

ORDINANCE NO. 1523

AN ORDINANCE AMENDING SECTIONS 3-5-020, 3-5-030 AND 3-5-050 OF THE DRAPER CITY MUNICIPAL CODE REGARDING SUBORDINATE BODIES AND PUBLIC COMMENT AT MEETINGS OF SUBORDINATE BODIES

WHEREAS, Chapter 3-5 of the Draper City Municipal Code establishes rules for subordinate bodies created by the City Council; and

WHEREAS, subordinate bodies consist of citizen volunteers from Draper and are appointed by the Mayor with the advice and consent of the City Council; and

WHEREAS, each subordinate body, with the exception of the Planning Commission, has both a city staff liaison and a city council member assigned to assist each subordinate body in fulfilling its duties; and

WHEREAS, the City Council establishes the goals and policy direction of the city; and

WHEREAS, subordinate bodies assist the City Council in implementing the City Council's goals and policies; and

WHEREAS, because subordinate bodies are only advisory bodies, the City Council is the body to whom public comment regarding issues affecting the city should be directed so the City Council can consider public input in formulating the goals and policies of the city; and

WHEREAS, it is the City Council's desire that subordinate bodies not receive public comment during meetings of the subordinate body; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code; and

WHEREAS, the City Council has reviewed the proposed text amendment and finds good cause to revise the terms and provisions of Title 3.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The Draper City Council has made the following findings to amend Title 3 of the Draper City Municipal Code: 1) The proposed amendment complies with the Utah Code Annotated. 2) The proposed amendment is in the best interest of the health, safety, and welfare of the citizens of Draper.

Section 2. Revision. Sections 3-5-020, 3-5-030 and 3-5-050 of the Draper City Municipal Code are hereby amended in part to read as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Correction of Editing Errors. The City Attorney is authorized to correct any punctuation, spelling, formatting, clerical, or *de minimis* errors prior to submitting the ordinance for publishing.

Section 4. Severability. If any section, part, or provision of this ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this ordinance, and all sections, parts, and provisions of this ordinance shall be severable.

Section 5. Effective Date. This ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

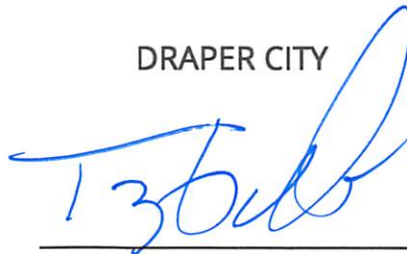
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH,
ON THIS 11TH DAY OF JANUARY 2022.

ATTEST:

DRAPER CITY



Laura Oscarson, CMC, City Recorder



Mayor Troy K. Walker



VOTE TAKEN:

YES

NO

Councilmember Green



Councilmember Lowery



Councilmember Roberts



Councilmember Vawdrey



Councilmember Lowry



Mayor Walker

EXHIBIT A

Section 3-5-020 General Rules for Committees. Unless otherwise provided by law or these ordinances, the following rules shall apply to all committees formed under this chapter.

A. Committees are advisory bodies only. Neither the committee nor its members have authority to either represent, act, negotiate or speak on behalf of the city, or to commit city funds for any purpose unless expressly authorized by the city council. In keeping with the advisory role of committees, members of the public may direct comments regarding issues within a committee's purview to the City Council. Committee meetings shall not include a "public comment" agenda item.

B. Committees shall consist of members as the city council shall provide by ordinance or resolution;

C. Members.

1. Committee members shall be appointed by the mayor with the advice and consent of the city council.
2. Except as otherwise provided in this chapter:
 - a. Committee members shall serve four-year terms;
 - b. When a new committee is created, half of the members first appointed to the committee may be appointed to an initial two-year term so that appointments to the committee are staggered; and
 - c. Each committee shall have up to eleven (11) members.
3. Committee members with three (3) unexcused absences in a twelve (12) month period are subject to removal as per 3-5-020(F).

