

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 315, 451 South State Street
April 12, 2010**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on April 12, 2010.

To download the FTR player and listen to audio excerpts from the record, click [here](#).

A regular meeting of the Historic Landmark Commission was held on April 12, 2010 at [5:52:37 PM](#) in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: Earle Bevins III, Thomas Carter, Bill Davis, Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Warren Lloyd, Chairperson; Anne Oliver, Vice Chairperson and Dave Richards.

Planning staff present for the meeting were: Pat Comarell, Assistant Planning Director, Angela Hasenberg, Historic Landmark Commission Secretary, Carl Leith, Senior Planner, Janice Lew, Senior Planner, Ray Milliner, Principal Planner, Paul Nielson, City Attorney and Joel Paterson, Planning Manager.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Bevins, Carter, Funk, Harding, Hart, Haymond, Richards, Chairperson Lloyd and Vice Chairperson Oliver. A quorum was present. Field trip notes are included with the record of the minutes in the Planning Division Office.

DINNER AND WORK SESSION [5:21:52 PM](#)

Ms. Lew inquired if anyone on the Commission wished to attend the Preservation Conference at the end of April. Commissioners Bevins, Funk and Richards voiced their interest. Ms. Lew noted that the educational sessions would be held on Friday, April 30th.

Ms. Lew noted that that they had received CLG funding for the year in the amount of almost \$41,000. She stated that the first project would be to create and promote a Westmoreland Place Local Historic District Nomination.

Ms. Lew confirmed a second Architectural Committee meeting for the Elks Building for Monday, April 19th at noon.

Mr. Leith gave a brief overview regarding local historic district nominations and their respective meetings.

Chairperson Lloyd indicated that Commissioner Funk had volunteered to be a Commission liaison at meetings for the University Extension nomination.

Ms. Lew stated that there was a Yalecrest meeting recently with 80 people in attendance and that the overall response was very mixed.

Ms. Lew inquired if the Commission would be willing to hold a second meeting in May on Wednesday, May 19th.

The Commissioners agreed to hold a second meeting on May 19th, 2010.

Ms. Lew noted that staff had acquired copies of Commissioner Carter's book for the Commissioners from the State Historic Preservation Office.

Chairperson Lloyd noted that the Yalecrest survey used a period of significance that would have included postwar housing up to 1960. He inquired of Commissioner Carter if there was any use in attributing a period of significance to a particular year.

Commissioner Carter stated that if he had to choose a period of greatest significance for Yalecrest he would choose the late 1920s; a period with explosive growth and then very little development until after World War II.

APPROVAL OF MINUTES FROM JANUARY 6, 2010 [5:53:24 PM](#)

Vice Chairperson Oliver made a motion to approve the minutes from January 6, 2010 with noted changes. Commissioner Harding seconded the motion. All voted "Aye". The motion carries unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:58:30 PM](#)

Chairperson Lloyd noted that he had nothing to report.

Vice Chairperson Oliver concurred.

COMMENTS TO THE COMMISSION [5:58:45 PM](#)

Chairperson Lloyd noted that there was no one present to speak to the Commission at this time.

PUBLIC HEARINGS [5:59:20 PM](#)

New Business

PLNHLC2010-00029 Clark Residence Certificate of Appropriateness for Minor Alterations –

A request by Weston Clark, for minor alterations to a single- family residence located at approximately 553 East Fifth Avenue in the Avenues Historic District. The request is to replace an entire window assembly and increase the size and proportion of the historic window opening. The request could not be approved administratively since the action does not meet the standards of the zoning ordinance or design guidelines. Therefore, Planning Staff refers the request to the Historic Landmark Commission for consideration. The property is located in the SR1-A (Special Development Pattern Residential) zoning district in City Council District 4, represented by Stan Penfold. (Staff contact: Janice Lew at 801-535-7625, janice.lew@slcgov.com)

Staff Presentation [5:59:39 PM](#)

Ms. Lew reviewed the request for the Commission. She noted that the home was currently a one story bungalow comprised of cobblestone, brick and wood. Ms. Lew stated that the window in question was a lower-level triple window with a cobblestone sill and arched lintel. She noted that staff had determined the existing window was a character defining and highly visible feature of the home. Ms. Lew stated that the proposed replacement window did not match the original. She noted that the applicant wished to replace the unit with a larger egress window and that the applicant felt it would be difficult to provide that egress elsewhere. Ms. Lew noted that staff had recommended denial of the request.

