to the Land Development Code (LDC) Chapters 17.57 Appeals and 17.27 Historic District Overlay Zone to establish a Historic Preservation Appeal Board.

Publication date: Tues. May 23, 2017