

**CHAPTER 07****HISTORIC PRESERVATION  
OVERLAY DISTRICT (H) AND  
LANDMARK SITES**

Section 07.010.	Purpose.
Section 07.020.	Definitions.
Section 07.030.	Procedure for Establishment of an Historic Preservation Overlay District or Designation of a Landmark Site.
Section 07.040.	Criteria for Establishment of an Historic Preservation Overlay District (H) or Landmark Site.
Section 07.050.	Boundaries of a Proposed Historic Preservation Overlay District (H).
Section 07.060.	Required notice to property owners.
Section 07.070.	Adjustment of Boundaries of a Historic Preservation Overlay District And The Revocation of The Designation of a Landmark Site.
Section 07.080.	Certificate of Appropriateness Required.
Section 07.090.	Procedure for issuance of Certificate of Appropriateness.
Section 07.100.	Standards for Certificate of Appropriateness For Construction, Alteration, Installation or Replacement Affecting a Landmark Site or Contributing or Noncontributing Structure Located In a Historic Preservation Overlay District.
Section 07.110.	Standards for Certificate of Appropriateness for the Relocation of Landmark Site.
Section 07.120.	Standards for Certificate of Appropriateness for the Demolition of a Landmark Site or Contributing Structure Located in an Historic Preservation Overlay District.
Section 07.130.	Determination of Economic Hardship.
Section 07.140.	Procedure For Determination of Economic Hardship.
Section 07.150.	Bona Fide Preservation Effort.
Section 07.160.	Final Decision for Certificate of Appropriateness for Demolition Following One (1) Year Deferral.
Section 07.170.	Record Requirement for Approved Certificate of Appropriateness for Demolition.
Section 07.180.	Landscaping Plan and Bond Requirement for Approved Certificate of Appropriateness for Demolition.

**Section 07.010 Purpose.**

The purposes of the Lehi City Historic Preservation Overlay District (H) and designation of Landmark Sites is to:

1. Provide a means to protect areas of the City, structures and sites having historic significance;
2. Encourage new development that is compatible with the character of existing structures within

the Historic Districts or adjacent to individual landmark sites;

3. Abate the destruction and demolition of historic structures;
4. Implement plans of the City related to historic preservation; and
5. Foster an awareness of the history of Lehi City.

**Section 07.020 Definitions.**

1. Historic Preservation Overlay District (H). A geographically defined area which contains buildings, structures, sites, objects, or other features, singularly or in combination, that contribute to the purposes of the District and the historic preservation goals of the City.

2. Historic Preservation Commission. The Commission established by Lehi City Ordinance #5-28-91-1 and responsible for the overall administration of this Ordinance.

3. Contributing Structure. A structure or site within an Historic Preservation Overlay District and of historic importance to the City, State, or Nation because it imparts artistic, historic, or cultural values but which may not qualify as a Landmark Site. A contributing structure has its major character-defining features intact, and although minor alterations may have occurred, they are generally reversible.

4. Non-Contributing Structure. A structure within an Historic Preservation Overlay District that either; (i) has been altered as to make the original and/or historic form, materials, and details indistinguishable, and alterations are irreversible, or (ii) the structure is less than fifty (50) years old.

5. Landmark Site. A site included on the Lehi City Historic Places List or State or National Register of Historic Places that meets the criteria of Section 07.040 herein. Such sites are of importance to the City, State, or Nation and imparts high artistic, historic, or cultural values.

**Section 07.030 Procedure for Establishment of an Historic Preservation Overlay District (H) or Designation of a Landmark Site..**

An Historic Preservation Overlay District (H) or Landmark Site shall be established pursuant to the

procedures for amending the Zoning Districts Map of Lehi City, as provided by Section 04.050 of The Lehi City Development Code. An application for a Zoning Districts Map amendment to establish an Historic Preservation Overlay District (H) or Landmark Site shall be prepared by a property owner or the Lehi City Historic Preservation Commission. Any individual or organization can request that the Historic Preservation Commission consider preparing an application for a Historic Preservation Overlay District (H) or Landmark Site. The application shall contain information concerning the area, buildings, and/or sites included in the Historic Preservation Overlay District or Landmark Site application. Following the consideration of the review criteria, contained in Section 07.040 herein, the Historic Preservation Commission shall present a recommendation to the Planning Commission on the appropriateness for the establishment of an Historic Preservation Overlay District (H) or Landmark Site.