Questions for Staff from the Commission [6:01:55 PM](#)

Commissioner Harding inquired if the current window on the home was present on other homes in the area or if it was unique.

Ms. Lew noted she felt it was quite unique to the subject property. She stated that there was also a second triple window in the gable of the front façade.

Vice Chairperson Oliver inquired if Ms. Lew could state the requirements for egress.

Ms. Lew noted that she did not have that information on hand.

Commissioner Richards noted that the building code requirement for an egress window was three and a half square feet of openable space, a clear opening with dimensions at least 20 inches in one dimension and 24 in the other. He stated that there were then a number of exceptions listed.

Vice Chairperson Oliver inquired if these exceptions had been examined by the applicant.

Ms. Lew noted she was unaware if the applicant had reviewed these exceptions or not.

Applicant Presentation [6:04:46 PM](#)

Weston Clark, the property owner, stated that they went to Building Permits and received the answer that they would have to have a window of the appropriate size for egress purposes in the basement. He noted that there was also a high shelf in the basement which provided another limiting factor as to window choice. Mr. Clark indicated that while they were proposing to change the size of the window, they had every intention of matching every other detail possible through the purchase of an American Heritage three panel wood window.

Questions for the Applicant [6:06:36 PM](#)

Vice Chairperson Oliver inquired what the existing height dimension of the window was.

Mr. Clark noted that the current height of the window was 20 inches tall and that the window was 95 inches long.

Commissioner Hart inquired what the change in height would be.

Mr. Clark noted that the height would increase by ten inches from 20 inches to 30 inches.

Commissioner Davis inquired how the space would be used by the applicant.

Mr. Clark noted that they were intending to use the basement as a living room and office space and that the City therefore required a window that met egress standards.

Commissioner Bevins inquired how many rows of stone they would have to remove.

Mr. Clark noted they were not of a regular pattern, but he felt they would need to remove two or three rows. He noted that most of what would be replaced would be below ground.

Commissioner Bevins inquired if they would be able to replace the stones removed.

Mr. Clark noted that they already routinely fell out, so it was a case of simply removing the stones and then matching the current mortar when replacing them.

Chairperson Lloyd noted that the applicant had essentially been forced to enlarge the window under direction from the City regarding the building permit process and egress requirements.

Mr. Clark stated that they were told first in the permitting process that they would require an enlarged window. He indicated that they first tried to enlarge a window on another side of the house, however, they were told by their heating and cooling contractor that they would require that window to run cold air-return ducting through.

Commissioner Richards inquired if Building Permits had explored the listed exceptions for egress with the applicant.

Mr. Clark noted that Building Services had requested they first explore the option of approving a properly sized window.

Public Hearing [6:14:10 PM](#)

Seeing no one present to speak to the item, Chairperson Lloyd closed the public comment portion of the hearing.

Executive Session [6:14:26 PM](#)

Commissioner Funk inquired if the Commission could refer the item back to Building Permits to see if the existing window meets any of the exceptions listed in the code. She noted that she preferred not to withhold approval for another month if the existing window did not meet any of the exceptions and inquired if it would be possible for the Commission to also determine if they would allow the replacement window.

Mr. Nielson noted that he was reviewing the code regarding conflicts between the historic design guidelines and egress requirements.

Ms. Lew noted that staff would be willing to work with Building Services to reexamine the request.

Chairperson Lloyd stated that there did seem to be provisions in the code for interpretations by an appointed code official. He noted that this did allow the code official some latitude if the home was within a historic district as long as the matter did not jeopardize public health and safety.

Commissioner Richards noted that this was correct and might be a less expensive alternative to explore.

Mr. Clark noted that they did ask, but it was not accepted.

Commissioner Richards stated that this conflict often occurred.

Vice Chairperson Oliver inquired if there were some way to refer the issue back to building permits.

