



Memorandum

Planning Division
Community & Economic Development Department

To: Historic Landmark Commission

From: Robin Zeigler, Senior Planner

Date: June 3, 2009

Re: Historic Overlay Ordinance Revisions

Throughout the last year, the Planning Staff has been keeping note of areas where the Historic Overlay Ordinance could be tweaked to better serve the Commission, Staff and public. The full Ordinance can be found in your membership binder or online at www.sterlingcodifiers.com/UT/Salt%20Lake%20City/index.htm. Preservation issues are found in two different sections of the Ordinance. Section 21A.060.050 sets up the Commission while processes and standards for designation and review are defined in section 21A.34.020.

Following is a list compiled to facilitate discussion. Please make note of additional changes or issues regarding sections 21A.060.050 and 21A.34.020 of the Ordinance you would like to discuss.

Jurisdiction and Authority: 21A.06.050.C

For clarification purposes, add language to clarify that the HLC is the authority for appeal of administrative decisions on a Certificates of Appropriateness application rather than the Board of Adjustment (BOA). This will also require an update to section 21A.06.040 which states that the BOA is the appeal body for all administrative decisions.

Membership: 21A.06.050.D-E

- Consider lowering the maximum number of members since a large number can complicate the work of a decision making body. Current maximum is 15. For tie-breaking ability the number should remain odd. Recommend 9.

- Currently the ordinance requires representatives for each district but as the number of districts grow, this may not be possible. In addition, it has been very difficult to find a representative for the small Exchange Place Historic District. Instead, consider requiring that a certain number, such as three, of commissioners reside in or own property with local historic designation.
- Consider requiring that membership include at least one member with professional preservation-related experience in architecture, history, public history, archeology, architectural history, construction, or folk-studies; and at least one member who is a real estate broker or has experience with real estate appraisal.
- The City Attorney’s Office recommends that committees of the Commission be defined in the Ordinance. For each committee explain the purpose of the committee, who will be on the committee, when they will meet and what they will do. The “HLC Policy Document” references a Documentation Committee and the Commission has noted the value of an Architectural Review Committee. Are there others needed?

Record Of Proceedings: 21A.06.050.H

Recommend removing the requirement of saving audio recordings for at least 60 days since the time periods for retaining records is outlined in state law and this may conflict with state law, as changes are made.

Conflicts Of Interest: 21A.06.050.K

Consider removing the section that would allow someone with a conflict to participate in the hearing since if there is a conflict there should be no reason for that commissioner to participate in the discussion or vote.

Current language: No member of the Historic Landmark Commission shall participate in the hearing or disposition of any matter in which that member has a conflict of interest prohibited by [Chapter 2.44](#) of this Code. ~~The Historic Landmark Commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.~~

Removal of a Member: 21A.06.050.L

Consider completely removing this section which deals with removal of a member, as removal of a member is up to the Mayor and covered in section 2.04.010, Powers And Duties. Subsection K states that the Mayor’s Power and Duties include, “Making all appointments to all city committees, boards, commissions and other advisory bodies in the city, after having received the advice and consent of the council on each separate prospective appointment, as provided or required in state law, and removing the same.”

Current language: *Any member of the Historic Landmark Commission may be removed by the Mayor for violation of this title or any policies and procedures adopted by the Historic Landmark Commission following receipt by the Mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.*

Definitions: 21A.34.020.B

Consider adding surveys to definitions. The following language is from the State Historic Preservation Office:

Historic Resource Survey: A Historic Resource Survey is a systematic resource for identifying and evaluating the quantity and quality of historic resources for land-use planning purposes following the guidelines and forms of the Utah State Historic Preservation Office.

- i. Reconnaissance Level Surveys (RLS) is the most basic approach for systematically documenting and evaluating historic buildings in Utah communities and involves only a visual evaluation of properties*
- ii. Intensive Level Surveys (ILS) include in-depth research involving research on the property and its owners, documentation of the property's physical appearance and completion of the Utah State History Offices' Historic Site Form.*

Consider additional definitions to provide clarity.

Compatible: Designed to be in harmony with surrounding elements such as surrounding architecture and landscape in terms of massing, design, scale, and siting.

Historic Context: Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear. Historic contexts are found at a variety of geographical levels or scales. The geographic scale selected may relate to a pattern of historical development, a political division, or a cultural area. Regardless of the scale, the historic context establishes the framework from which decisions about the significance of related properties can be made. (From the National Park Service)

Historic preservation: The process of preserving part of a community, from an individual building or part of a building to a whole neighborhood (including roadways and waterways), because of its historical importance. (From UrbanPlanning.org.)

Significant: Properties are significant for their association with important events or persons, for their importance in design or construction, or for their information potential. The basis for

judging a property's significance and, ultimately, its eligibility for designation is historic context. (From the National Park Service.)

HLC Policy Document: Contains basic information about the how the commission operates.

HLC Procedures Document: The Commission's bylaws which state how the Commission will operate.

Standards of Ordinance: Local law based on state enabling legislation, which provides the general criteria against which work can be measured.

Design Guidelines: Written tenets, based on the Secretary of Interior's Standards, according to which the Commission interprets the Standards of the historic overlay ordinance for alterations, new construction, demolition and moves. Design Guidelines include specific instructions for how to meet the Standards of the Ordinance, guides the applicant's work and guides the Commission's decisions.

Standards for Designation: 21A.34.020.C

- Separate standards for a contributing structure and a Landmark Site since contributory structures should be evaluated, not only by their own merit but also by how they contribute the neighborhood while Landmark Sites should be evaluated on their own merit.
- Consider removing or lowering the 50-year guideline since this could prevent the preservation of significant sites and structures of the recent past. If this is not desired, change the language from "or" to "and" so that age ALONE cannot be a reason to not Landmark a site.
- Considering adding a requirement for survey.
- Clarify the process. At what point is a petition initiated? Before or after the HLC has determined that designation is appropriate and has defined the boundaries based on survey?

Certificates of Appropriateness: 21A.34.020.F

- Consider adding an expiration date for COAs.
- Clarify the adoption process for design guidelines and any other review tools, such as the policy document and/or Secretary of Interior's Standards.

Standards for Review: 21A.34.020.G

- For standard 10, consider removing part b which states, "imitation siding material designed to look like wood siding but fabricated from an imitation material or materials" is not allowed. It may be more appropriate to define appropriate materials in the guidelines instead. The current language, for instance, would not allow the use of Hardiplank which might be appropriate in some instances.