

Moroni City
Codes and Ordinances

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Planning Commission

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2-1-1: Appointments; Compensation; Residency

There is hereby created a Planning Commission to be composed of five (5) members. Members shall be appointed by the Mayor with the consent of the City Council. Members of the Planning Commission shall serve without compensation, except for reasonable expenses incurred in performing their duties. Members shall be residents of the City. (Ord., 1-24-1 996, off. 2-14-1 996)

2-1-2: Term of Office

Each member shall serve for a recommended term of three (3) years or until a successor is appointed. Vacancies shall be promptly filled. The City Council may remove any member of the Planning Commission for cause and after a public hearing, if it is requested. (Ord., 1-24-1996, eff. 2-14-1996)

2-1-3: Organization

1. **Officers:** The members of the Planning Commission shall elect from their own members a chairperson and a vice chairperson, and shall also select other members to fill positions for specific tasks as deemed necessary. Bylaws shall be adopted by the Planning Commission for the transaction of business and the conduct of their proceedings.
2. **Reports:** Reports of official acts and recommendations of the Planning Commission shall be public and approved by the chairperson and made in writing to the City Council, and shall indicate how each member of the Planning Commission voted. Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council.

3. **Meetings; Workshops:** The Planning Commission shall meet once each month. Plans for workshops may be made at the regular monthly meeting. (Ord., 1-24-1 996, eff. 2-14-1996)
4. **Quorum:** Three (3) members of the Planning Commission shall constitute a quorum. (Ord., 1-24-1996, eff. 2-1 4-1 996)

2-1-4: Powers and Duties

The Planning Commission shall have all the powers and duties explicitly or implicitly given planning commissions by the laws of the State, (Ord., 1-24-1996, eff. 2-14-1996)

Board of Adjustment

Section

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2-2-1: Established

In order to carry out the provisions of Utah law relating to planning and zoning, there is hereby created a Board of Adjustment, which shall consist of five (5) members, one member of which shall be a member of the Planning Commission. The members of the Board of Adjustment shall be appointed by the City Council. The City Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. (1982 Code § 12-121)

2-2-2: Term of Office

Each member of the Board of Adjustment shall serve for a term of five (5) years and until his successor is appointed; provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year. One member shall be appointed on or before the first Monday in February of each year. Any member may be removed for cause by the City Council upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. (1982 Code § 12-122)

2-2-3: Organization

The Board of Adjustment shall elect a chairman and may adopt such rules for its own proceedings as are deemed necessary. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The Board

shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder/Clerk, which shall be the office of the Board, and shall be a public record. (1982 Code § 12-123)

2-2-4: Powers of Board on Appeal

See Utah Code Annotated section 10-9-704. (1982 Code § 12-1 27; amd. 2000 Code)

2-2-5: Building Permits

1. The Zoning Officer shall not issue any building permits for any building, construction or repair of any building, unless such fully conforms to all zoning regulations or ordinances of the City in effect at the time of application. (1982 Code § 12-1 30; amd. 2000 Code)
2. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any Street as shown on any official street map adopted by the City Council. However, the Board of Adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure, or any part thereof, within any mapped street located in any case in which the Board of Adjustment, upon the evidence, finds:
 - a. The property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted; or
 - b. Balancing the interest of the City in preserving the integrity of the Official Map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the Board of Adjustment shall hold a public hearing thereon. In the event that the Board of Adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character and also the duration of the building, structure or part thereof to be permitted. (1982 Code § 12-1 30)

2-2-6: Notification to the City Council

Before any application for a variance or building permit shall be issued, the Board of Adjustment shall give the City Council at least fifteen (15) days' notice of the application. The City Council shall have the opportunity to respond and comment on the application within the fifteen (15) days. (1982 Code 12-132)

Historic Preservation Commission

Section

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2-3-1: Purpose

The City recognizes that the historical heritage of the City community is among its most valued and important assets. It is therefore the intent of the City to identify, preserve, protect and enhance historic areas and sites lying within the City limits. (Ord. 15-100, 10-28-1992)

2-3-2: Established

A Historic Preservation Commission is hereby established by the City with the following provisions:

1. **Membership; Appointment; Term:** The Commission shall consist of a minimum of five (5) members with a demonstrated interest, competence or knowledge in historic preservation, appointed by the City Council for terms not less than two (2) years.
2. **Professional Members:** To the extent available in the community, two (2) Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.
3. **Meetings:** The Commission shall meet at least twice each year and conduct business in accordance with the open public meeting laws of the State. This includes public notification of meeting place, time and agenda items.
4. **Minutes:** Written minutes of each Commission meeting shall be prepared and made available for public inspection. (Ord. 15-100, 10-28-1992)

2-3-3: Duties

The Historic Preservation Commission shall have the following duties:

1. **Survey and Inventory Community Historic Resources:** The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten (10) years.
2. **Review Proposed Nominations to National Register:** The Historic Preservation Commission shall review and comment to the State Historic Preservation Office on all proposed national registry nominations for properties within the boundaries of the City. When the Historic Preservation Commission considers a national register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.
3. **Provide Advice And Information:**
 - a. The Historic Preservation Commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.
 - b. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community preservation.
4. **Enforcement of Laws:** The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to, Utah Code Annotated section 17A-3-1301, the Historic District Act; Utah Code Annotated section 9-8-301 regarding the protection of Utah antiquities and Utah Code Annotated section 9-8-307 regarding notification to the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the State and included or eligible for the State or National Registers. (Ord. 15-100, 10-28-1992)