#### **Section 07.040 Criteria for Establishment of an Historic Preservation Overlay District (H) or Landmark Site.**

The Historic Preservation Commission shall evaluate each parcel of property within a proposed Historic Preservation Overlay District (H), or Landmark Site(s) according to the following criteria:

1. Significance in Local, State, or National history, architecture, archaeology, engineering, or culture associated with at least one of the following:
  - (a) Events that have a significant contribution to history;
  - (b) Lives of persons significant in the history of the City, State, or Nation;
  - (c) Distinctive characteristics of a type, period, or method of construction or the work of a notable architect or craftsman; or
  - (d) Information important in the understanding of the history of Lehi City.
2. Physical integrity in terms of location, setting, materials, workmanship, and association as defined by the National Park Service for the National Register of Historic Places.
3. The age of the site. Sites must be at least fifty (50) years old or have achieved significance within the past fifty (50) years.

#### **Section 07.050 Boundaries of a Proposed Historic Preservation Overlay District (H).**

When applying the evaluation criteria in Section 07.040, the Historic Preservation Commission shall recommend boundaries of a proposed Historic Preservation Overlay District (H) to ensure that the boundaries:

1. Contain historic, architectural, or archaeological resources;
2. Contain non-historic resources only where necessary to create appropriate boundaries to meet the criteria of Section 07.040.

#### **Section 07.060. Required notice to property owners.**

Upon the final determination by the City Council of the establishment of a Historic Preservation Overlay District (H) or Landmark Site the City Staff shall provide notice to all owners of property within the Historic Preservation Overlay District (H) or Landmark Site by first class mail. The Historic Preservation Commission shall ensure that the Title of all properties within the Historic Preservation Overlay District (H) or Landmark Site possess a "Notice of Historic Designation" identifying that such properties are within a Historic Preservation Overlay District (H) or Landmark Site.

#### **Section 07.070 The Adjustment of Boundaries of a Historic Preservation Overlay District and The Revocation of the Designation of a Landmark Site.**

1. Procedure. The procedure for the adjustment of the boundaries of an Historic Preservation Overlay District and the revocation of the designation of a Landmark Site shall be the same as contained in Section 07.030 and Section 07.040 herein.
2. Criteria for Adjusting the Boundaries of an Historic Preservation Overlay District. Criteria for adjusting the boundaries of an Historic Preservation Overlay District are as follows:
  - (a) The properties have ceased to meet the criteria for inclusion within an Historic Preservation Overlay District; or
  - (b) Additional information indicates that the properties do not comply with the criteria for selection of the Historic Preservation Overlay District.
3. Criteria for the Revocation of the Designation of a Landmark Site. Criteria for the revocation of the designation of a Landmark Site are as follows:

- (a) The property has ceased to meet the criteria for designation as a Landmark Site because the qualities that caused it to be originally designated have been lost; or.
- (b) Additional information indicates that the Landmark Site does not comply with the criteria for selection of a Landmark Site.

4. Property Title. Upon a final determination by the City Council adjusting the Boundaries of an Historic Preservation Overlay District or revoking the designation of a Landmark Site the City Staff shall provide notice to all affected owners of property by first class mail. The Historic Preservation Commission shall ensure that any Title record indicating the property is located within the boundaries of a Historic Preservation Overlay District (H) or Landmark Site is removed from the property Title.

#### **Section 07.080. Certificate of Appropriateness Required.**

After the establishment of an Historic Preservation Overlay District (H) or the designation of a Landmark Site, no alteration in the exterior appearance of a structure, site, or object affecting any property within the Historic Preservation Overlay District or Landmark Site shall be authorized by the City until an application for a Certificate of Appropriateness has been submitted to, approved, and issued by the Historic Preservation Commission. Certificates of Appropriateness shall be required for:

- 1. Any construction requiring a building permit.
- 2. Removal and replacement, or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices, and siding.
- 3. Relocation of a structure or object on the same site or to another site.
- 4. Construction of additions or decks.
- 5. Alteration or construction of accessory structures, such as garages, etc.
- 6. Alterations to windows and doors, including replacement or changes in fenestration patterns.
- 7. Construction or alteration of porches.
- 8. Masonry work, including but not limited to tuckpointing, sandblasting, and chemical cleaning.