D. Chairperson. A chairperson shall oversee the proceedings and activities of each committee. Except as otherwise provided in this chapter, all chairpersons shall:

1. Be appointed by the mayor; and
2. Serve a two-year term;

E. Vice-Chair or Temporary Chair.

1. If the chairperson of a committee is absent, the vice-chair shall assume the roles of chairperson.
2. Except as otherwise provided in this chapter, all vice-chairpersons shall:
 - a. Be appointed by the mayor; and
 - b. Serve a two-year term

F. Committee members may be removed at the mayor's sole discretion.

G. Except as otherwise provided in this chapter, committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the

performance of their duties. Committee members shall be deemed "volunteers" for purposes of city ordinances, rules and regulations regarding personnel. However, they shall be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act as set forth in Utah Code Annotated, as amended.

H. Committees shall conduct meetings in accordance with the Utah Open and Public Meetings Act. A committee shall keep a public record of its proceedings, and all minutes of the meetings and decisions of a committee shall be filed in the Office of the City Recorder as public records. Meetings of a committee may be called by the chairperson, the vice-chair when acting as the chair, a majority of the members of a committee, the mayor, city manager, city council or the department head assigned to work with the committee.

I. Committees may receive funds by an annual appropriation in the city budget, by government, corporate or private grants or donations, and from proceeds of approved committee functions, which funds shall be held and managed as directed by the city council.

J. Advisor. The city manager shall designate a member of the city staff to serve as an advisor to each committee. The designated staff member shall serve only to advise and act as a liaison to the city administration and shall have no power to vote on matters coming before the committee.

K. Quorum. Five members of the committee shall constitute a quorum. Three votes shall be the minimum number of votes required for a motion to pass unless three votes does not constitute a majority of the quorum present, in which case, a majority vote carries a motion.

L. Electronic Meetings. Committees may conduct electronic meetings as long as a quorum of the committee is present at an anchor location. An electronic meeting without an anchor location may be conducted in accordance with the Open and Public Meetings Act.

Section 3-5-030 Planning Commission. There is hereby created and established a Planning Commission of Draper City to recommend and monitor the planning and development of the city.

A. Composition and Appointment. The planning commission shall be comprised of six regular members appointed by the mayor with the advice and consent of the city council.

B. Terms. Members shall be appointed to staggered four-year terms but may be appointed to shorter terms when necessary to provide for staggered terms. Members may be reappointed for successive terms.

C. Alternates. In addition to the six members of the planning commission, the mayor shall appoint alternates to the planning commission with the advice and consent of the city council. Alternates shall serve one-year terms or until appointed to fill a vacancy on the planning commission. Alternates may be reappointed for successive terms.

D. Removal. The mayor may remove any member or alternate of the planning commission with the advice and consent of the city council.

E. Vacancy. A vacancy occurring on the planning commission by reason of death, resignation, removal or disqualification, shall be promptly filled by a replacement appointed by the mayor with the advice and consent of the city council for the unexpired term of the replaced member.

F. Per Diem. Regular and alternate members of the planning commission shall be paid per diem compensation for reasonable and necessary expenses for meetings actually attended, in an amount of \$100.00.

G. Powers. The planning commission shall be organized and exercise its powers and duties as follows:

1. The planning commission shall elect one of its members as chairperson to oversee all proceedings and activities. The chairperson shall vote only in the event of a tie or when needed to establish a quorum. The chairperson shall serve for a term of one year. The planning commission shall elect one of its members as vice-chairperson to act as chairperson in the absence of the chairperson or because of the chair's inability or refusal to act. The vice-chairperson, acting as the chairperson, shall have the power to vote on all matters.

2. The planning commission may adopt bylaws that govern the conduct of its meetings. Such bylaws shall be approved by the city council before taking effect.

3. The planning commission shall meet according to the schedule adopted each year by the city council, and/or such other times as deemed necessary by the chairperson or city council. All meetings shall be properly noticed and held in accordance with the Utah Open and Public Meetings Act of the Utah Code Annotated, as amended. Written minutes of all business meetings of the planning commission shall be prepared and filed

in the office of the city recorder for review and access by the public in accordance with the Utah Government Records Access and Management Act. [Public participation in meetings shall be limited to properly-noticed public hearings.](#)

4. No official business shall be conducted by the planning commission unless a quorum of its members or alternate members is present. Alternates shall be allowed to vote on official business of the planning commission when not all regular members of the planning commission are present. At no time shall more than five regular members or alternates and one chairperson participate in any official business of the commission. Unless otherwise prescribed by law, the planning commission may not take action or forward any recommendation to city council on an agenda item unless without three votes in favor of the action or recommendation.