2-3-4: Historic Sites List

The Historic Preservation Commission may designate historic properties to the historic sites list as a means of providing recognition to and encouraging the preservation of historic properties in the community

1. **Designating Properties; Criteria:** Any district, building, structure, object or site may be designated to the historic sites list if it meets all the criteria outlined below:

- a. Location within the City: It is located within the official boundaries of the City.
 - b. Age: It is at least fifty (50) years old. (Ord. 15-100, 10-28-1 992)
 - c. Historic Integrity Retained: It retains its historic integrity, in that there are no major alternations or additions that have obscured or destroyed the significant historic features. Major alternations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance when viewed from the public way.
 - d. Documentation: It has been documented according to the State Historic Preservation Office standards for intensive level surveys and copies of that documentation have been placed in the local and State historic preservation file. (Ord. 15-1 00, 10-28-1 992; amd. 2000 Code)
2. **Designation Procedures**: Any person, group or government agency may nominate a property for listing in the City historic sites list. The nomination and listing procedures are as follows:
- a. Survey: Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Commission.
 - b. Consideration; Notice of Meeting: The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last minute" submittal, though no nomination will be reviewed if it is submitted to the Commission less than forty eight (48) hours prior to the meeting. (Ord. 15-100, 10-28-1992)
 - c. Review; Decision: The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with subsection A of this Section and will make its decision accordingly. (Ord. 15-1 00, 10-28-1992; amd. 2000 Code)

3. **Results Of Designation To List:**

- a. Certificate: Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation and signatures of the Mayor and the Historic Preservation Commission chairperson.
 - b. Demolition Or Alteration; Documentation: If an historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
 - i. The City will delay issuing a demolition permit for a maximum of one week and will notify a member of the Historical Preservation Commission, which will take responsibility for the documentation.
 - ii. Documentation will include, at minimum, exterior photographs (both black and white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.
 - iii. The demolition permit will be issued after one week of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the one-week deadline.
 - iv. The documentation will be kept in the Commission's historic site files, which are open to the public. (Ord. 15-1 00, 10-28-1 992)
4. **Removal of Properties from List**: Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the Commission. (Ord. 15-100, 10-28-1992; amd. 2000 Code)

2-3-5: Historic Landmark Register

Significant historic properties may be designated to the historic landmark register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

1. **Designating Properties; Criteria**: Any district, building, structure, object or site may be designated to the historic landmark register if it meets all the criteria outlined below:

- a. Location within City: It is located within the official boundaries of the City.
 - b. National Register Listing: It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(5). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
 - i. Associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. Associated with the lives of persons significant in our past.
2. **Assistance for Grants, Tax Credits**: Owners of historic landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.
3. **Repairs, Alterations**: Proposed repairs, alternations or additions to historic landmarks are subject to the review of the Historic Preservation Commission and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible. (Ord. 15-100, 10-28-1992)
- a. Application: Applications for permits pertaining to historic landmark properties shall be forwarded by the Zoning Officer to the Historic Preservation Commission prior to their issuance. (Ord. 15-100, 10-28-1 992; amd. 2000 Code)
 - b. Review by Commission: At its next scheduled meeting, the Commission shall review the application and proposed work for compliance with the Secretary of the Interior’s “Standards for Rehabilitation”, hereafter referred to as the “standards” (see Section 2-3-6 of this Chapter). (Ord. 15-100, 10-28-1992)
 - c. Recommendation to City Council: The Commission’s recommendation shall be forwarded within three (3) days to the City Council for their consideration in reviewing the application. The recommendation must indicate which of the “standards” the Commission’s decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the Zoning Officer and the property owner at the same time, (Ord. 15-1 00, 10-28-1 992; amd. 2000 Code)

- d. **Review by City Council; Decision:** The City Council shall schedule the matter for its next City Council meeting and upon review of the Historic Preservation Commission’s recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a “Certificate of Historical Appropriateness” which authorizes the building permit to be issued. (Ord. 15-1 00, 10-28-1992)
4. **Enforcement:** The provisions of this Section are subject to the enforcement provisions established in Section 9-1-1 of this Code. (Ord. 15-100, 10-28-1 992; amd. 2000 Code)

2-3-6: Rehabilitation Standards

The following standards for rehabilitation shall be used by the Historic Preservation Commission and City Council when determining the historic appropriateness of any application pertaining to historic landmark properties:

1. **Use:** 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.

For further details, refer to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Source: U.S. Department of the Interior, National Park Service, Preservation Assistance Division, Washington, D.C.
2. **Character:** 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. **Physical Record:** 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. **Changes Acquiring Historic Significance:** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. **Preservation of Distinctive Features:** Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. **Repair of Deteriorated Features:** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, 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. **Damaging Treatments:** 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. **Archeological Resources:** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. **Historic Materials:** 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 and architectural features to protect the historic integrity of the property and its environment. (Ord. 15-100, 10-28-1992)
10. **Manner of New Construction:** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired. (Ord. 15-100, 10-28-1992; amd. 2000 Code)