

**FARMINGTON CITY, UTAH
ORDINANCE NO. 2023-61**

AN ORDINANCE AMENDING SECTION 11-39-050 OF CHAPTER 39, HISTORIC BUILDINGS AND SITES, OF THE FARMINGTON CITY ZONING ORDINANCE PROVIDING AN ALTERNATIVE APPROVAL ENTITY TO OBTAIN A CERTIFICATE OF HISTORIC APPROPRIATENESS FOR HISTORIC RESOURCES ON THE CITY'S LANDMARK REGISTER AND CLARIFYING WHAT TYPE OF BUILDING PERMITS REQUIRE SUCH CERTIFICATE. (ZT-18-23)

WHEREAS, the Planning Commission has held a public hearing in which the text for Sections 11-39-050 of the Zoning Ordinance was thoroughly reviewed and has recommended that this ordinance be approved by the City Council; and

WHEREAS, the Farmington City Council has also held a public meeting pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Section 11-39-050 of the Farmington City Zoning Ordinance is hereby amended as set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof


Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

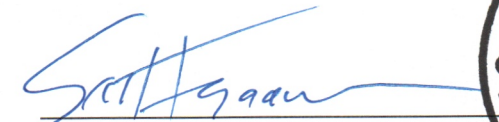
PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 17th day of October, 2023.

FARMINGTON CITY

ATTEST:



DeAnn Carlile, City Recorder



Scott Isaacson, Mayor Pro Tempore



Exhibit A

11-39-050: FARMINGTON CITY HISTORIC LANDMARKS REGISTER:

A. Created: There is hereby created a Farmington City historic landmarks register (the "register"), which shall provide further recognition of significant historic resources; provide protection for historic resources as set forth in this chapter; and may qualify owners of historic resources to special assistance from the city as may be determined by the city council in its sole discretion. The register shall be prepared and maintained by the historic preservation commission in accordance with the provisions set forth in this chapter. A notice of listing shall be filed for each property listed on the register with the city and recorded in the office of the Davis County recorder.

B. Contents: The register shall describe each historic resource, the date or approximate date of its construction, the date during which its historic significance was established, the qualifications for including it on the register, and the name and address of the current owner of the property as shown on the records of the Davis County recorder.

C. Criteria: Any building, structure, object or district may be designated to the register in accordance with the procedures set forth herein if it meets all the criteria set forth below:

1. It is located within the corporate boundaries of Farmington City.
2. It is currently listed in the national register of historic places (the "national register"), or it has been officially determined eligible for listing in the national register under the criteria of 36 CFR 60.4, as amended.
3. Historic resources shall also meet at least two (2) of the following criteria:
 - a. It is an easily identifiable visual feature of its neighborhood or the city because of its positioning, location, age, scale or style, and it contributes to the distinctive quality or identity of its area in such a way that its absence would negatively affect the area's sense of place;
 - b. It figures importantly into Farmington City's founding or development through its uses, especially public uses;
 - c. It is associated with persons significant in the founding or development of Farmington City, especially the earliest settler families (1847 - 1900);
 - d. It is associated with events that have made a significant contribution to the founding or development of Farmington City;
 - e. It illustrates an important architectural form, style or building technique, especially as an example of "local vernacular" (e.g., single- and two-story rock/adobe homes; simple brick Victorians) or as a singular example of form, style or technique within the city;
 - f. It has been used as a wayfinding landmark for at least fifty (50) years; or
 - g. It has yielded, or may be likely to yield, information important in prehistory or history (e.g., archaeological sites).

4. If a historic resource does not meet at least two (2) of the criteria of subsection C3 of this section, but is of exceptional importance to Farmington City's history and the owner of the property wishes to have it designated as a historic resource on the register, the historic preservation commission may review the request and, if deemed suitably significant, may recommend to the city council that the historic resource be added to the register.

D. Notification: The owner of the historic resource shall be notified in writing either by certified mail or hand delivery of proposed action to designate the historic resource to the register and shall be invited to attend the historic preservation commission meeting in which the designation will be discussed.

E. Designation:

1. Official designation proceedings shall begin with submittal of a written request for designation by either the property owner or a member of the historic preservation commission. The request shall identify the property by its address and historic name, give the date the property was listed in the national register or officially determined eligible, and include a statement summarizing the property's significance to the city. This official request may be preceded by informal contacts with the property owner by historic preservation commission members, private citizens, local officials or others regarding designation of the property.

2. Upon written request for designation, the historic preservation commission chairperson shall arrange for the designation to be considered at the next historic preservation commission meeting, which shall be held at a time not to exceed thirty (30) days from the date the designation request was received.