5. Alternates may fill vacancies occurring on the Commission or may be appointed to the Commission as regular members' terms expire.

6. Alternates should attend planning retreats and educational meetings related to the obligations and duties of the planning commission as offered by the city, and attend joint meetings of the planning commission and city council.

H. Duties. It shall be the function of the planning commission to oversee the proper development of the city in accordance with pertinent city ordinances and provisions of Utah Municipal Land Use and Management Act as amended. The duties of the planning commission shall include:

1. Preparing and recommending a general plan and amendments thereto to the city council;

2. Recommending zoning ordinances and maps, and amendments to zoning ordinances and maps, to the city council;

3. Administering applicable provisions of Titles 9 and 17;

4. Recommending subdivision ordinances and regulations and amendments thereto to the city council;

5. Recommending approval or denial of subdivision applications;

6. Advising the city council on matters when requested;

7. Hearing or deciding any matter that the city council designates;

8. Preparing and recommending programs for public improvements and the financing thereof to the city council; and

9. Exercising any other powers delegated by the city council that are necessary to enable the planning commission to perform its function.

I. Examinations and Surveys. The planning commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote city planning and development.

J. Appeals.

1. Definition. For purposes of an appeal of a planning commission decision, "affected person" means:

a. Any applicant before the planning commission; or

b. Any person other than an applicant who: -

i. owns real property adjoining the property that is the subject of a land use application or land use decision; or

ii. will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

2. Any affected person may appeal a planning commission decision by filing a written appeal to the appeals and variance hearing officer stating the grounds for appeal within 14 days from the date of the decision or action.

K. Training. The planning commission shall receive training from time to time as required by state law.

Section 3-5-050 Draper City Historic Preservation Commission:

A. **Creation:** On February 21, 1985, Draper City established a Draper City Historic Preservation Commission to act as an advisory board to the city regarding historic sites and structures within the City. The city council shall be empowered to provide monetary and nonmonetary assistance to the commission upon submission and formal authorization by the city council.

B. **Purpose:** The purpose of the commission is to assist the city in identifying, preserving, protecting, and enhancing historic buildings, sites, monuments, streetscapes and landmarks within the city deemed architecturally or historically significant. In addition, the commission will act in an advisory capacity to the city regarding the implementation of the Draper City Conservation Area Master Plan and Town Center covering the general historic core area of Draper City.

C. **Members:**

1. **Number:** The commission shall consist of not less than five (5) nor more than eleven (11) members who shall have a demonstrated interest, competence or knowledge in historic preservation or architecture. Draper citizens shall be given preference for membership on the commission; however, up to three (3) members of the commission may be non-residents of Draper. Such non-resident member of the commission must own property in Draper.

2. **Term:** Commission members shall be appointed by the mayor with the advice and consent of the city council to staggered terms of four (4) years, provided that members may be appointed for terms shorter than four (4) years when necessary to provide for staggered terms.

3. **Chairperson and Vice- Chairperson:** The mayor shall appoint one member of the commission as chairperson and another member of the commission as vice-chairperson. The chairperson shall oversee the proceedings and activities of the commission. The vice-chairperson shall fulfill the duties of the chairperson in the absence of the chairperson.

4. **Removal:** Members shall serve at the pleasure of the city and may be removed in the mayor's sole discretion at any time.

5. **Vacancy:** Vacancies on the commission occurring for any reason shall be filled by the mayor, with the advice and consent of the city council, in accordance with the procedures for appointment set forth herein, for the unexpired term of such member.

6. **Compensation:** Members shall serve without compensation and shall be deemed "volunteers" for purposes of city ordinances, rules, regulations and policies concerning personnel, provided, members may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as determined appropriate and pre-approved by the city council.