Ms. Lew noted that they could indirectly achieve this through their motion, directing staff to do so.

Commissioner Davis noted that he felt it would not be unreasonable to request a review from someone else in Building Services.

Ms. Lew noted that she had not spoken to anyone in Building Services regarding the issue and egress requirements.

Vice Chairperson Oliver stated that she felt there were two options before the Commission; one, to table the item for further review by Building Services or to deny the item with the strong recommendation to Building Services to reconsider letting the window stand using current standards.

Commissioner Davis noted he would prefer tabling the item to denying the petition. He inquired if delaying the item would place an undue burden on the applicant.

Chairperson Lloyd invited the applicant forward to address this inquiry.

Mr. Clark noted that he very much appreciated the consideration the Commission was giving the matter. He stated that he was not optimistic about returning the matter to Building Services himself, but would still try if directed to do so by the Commission.

Commissioner Funk stated she did not feel it entirely unreasonable to send the item back to Building Services citing the specific code that the Commission would wish to be read and interpreted by an official and requiring that Planning Staff should be part of that discussion. She also noted that if the window still was not allowed to remain, the Commission might approve the request with certain conditions.

Commissioner Davis noted that in that case it would be more logical to approve the request, but that there was certainly a financial incentive for the applicant to take the matter back to Building Services.

Chairperson Lloyd stated that they could certainly include some code standards in the motion to direct staff.

Mr. Nielson noted that the motion could grant direction to staff outside of the decision; however, a condition where the applicant has no control over the final staff decision could be problematic.

Commissioner Davis inquired if they could approve the petition with the directive that the applicants first contact Building Services to see if there would be any way to waive the egress requirement and retain the original window.

Mr. Nielson noted that he felt this would be fine.

Commissioner Richards noted that he would regret sending the applicant down a path where there may be little hope of a decision which might preserve the current window.

Motion [6:36:07 PM](#)

In the case of PLNHLC2010-00029, Vice Chairperson Oliver made a motion to table the item and direct staff to approach Building Services with the Staff Report and the Historic Landmark Commission's request to reevaluate the issue in light of the existing building code; Chapter 18 of the Salt Lake City Code, making a strong request that Building Services reconsider to allow the window to remain and that staff return to the Historic Landmark Commission with the response if convenient.

Commissioner Harding seconded the motion.

There was no further discussion of the motion.

All voted “Aye”. The motion carries unanimously.

PLNHLC20009-00939 Brossard Residence Certificate of Appropriateness for Major Alteration-

A request by Robert Brossard, to reconstruct a historic home that was damage by fire. The home is located at approximately 470 East Sixth Avenue in the Avenues Historic District. As part of this petition, the applicant is requesting approval of additional roof and wall height for the second floor. The zoning district allows a maximum height of 23 feet for pitched roof structures and 16 feet for walls; the proposed home has a roof height of approximately 26 feet six inches and a wall height of approximately 20 feet. The property is located in the SR1-A (Special Development Pattern Residential) zoning district in City Council District 4, represented by Stan Penfold. (Staff contact: Ray Milliner at 801-535-7645, ray.milliner@slcgov.com)

Staff Presentation [6:38:04 PM](#)

Mr. Paterson was present as staff representative for Ray Milliner who was attending the American Planning Association National Conference. Mr. Paterson noted that the Commission had originally considered this item in February, not January as indicated in the staff report. He noted that at that time the Commission had determined that the architectural drawings were not complete enough or detailed enough to gain a full understanding of the proposal and the Commission asked the applicant to return with more detail. He stated that the applicant, due to financial reasons, was not able to provide further detail, however, had prepared a model for the Commission. Mr. Paterson noted that the Commission had reviewed this model during the work session and that he would pass it around to the Commission again for examination.

Mr. Paterson noted that the property had experienced a substantial fire which destroyed the upper level of the home. He stated that Mr. Brossard was proposing to add a second level to the home. Mr. Paterson reviewed the model for the Commission. He noted that on the south façade there would be a wall height of approximately 20 and one-half feet and an approximate roof height of 25 and one-half feet. He noted that there would be a flat roof deck area on the west façade.

