

369 Section 2. Section **10-9a-527** is enacted to read:

370 **10-9a-527. Historic preservation.**

371 A legislative body may designate a historic preservation commission.

372 Section 3. Section **10-9a-701** is amended to read:

373 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
 374 **Appeal authority duties.**

375 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one
 376 or more appeal authorities to hear and decide:

377 (a) requests for variances from the terms of the land use ordinances;

378 (b) appeals from decisions applying the land use ordinances; and

379 (c) appeals from a fee charged in accordance with Section 10-9a-510.

380 (2) Each municipality that designates a historic preservation commission shall, by
 381 ordinance, establish ~~H~~→ or designate ←~~H~~ an appeal authority that is comprised of ~~H~~→ [one or
 381a more elected officials] the governing body ←~~H~~ to
 382 hear and decide appeals from decisions of the historic preservation commission.

383 [~~2~~] (3) As a condition precedent to judicial review, each adversely affected person
 384 shall timely and specifically challenge a land use authority's decision, in accordance with local
 385 ordinance.

386 [~~3~~] (4) An appeal authority:

387 (a) shall:

388 (i) act in a quasi-judicial manner; and

389 (ii) serve as the final arbiter of issues involving the interpretation or application of land
 390 use ordinances; and

391 (b) may not entertain an appeal of a matter in which the appeal authority, or any
 392 participating member, had first acted as the land use authority.

393 [~~4~~] (5) By ordinance, a municipality may:

394 (a) designate a separate appeal authority to hear requests for variances than the appeal
 395 authority it designates to hear appeals;

396 (b) designate one or more separate appeal authorities to hear distinct types of appeals
 397 of land use authority decisions;

398 (c) require an adversely affected party to present to an appeal authority every theory of
 399 relief that it can raise in district court;