7. Governmental Immunity: Members of the commission shall be deemed included in the definition of "employee" for purposes of the Utah Governmental Immunity Act.

D. Organization and Procedures:

1. Other Officers: At the discretion of the chairperson, the commission may appoint other members to act as other officers of the commission.

2. Meetings: The commission shall hold meetings as often as it deems necessary. Meetings of the commission may be called by the chairperson, a majority of the members of the commission, the mayor, or the city manager. Meetings shall be conducted in accordance with properly approved rules and regulations of the commission.

3. Open Meetings: Meetings of the commission shall be conducted in accordance with the Utah Open and Public Meetings Act including public notification of meeting place, time, and agenda items. The commission shall keep a public record of its proceedings, and all minutes of the meetings and decisions of the commission shall be filed in the Office of the City Recorder as public records. [Commission meetings shall not include a "public comment" agenda item.](#)

4. Quorum: No official business of the commission shall be conducted except in the presence of a properly constituted quorum. A quorum shall consist of the attendance of at least three (3) of the members of the commission. In the event of a three (3) person quorum, any motion must be unanimous to pass. In the event of a four (4) person quorum, three (3) votes are required for a decision on the motion. If the quorum consists of five (5) or more members, decisions shall be made by a majority vote.

5. Staff: The commission may employ consultants and/or staff personnel to assist the commission in performing its duties upon prior approval of the city council.

E. Duties Of The Commission: The commission shall perform the following duties and any other duties as designated by the city council:

1. Survey And Inventory Community Historic Resources: The commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the city. All survey and inventory documents shall be maintained and open to the public. The survey shall be updated at least every ten (10) years.

2. List of Historic Buildings and Sites: The commission shall establish and maintain a list of historic structures and sites within the city in accordance with the results of the survey and the provisions set forth herein, known as the "Draper City Historic Sites List".

3. National Register of Historic Places: The commission shall when appropriate, submit historic structures and sites for consideration on the National Register of Historic Places ("National Register").

4. **Review Proposed Nominations:** The commission shall review and comment to the state historic preservation office on all proposed National Register nominations for properties within the boundaries of the city.
5. **Provide Advice And Information:** The commission shall act as an advisory committee to other officials, departments and committees of the city regarding the designation, preservation, modification and demolition of historic structures and sites within the city. The commission shall also provide advice to the city on the creation and implementation of processes and policies to further the implementation of the Draper City Town Center.
6. **Support Of Enforcement Provisions:** The commission shall support the enforcement of all state laws relating to historic preservation, and notify the state historic preservation office of any known proposed action which will destroy or affect a site, building or object owned by the state of Utah and included on or eligible for the state or national registers.

F. Draper City Historic Sites List:

1. **Created:** There is hereby created a Draper City Historic Sites List ("Historic Sites List"), which list shall serve as a means of providing recognition to and encouraging the preservation of historic properties in the city. The Historic Sites List shall be prepared and maintained by the commission in accordance with the provisions set forth herein. The commission shall ensure that the Historic Sites List and any subsequent amendments or any additions thereto are filed with the city recorder.
2. **Contents:** The Historic Sites List shall describe as concisely as possible each structure or site, the date of its construction as nearly as can be determined or, if a site, the date during which its historic significance was established, the reason for including it on such list, and the name and address of the current owner as shown on the records of the county recorder.
3. **Request For Designation:** Any person, group, or governmental agency may nominate a property for listing on the Historic Sites List by submitting a written request for designation to the commission. The request for designation shall include documentation of the qualifying contents and criteria set forth in this section, including, in duplicate, a completed intensive level survey documentation for the nominated property.
4. **Review Of Request:** Upon receipt of the written request for designation, the commission will review the submitted nomination at the commission's next scheduled meeting permitting adequate notice of the same. 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 discretion of the commission upon request by the nominating party in order to accommodate "last minute" submittals, provided no nomination will be reviewed if it is submitted to the commission less than forty eight (48) hours prior to the meeting. The commission shall review the

nomination for completeness, accuracy and compliance in accordance with the criteria set forth herein and approve, approve with conditions or deny the same.