3. A decision by the historic preservation commission shall be based on whether the property meets the criteria for designating properties to the register as set forth in subsection C of this section. The historic preservation commission shall forward its recommendation in writing to the city council within fourteen (14) days of the decision.

4. The city council may, by adoption of an appropriate ordinance, designate a historic resource to the register. The owner of the historic resource shall be notified at least three (3) days prior to the city council meeting at which the ordinance will be considered and shall be allowed to address the council with regard to the designation. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this chapter.

5. A historic resource which, in the opinion of the historic preservation commission, no longer meets the criteria for eligibility may be removed from the register after review and recommendation by the historic preservation commission and the adoption of an appropriate ordinance by the city council.

6. Upon official adoption of a designating or removal ordinance, the historic preservation commission shall record the ordinance with both the city recorder's office and the county recorder's office to indicate such designation or removal on the official records thereof.

F. Result of Designation:

1. An owner of a historic resource listed on the register may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating the owner's properties.

2. Except as set forth in sub-paragraph 3 below, proposed exterior repairs, alterations, additions, relocation or demolitions to historic resources listed on the register requiring a building permit are subject to review by the historic preservation commission and shall receive a "certificate of historic appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.

a. The city manager, at his or her sole discretion, and with the advice of the community development director and the chair of the historic preservation commission, may appoint an historic preservation architect or a reconnaissance level survey professional to consider applications for certificates of appropriateness related to repairs, alterations, or additions. Once appointed, the architect or professional shall have all the powers and duties of the historic preservation commission, but limited solely to the consideration and issuance of a certificate of historic appropriateness. The historic preservation commission shall retain authority related to relocation or demolition of an historic resource.

ab. Any application for a building permit pertaining to a historic resource designated on the register shall be forwarded by the zoning administrator to the historic preservation commission for its determination prior to the issuance of the requested permit.

bc. At its next scheduled meeting, the historic preservation commission shall review the application and proposed work for compliance using the United States secretary of the interior's standards for rehabilitation (the "standards") as set forth in section 11-39-060 of this chapter.

ed. The historic preservation commission's determination shall be forwarded within three (3) days to the zoning administrator for review. If the historic preservation commission denies or requires significant revisions to a permit application, the determination shall indicate of the specific "standards" on which the decision of the historic preservation commission is based and, where appropriate, shall provide a brief explanation setting forth the reasons for the determination. Copies of the determination shall be forwarded by the zoning administrator to the property owner.

de. The zoning administrator shall, upon receipt of the historic preservation commission's determination, process the permit as set forth in this section. Projects which, as determined by the historic preservation commission, are consistent with the standards shall be issued a certificate of historical appropriateness which authorizes the building permit to be issued upon compliance with all other applicable requirements of this title or any other applicable ordinance.

ef. An applicant whose submittal does not comply with the standards may, for a period of sixty (60) days, meet with the historic preservation commission, together with the zoning administrator, to explore means for proper repair, alteration or addition to the historical resource which are consistent with the standards, which may include the following:

- (1) Feasibility of modifications to the plans;
- (2) Feasibility of alternative uses of the historic resource;
- (3) Feasibility of acquiring easements and/or variances;
- (4) Feasibility of acquiring financial or other forms of assistance from preservations organizations.

f. If no approval is granted within the initial sixty (60) days, the historic preservation commission may grant an extension of an additional sixty (60) days. If no approval is granted at the conclusion of one hundred twenty (120) days, the certificate of historic appropriateness shall be denied if the standards for rehabilitation cannot be met and the requested building permit shall not be issued by the zoning administrator.

g. A decision by the historic preservation commission approving or denying a certificate of historic appropriateness for the relocation of a historic resource shall be guided by the following criteria:

(1) How the historic character and aesthetic interest of the historic resource contributes to its present setting;

(2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;

(3) Whether the historic resource can be relocated without significant damage to its physical integrity; and

(4) Whether the proposed relocation area is compatible with the historical and architectural character of the historic resource.

h. A decision by the historic preservation commission approving or denying a certificate of historic appropriateness for the demolition of a historic resource listed on the register shall be guided by the following criteria:

(1) The historic, scenic or architectural significance of the historic resource;

(2) The importance of the resource to the character of the neighborhood or city;

(3) The difficulty or the impossibility of reproducing the historic resource because of its design, texture, material, detail or unique location;

(4) Whether the historic resource is one of the last remaining examples of its kind in the neighborhood or city;

(5) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;

(6) Whether reasonable measures can be taken to save the historic resource from deterioration or collapse; and

(7) Whether the historic resource is capable of being used to earn a reasonable economic return on its value.

i. A certificate of historical appropriateness shall become void unless construction authorized by a building permit is commenced within one hundred eighty (180) days after issuance of the certificate.

3. Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource **as determined by the Zoning Administrator** to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of historic appropriateness.