Questions for Staff from the Commission [6:40:30 PM](#)

Vice Chairperson Oliver inquired what the purpose of the small shed roof on the south façade would be.

Mr. Paterson noted that he would let Mr. Brossard answer that inquiry.

Commissioner Hart inquired if the footprint would remain the same on the first floor.

Mr. Paterson noted that it would. He stated that the building was currently comprised of lap siding and that the applicant intended to match the current windows of the main floor of the home when constructing the second floor.

Chairperson Lloyd inquired if they were unit windows or stopped-in glazing.

Mr. Paterson noted that he was not certain and would defer to Mr. Brossard on that issue.

Applicant Presentation [6:42:21 PM](#)

Mr. Brossard, the property owner, noted that the purpose of the shed roof on the south side was to cover a stairwell. He also stated that all windows were single-glazed, but that he intended to double glaze them.

Vice Chairperson Oliver inquired if Mr. Brossard intended to install a railing, particularly at the east end.

Mr. Brossard noted that he did intend to install a railing. He stated that the two balconies would also have railings and additional posts as well.

Chairperson Lloyd noted that the upper floor exterior surface would be a waterproof surface of some type.

Mr. Brossard noted that the flat areas would all have membrane coverings and the balconies would also have waterproof decking.

Commissioner Funk stated that the drawings in the packet were not reflected by the final model.

Mr. Brossard noted that he had modified the design in the final model, primarily extending the two shed roofs on the second floor to the outside wall.

Commissioner Funk inquired if the applicant was extending the space for more interior light.

Mr. Brossard stated that it was more for head room than light. He stated that he hoped it was more apparent to the Commission by the model how he intended the roof system to work. He noted that due to fire code, windows on the west side would be glass block.

Chairperson Lloyd inquired if Mr. Brossard knew what drawings would be required for the building permit.

Mr. Brossard noted that he had spoken with his architect that morning and the architect felt that engineering drawings might be required, but also that the permitting department might allow Mr. Brossard to follow the existing stud plan for the first floor.

Vice Chairperson Oliver noted that the original structure had a second floor and a hip roof.

Mr. Brossard stated that the idea was to have clerestory windows and they had explored recreating a hip roof, but that there was a timber which ran the length to the west wall which would make it difficult.

He noted it would still be an option if required by the Commission.

Chairperson Lloyd inquired if Mr. Brossard had financing remaining.

Mr. Brossard noted that he did have some financing as well as litigation pending against the perpetrators of the fire.

Public Hearing [6:52:49 PM](#)

Seeing no one present to speak to the item, Chairperson Lloyd closed the public hearing.

Executive Session [6:53:04 PM](#)

Commissioner Carter noted that the home was originally an infill afterthought, somewhat of an ad hoc project. He stated that he found the proposal to be in line with the historic character of the property. He thanked Mr. Brossard for the model and noted that while it was less conventional, it fit with the infill character of the area.

Chairperson Lloyd noted that he concurred, the model was extremely helpful.

Vice Chairperson Oliver noted that she felt the applicant might consider retaining the hip roof at the southwest corner, but that she was not too attached to the idea.

Commissioner Carter concurred with her assessment.

Motion [6:57:26 PM](#)

In the case of petition PLNPCM2009-00939, Commissioner Carter made a motion pursuant with the staff recommendation to approve the addition and height exception, subject to the conditions of approval as listed in the staff report;

- 1. All wood siding shall have a smooth finish. No rough cut or faux wood grain imprints shall be permitted.**
- 2. All exterior colors and materials for the addition area shall be designed and constructed to match the remaining historic materials of the home.**
- 3. The maximum height of the roof of the addition shall not exceed 25.5 feet above finished grade (existing grade at the time this application was submitted).**
- 4. Final approval of exterior materials and windows shall be delegated to staff for compliance with the SLC Historic District Design Guidelines review.**
- 5. The addition must meet all other applicable Zoning Ordinance requirements, including setbacks, maximum footprint and lot coverage. Any request for an exception to these rules shall require additional review and approvals as dictated by the Zoning Ordinance.**

Commissioner Richards seconded the motion.

There was no further discussion of the motion.

All voted "Aye". The motion carries unanimously.