- 9. The construction or alterations of site features, including but not limited to fencing, walls, paving, and grading.
- 10. Installation or alteration of any exterior sign.
- 11. Any demolition.

#### **Section 07.090 Procedure for issuance of Certificate of Appropriateness.**

Certificates of Appropriateness shall only be issued by the Historic Preservation Commission with a finding of compliance to the following procedures:

1. Submission of Application. An application for a Certificate of Appropriateness shall be made on the form available from the Planning Department and shall be submitted to the Zoning Administrator. The Zoning Administrator shall make a determination of completeness pursuant to Section 10.080 of the Lehi City Development Code.

2. Materials Submitted with Applications. The application shall include photographs, building elevations, construction drawings, construction materials, and other documentation, as may be required, such as an architectural model, window frame sections, and samples, and identified on the applicable Certificate of Appropriateness Application, deemed necessary to consider the application completely.

3. Notice. Applications for a Certificate of Appropriateness shall require notice pursuant to Section 03.080 of the Lehi City Development Code.

4. Standards for Approval. The application for a Certificate of Appropriateness shall be reviewed by the Historic Preservation Commission, according to the standards set forth in Sections 07.100, 07.110, 07.120 and 07.130, as applicable.

5. Review and Decision by the Historic Preservation Commission. The Historic Preservation Commission shall make a decision at a regular meeting of the Commission.

- (a) On the basis of its findings, the Historic Preservation Commission shall either approve, approve with conditions, or deny a Certificate of Appropriateness. A decision for a Certificate of Appropriateness for demolition may be deferred for up to one (1) year pursuant to Section 07.120(2). Demolition permits shall not be issued until the applicable appeal period has expired.

- (b) Written notice of the decision of the Historic Preservation Commission on the application, including a copy of the findings, shall be sent by first class mail to the applicant within seven (7) days following the Historic Landmark Commission's decision.

6. Appeal of Final Decisions of Historic Preservation Commission. Any party aggrieved by a final decision of the Historic Preservation Commission may appeal the decision by filing a written appeal with the City Council within twenty one (21) days following the Historic Preservation Commission's decision. The filing of the appeal shall stay the decision of the Historic Preservation Commission pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the Historic Preservation Commission if such a decision defers a demolition request for up to one (1) year.

- (a) The appeal shall specify any alleged error made by the Historic Preservation Commission.
- (b) The appeal shall be considered by the City Council on the record made before the Historic Preservation Commission. No new evidence shall be heard by the City Council unless such evidence was improperly excluded by the Historic Preservation Commission.
- (c) The City Council shall review and decide the appeal according to the standards contained in Sections 07.100, 07.110, 07.120 and 07.130, as applicable.
- (d) The City Council shall uphold the decision of the Historic Preservation Commission unless the City Council finds that the decision of the Historic Preservation Commission was made in error.

7. Appeal of City Council Decision to District Court. Any party aggrieved by the appeal decision of the City Council may appeal that decision to District Court within thirty (30) days following the decision of the City Council.

**Section 07.100. Standards for Certificate of Appropriateness for Construction, Alteration, Installation or Replacement Affecting a Landmark Site or Contributing or Noncontributing Structure Located in a Historic Preservation Overlay District.**

In considering an application for a Certificate of Appropriateness for a Landmark Site, or any structure, site, or object, including both Contributing and

Noncontributing Structures located in a Historic Preservation Overlay District, the Historic Preservation Commission shall find that the proposed project complies with the following standards, as applicable, for the proposed construction, alteration, installation, or replacement;