5. Designation: When historic properties have been officially designated to the Historic Sites List by the commission, the commission shall promptly notify the owners of those properties in writing of the designation, together with a copy of this section. The commission shall record the Historic Sites List designation with the city recorder's office. Owners of designated property may obtain a historic sites certificate from the commission, which certificate shall contain the historic name of the property, the date of designation, and signature of the commission chairperson.

6. Criteria: The commission may designate any district, building, structure, object, or site to the Historic Sites List, in accordance with the procedures set forth herein, if the district, building, structure, object or site:

- a. Is located within the official boundaries of the city;
- b. Is at least fifty (50) years old.
- c. Retains its historic integrity, by meeting one or more of the following criteria:
 - (1) No major alterations or additions have obscured or destroyed the significant historic features. "Major alterations" 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 materials not authentic to the time period of the building and compatible with the architectural style of the building, 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 of the structure when viewed from the public way.
 - (2) There is a direct association with events of historic significance in Draper City;
 - (3) There is a close association with the lives of persons who were of historic importance to Draper City; or
 - (4) It exhibits significant methods of construction or materials that were used within the historic period.
 - (5) Has been documented according to the Utah state historic preservation office standards for intensive level surveys (October 1991 version or subsequent revisions). Copies of such documentation must be included in the application for designation and maintained in the city preservation files; and

(6) The owner provides a written statement of approval to designate his or her property to the Historic Sites List.

G. Special Considerations For Properties on the National Register:

1. **Building Codes:** In the event of rehabilitation of the property, city building officials may consider waiving code requirements that do not have health or safety implications in accordance with section 104(f) of the uniform building code regarding historic buildings or the uniform code for building conservation, as adopted and amended by the city.

2. **Taxes:** Owners of properties on the National Register may seek assistance from the commission in applying for grants or tax credits for rehabilitating their properties.

H. Alterations or Modifications to Properties: If the owner of a property on a list maintained by the commission wishes to repair, alter or add to the historic property and keep the property on the Historic Sites List, the owner must follow the process described below:

1. **Review By the commission:** All applications for building permits on Historic Sites List properties shall be forwarded by the building official or community development director within five (5) business days from receipt of the application to the commission. The commission shall review the application and proposed work at its next regularly scheduled meeting for compliance with the standards for rehabilitation set forth herein. Applicants for a building permit for properties on the National Register shall follow all applicable federal laws and administrative rules. The commission may review the proposed work for building permits on National Register properties and provide assistance to the applicant in complying with federal laws and administrative rules.

2. **Findings:** The commission shall promptly review the application and the proposed work to determine the appropriateness of the work. If the commission deems the proposed work appropriate and in keeping with the preservation of the historic integrity of the property, the commission shall notify the building official in writing of its determination of the appropriateness of the work. If the commission deems the proposed work inappropriate in keeping with the preservation of the historic integrity of the property, the commission shall forward notice of such determination, together with recommendations as to how the work may be accomplished to comply with historic preservation standards. If the commission does not approve the proposed work as "appropriate", the building official shall notify the owner of the recommendations. The owner is encouraged to work with the commission to determine the most appropriate means of completing the work in a manner that maintains the historic integrity of the property. If the owner does not comply with the recommendations of the commission as approved by the building official, the property shall be subject to removal from the register.

3. Documents: Any building permit issued for properties on the Historic Sites List shall be forwarded to the commission by the building department and maintained by the commission to assist in preserving and documenting the alterations.

I. Demolition of Listed Property:

1. Review Of Permits: All applications for a demolition permit shall be forwarded by the building official and/or community development director within five (5) business days from receipt of the application to the commission for review and evaluation.