Commissioner Richards inquired if the model would be included as part of the record.

Mr. Nielson noted that the model was considered part of the public record, but would be difficult to include. He stated that pictures of the model could be taken and kept in lieu of attempting to somehow store the model.

Issues Only Hearing [6:59:52 PM](#)

PLNHLC2010-00086 338 East South Temple Street Certificate of Appropriateness for the Construction of a New Apartment Building – Issues Only Hearing – A request by Brian Wrigley representing Lotus Equities to construct a new apartment building on the south side of South Temple Street at approximately 338 East South Temple Street comprising 110 apartments ranging in size from 680 square feet one bedroom to 1000 square feet two bedroom units. The residential accommodation is arranged in six floors above two floors of parking. The application is presented to discuss principal issues relating to this proposed development. This is an issues only hearing and no final action will be made by the Historic Landmark Commission at this meeting. The property is located in the South Temple Historic District in the R-MU (Residential/Mixed Use) Zoning District, in City Council District 4 represented by Luke Garrott. (Staff contact: Carl Leith, 801-535-7758, carl.leith@slcgov.com)

Staff Presentation [7:00:21 PM](#)

Mr. Leith reviewed the petition for the Commission. He noted that the proposed building would be five floors high built over two floors of parking with approximately 115 spaces. Mr. Leith noted that six stories would be above ground facing South Temple and seven stories at the rear of the site. He stated that the site was currently vacant and used as parking. He also corrected an error present in the staff report; in relation to the distance between the proposed building and the apartment building to the immediate west, the actual distance was 24 feet rather than 12 feet.

Mr. Leith reviewed a slide presentation of the site proposal for the Commission. He noted that the proposed development would be situated between an office building to the east and an older apartment building to the west and that both existing buildings were approximately three stories tall, increasing to four stories at the rear. He noted that the site faced the Cathedral of the Madeline. He noted that other facing structures on South Temple ranged in height from two to five stories. Mr. Leith noted that the proposal included corner setbacks on the upper two floors of the structure.

Mr. Leith noted that the area lay within the Central Community and East Downtown Master Plans which promoted preservation of the vistas and views of the Downtown area, including the City and County Building and the Cathedral of the Madeline.

Mr. Leith stated that during review of the proposal, staff had identified three initial issues which might inform discussion:

1. Views. The proposal is in immediate proximity with the Cathedral of the Madeline and might impact the relative scale and perceived importance of the Cathedral.
2. Scale and Form. The scale, height, form and massing are key considerations in preserving the character of the district. The proposed development height of six stories on South Temple exceeds the immediate and prevailing scale of buildings within that area of the district and is contrary to the ordinance and design guidelines.
3. Materials. South Temple is characterized by a rich palette of traditional materials which includes a variety of stone, brick wood and stucco. Materials used must ensure the new development reflects the existing richness and variety within the district.

Questions for Staff from the Commission [7:09:04 PM](#)

Commissioner Davis noted that the staff report map was labeled incorrectly.

Chairperson Lloyd inquired how staff might interpret the proposal when compared to Design Standard 11.7, "build to heights that appear similar to those found historically in the district".

Mr. Leith noted that he felt initial analysis would look at a number of different comparisons, first, to those buildings on the street block face and then further afield in the area. He stated that despite larger buildings in the surrounding area there was still a prevailing relatively low scale in the immediate area.

Chairperson Lloyd noted that the area of South Temple in question on the south side was one of the few areas where one could see cast in place architectural concrete.

Commissioner Haymond inquired if there were another structure in the area with one architectural material on the face and another used on the sides and rear.

Mr. Leith noted that he was unsure; however, from initial staff assessment the project would be most appropriate if faced with one continuous material such as brick or stone from the front to the rear of the project.

Commissioner Carter inquired when the building to the east was constructed.

Mr. Leith noted he believed it was constructed in 1961.

Applicant Presentation [7:16:14 PM](#)

Russell Platt, the project architect, was present to review the proposal for the Commission. He noted that they understood the importance of the South Temple Historic District and wished to create something that would fit in with the historic character of the street. Mr. Platt noted that it was his map that was mislabeled, not Mr. Leith's. He noted that they had attempted to soften the height through choice of materials and in setting back the corners of the top two floors of the proposal. Mr. Platt noted that he would be open to a meeting with the Architectural Committee to review their ideas regarding the proposal.