1. The existing historic character of a property shall be retained and preserved.
2. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
3. Relationships to surrounding structures and the historic character of the Historic Preservation overlay District or Landmark Site shall be considered including;
  - (a) Height and Width shall be consistent with scale of surrounding structures.
  - (b) Roof Shapes shall be consistent with the surrounding structures.
  - (c) Scale of a proposed structure shall be consistent with the size and massing of surrounding structures.
  - (d) The relationship of windows and doors shall be consistent with surrounding structures.
  - (e) Building Materials, including building materials color and texture shall be compatible and consistent with the predominant materials used in surrounding structures.
  - (f) Continuity of Building Facades and other Site Structures, such as wells, fences, and landscaping shall provide continuity along a street to ensure harmony with structures, public ways, and places to which the structure is related.
4. Deteriorated architectural features shall be repaired rather than replaced where feasible. In the event replacement is necessary, the new material should match the original material in composition, design, texture, and other qualities.
5. Chemical or physical treatments, such as sandblasting, that cause damage shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the least destructive means possible.
6. Significant archaeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

7. Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not destroy the cultural, historical, architectural, or archaeological material and such design is compatible with the size, scale, color, material, and character of the property.

8. The following building materials are prohibited, including:

- (a) Vinyl or aluminum cladding when applied directly to an original or historic material; and
- (b) Any other imitation siding material designed to look like the original material but fabricated from an imitation material or materials.

9. Any new sign or any change in the design of any existing sign shall be consistent with the historic character of the Landmark Site or Historic Preservation Overlay District.

#### **Section 07.110. Standards for Certificate of Appropriateness For The Relocation of Landmark Site.**

In considering an application for a Certificate of Appropriateness for relocation of a Landmark Site, the Historic Preservation Commission shall find that the proposed relocation complies with the following standards:

1. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure.
2. A professional building mover will move the building and protect it while being moved and/or stored.
3. A financial guarantee to ensure the rehabilitation of the structure once the relocation has occurred is provided to the City. The financial guarantee shall be in a form approved by the City Attorney in an amount determined by the Historic Preservation Commission sufficient to cover the estimated cost to (i) rehabilitate the structure as approved by the Historic Preservation Commission and (ii) restore the grade and landscape the property from which the structure was removed if the land is to be left vacant once the relocation of the structure occurs.

#### **Section 07.120. Standards for Certificate of Appropriateness for the Demolition of a Landmark Site or Contributing Structure**

#### **Located in an Historic Preservation Overlay District.**

1. Standards. In considering an application for a Certificate of Appropriateness for demolition of a Landmark Site or a Contributing Structure located in a Historic Preservation Overlay District, the Historic Preservation Commission shall only approve such application upon finding that the project fully complies with one of the following standards:

- (a) The demolition is required to alleviate a threat to public health and safety; or
- (b) The demolition is required to rectify a condition of economic hardship, as provided by Section 07.130 herein.

2. Deferral of Decision for up to One (1) Year. The Historic Preservation Commission may defer a decision for a Certificate of Appropriateness for demolition for up to one year, from the date of application for a Certificate of Appropriateness for Demolition, during which time the applicant is encouraged to conduct a bona fide effort to preserve the site pursuant to Section 07.150.

#### **Section 07.130. Determination of Economic Hardship.**

The determination of economic hardship shall require the applicant to prove the existence of a condition of unreasonable economic return.

1. Application for Determination of Economic Hardship. An application for a Determination of Economic Hardship shall be made on a form available from the Planning Department and shall be submitted to the Zoning Administrator. The application must include information necessary to make findings on the Standards for Determination of Economic Hardship.

2. Standards for Determination of Economic Hardship. The Historic Preservation Commission shall make findings on the following standards in order to make such determination.

- (a) The applicant's knowledge of the landmark designation at the time of acquisition or whether the property was designated subsequent to acquisition.
- (b) The current level of economic return on the property as considered in relation to the following:
  - (i) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the