2. Demolition Of Designated Properties:

a. Negotiation Process: If the property to be demolished is designated on the Historic Sites List, the historic landmark register, the historic preservation commission may delay the issuance of a demolition permit for the property for a period of thirty (30) days from the date the application is received by the commission for the explicit and express purpose of negotiating or arranging alternatives to the demolition of the structure.

b. Documentation Process: In the event that no agreement is reached between the parties regarding alternatives to the proposed demolition, the commission shall have fourteen (14) days thereafter to document the site and the structure's physical appearance before any demolition takes place. Documentation may include exterior photographs of all elevations of the historic building, and exterior and interior measurements of the building in order to provide an accurate floor plan drawing of the building. All documentation shall be kept in the city's preservation files, which shall be open to the public.

3. Demolition of Non-designated Property:

a. Determination of Significance: If a structure to be demolished is not designated to but qualifies for the National Register or Historic Sites List, a member of the commission shall determine whether the structure may be of historical significance within two (2) days of being notified of proposed demolition. If the structure has the potential to be of historic significance, the commission shall hold a meeting within two (2) weeks to review the proposed demolition, and decide whether the structure is significant enough to negotiate alternatives to demolition and/or to document the structure. The commission will notify the applicant, in writing, one week prior to the meeting that the application will be considered. The applicant may waive the one-week notification at the discretion of the commission upon request if the commission determines that the structure is not of historical significance a demolition permit may be issued upon approval by the city.

b. Delay of Permit: If the commission determines that the property is of historical significance, the commission may delay issuance of a demolition permit for a period of thirty (30) days from the date the commission determines

the property is of historical significance for the express purpose of negotiating or arranging alternatives to the demolition of the structure or documenting the site and the structure's physical appearance..

c. **Criteria for Determining Significance:** In order to delay the issuance of a demolition permit for non-designated properties under this section, the commission must determine that the site or structure would be eligible for designation on the National Register or Historic Sites List in accordance with the criteria set forth herein for such designations.

J. Removal of Properties from Draper City Historic Sites List:

1. **By the commission:** Properties which, in the opinion of the commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the commission. Any such removal shall be made in accordance with the designation procedures and criteria set forth herein. The owner of the property shall be notified in writing of the date and time of the meeting during which the removal will be considered. When a historic property has been removed from the Historic Sites List the commission shall promptly notify the owner of the property in writing of the removal.

2. **By Owner:** Nothing in this section shall be construed to prevent an owner from removing his or her property from the Historic Sites List as the owner in his or her sole discretion deems appropriate. Such request for removal shall be made in writing by the owner to the commission. Requests for removal from the Historic Sites List shall be determined by the commission. The owner of the property shall be notified in writing of the date and time of the meeting during which the removal will be considered by the commission. The commission may not withhold approval of any removal request, but review and written approval may be conducted by the city for informational and administrative purposes. The city shall not accept any liability whatsoever for an owner's decision to remove his or her property from the Historic Sites List.

3. **Notice of Removal:** When any property is removed from the Historic Sites List, the commission shall file notice of the removal with the city and county recorder's office, as applicable.

K. Standards for Rehabilitation: The following "standards for rehabilitation" shall be used by the commission when determining the historic appropriateness of any building permit application on the Historic Sites List:

1. **Use:** The 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 structure and its site and environment.

2. **Character:** The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.

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

5. **Distinctive Items:** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the structure shall be preserved.

6. **Deterioration:** 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. **Cleaning:** 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. **Resources:** Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. **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 historic property and its environment.

10. **Historic Integrity:** 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 be unimpaired.

11. **Additional Guidelines:** Additional guidelines may be used as set forth in "The Secretary Of The Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

L. **Enforcement:** The provisions of this section are subject to the enforcement provisions established in the uniform building code, uniform code for building conservation, uniform housing code, zoning ordinances, and other ordinances, as adopted and amended by the city. Failure to follow standards as required herein may result in the removal of the property from the Historic Sites List.

M. **Appeals:** Any adversely affected party as defined in 9-3-040 wishing to appeal a final decision of the commission in the administration of this section may appeal such decision to the

city council by filing a written appeal with the city recorder stating the grounds for appeal within fourteen (14) days from the date of the decision or action.

Title 3 Chapter 5 Code Amendments

03-05 Adopted	per Ord. 1493	06.15.2021
03-05050 amended	per Ord. 1500	10.05.2021