- owner of record or applicant and the person from whom the property was purchased;
- (ii) The annual gross and net income, if any, from the property for the previous three (3) years, itemized operating and maintenance expenses for the previous three (3) years, and depreciation deduction from annual cash flow before and after debt service, if any, for the previous three (3) years;
- (iii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years;
- (iv) Real estate taxes for the previous three (3) years and assessed value of the property according to the two (2) most recent assessed valuations;
- (v) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- (vi) The fair market value of the property;
- (vii) Form of ownership or operation of the property; i.e., sole proprietorship, for-profit corporation or not-for-profit corporation, limited partnership, joint venture, etc.; and
- (viii) Any state or federal income tax returns on or relating to the property for the previous two (2) years.
- (c) The marketability of the property for sale or lease considered in relation to any listing of the property for sale or lease and price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
  - (i) Any real estate broker or firm engaged to sell or lease the property;
  - (ii) Reasonableness of the price or rent sought by the applicant; and
  - (iii) Any advertisements placed for the sale or rent of the property.
- (d) The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
  - (i) A report from a licensed architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
  - (ii) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the decision of the Historic Preservation Commission concerning the appropriateness of proposed alterations;
  - (iii) Estimated market value of the property in the current condition after completion of the demolition and proposed new construction and after renovation of the existing property for continued use; and
  - (iv) The testimony of an architect, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (e) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

#### **Section 07.140. Procedure for Determination of Economic Hardship.**

The Historic Preservation Commission shall consider all applications for economic hardship and shall;

1. Review Evidence. The Historic Preservation Commission shall review the evidence of unreasonable economic return in relation to the standards set forth in Section 07.130.
2. Approval of Economic Hardship. If, after reviewing all of the evidence, the Historic Preservation Commission finds that the standards set forth in Section 07.130 are satisfied, the Historic Preservation Commission shall issue a Certificate of Appropriateness for demolition.
3. Denial of Economic Hardship. If the Historic Preservation Commission finds that the applicant has failed to present sufficient evidence and that the standards are not satisfied, the Certificate of Appropriateness for demolition shall be denied.

#### **Section 07.150. Bona Fide Preservation Effort.**

Upon the decision of the Historic Preservation Commission to defer the decision of a Certificate of Appropriateness for demolition for up to one year, calculated from the date of application for a Certificate

of Appropriateness for Demolition, the applicant is encouraged to perform bona fide efforts to preserve the structure. A bona fide effort of preservation may consist of all of the following:

1. Marketing the property for sale or lease;
2. Filing an application for alternative funding sources, such as federal or state preservation tax credits, Utah Heritage Revolving Fund loans, Redevelopment Agency loans, or other appropriate loans;
3. Filing an application for alternative uses, such as conditional uses, zoning text amendments etc.; and
4. Obtaining written statements from licensed building contractors or architects detailing efforts to rehabilitate the property.

**Section 07.160. Final Decision for Certificate of Appropriateness for Demolition Following One (1) Year Deferral.**

Upon the completion of the one (1) year period for a bona fide preservation effort, calculated from the date of application for a Certificate of Appropriateness for Demolition, the Historic Preservation Commission shall make a final decision on the Certificate of Appropriateness for demolition pursuant to Section 07.120. At that time the Historic Preservation Commission shall either approve or deny the Certificate of Appropriateness for demolition. The Historic Landmark Commission shall not defer its decision for any additional time.

**Section 07.170. Record Requirement for Approved Certificate of Appropriateness for Demolition.**

Upon approval of a Certificate of Appropriateness for demolition of a Landmark Site or a contributing structure, the Historic Preservation Commission shall be responsible for securing archival quality exterior and interior photographs, plans, and elevation drawings, as available, necessary to record the structure(s) being demolished.

**Section 07.180. Landscaping Plan and Bond Requirement for Approved Certificate of Appropriateness for Demolition.**

Prior to approval of any Certificate of Appropriateness for demolition, the Historic Preservation Commission shall review the post-demolition plans to assure that the plans comply with the standards of this Section and the requirements of Section 07.170

have been met. If the post-demolition plan is to landscape the site, a bond shall be required to ensure the completion of the landscaping plan approved by the Historic Preservation Commission.

1. The bond shall be issued in a form approved by the City Attorney. The bond shall be in an amount determined by the Historic Preservation Commission and shall be sufficient to cover the estimated cost to:
  - (a) restore the grade,
  - (b) install an automatic sprinkling system; and
  - (c) revegetate and landscape as per the approved plan.
2. The bond shall require installation of landscaping and sprinklers within six (6) months unless the owner has obtained a building permit and commenced construction of a building or structure on the site.