Questions for the Applicant from the Commission [7:20:02 PM](#)

Commissioner Richards inquired if the proposed brick would be a veneer product.

Mr. Platt noted that the bricks would be complete, not a veneer. He stated that the entire front section would be solid brick.

Vice Chairperson Oliver inquired why there was no fenestration indicated on the east side of the project.

Mr. Platt noted that the front of the east side was directly on the property line, so no windows could be placed there. He noted that as the property moved back from the front façade, the structure would recede from the property line allowing for the proper placement of windows and balconies.

Vice Chairperson Oliver stated that the proposed height and depth were problematic with newer buildings in the area, particularly due to the fact that this was comparatively a smaller City block.

Mr. Platt indicated that they felt there was a balance to be achieved which might allow service workers the opportunity to live in the area and walk to work and therefore felt the mass of the current project to be appropriate as reducing the project size would invariably drive up the price for the proposed units.

Commissioner Richards noted that the zoning allowed for buildings up to 75 feet, however, the historic overlay called for preservation of surrounding characteristics which clearly included buildings much smaller in scale and height.

Mr. Platt stated that they might consider an interior block tower on the center of the block, much smaller in footprint but several stories taller.

Commissioner Carter inquired if people would be interested in that type of project.

Mr. Platt noted that anything walkable seemed to be very appealing to buyers at this time and he felt the South Temple District, particularly that area to be extremely accessible and lovely. He noted that he wished he could get away from including any parking, but the reality was that dream was at least a few years away.

Commissioner Carter noted that he felt this was a particularly difficult area to develop with a landmark like the Cathedral of the Madeline directly across the street.

Mr. Platt noted that if they were directly on the corner and blocking the view from the City, he felt that he couldn't in good conscience request to build such a structure, but at mid-block, he didn't feel the building would distract from the view as it would be below the Cathedral.

Commissioner Carter stated that he was struck by the IBM building directly adjacent to the proposal and inquired if the applicant had considered picking up on some of these contemporary cues within their own design.

Mr. Platt stated that he had explored and would still consider that option, but quite frankly had felt that it would frighten people on South Temple to gravitate towards a more modern design. He noted that the IBM building really was a great, expressive modern structure.

Several Commissioners concurred with Commissioner Carter and Mr. Platt regarding the significance of the IBM building.

Commissioner Funk noted that she was concerned regarding the mass and height of the building and that she did not feel it fit in with the structures on its side of the street. She indicated she would be in favor of an Architectural Committee meeting to address the proposal, particularly options to remove most of the mass from the front of the street.

Vice Chairperson Oliver concurred with Commissioner Funk and noted that she felt the concerns raised earlier by staff succinctly encompassed the issue as well.

Commissioners Carter, Haymond, Richards and Vice Chairperson Oliver volunteered to serve on an Architectural Committee for the item.

Chairperson Lloyd noted that there were no further concerns from the Commission at that time.

Public Hearing [7:36:04 PM](#)

Seeing no one present to speak to the item, Chairperson Lloyd closed the public hearing.

Briefing [7:36:21 PM](#)

PLNPCM2009-01337 and PLNPCM2009-01338: Sustainability Code Revision Project – Urban Agriculture and Alternative Energy System. The Historic Landmark Commission will receive a briefing and discuss with staff various proposed zoning amendments relating to turban farming and alternative energy systems. The proposed regulations will amend the Use Tables and Accessory Structures sections of the Zoning Ordinance. Specific regulations relate to accessory structures, including green houses, hoop houses, cold frames, small wind energy equipment and solar collection equipment, as well as land uses including seasonal farm stands, community gardens and urban farming uses. (Staff contact: Cheri Coffey at 801-535-6188 or cheri.coffey@slcgov.com, Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com, Ray Milliner at 801-535-7645 or ray.milliner@slcgov.com)

Staff Presentation [7:37:06 PM](#)

Ms. Coffey noted that staff was ready for input on these draft ordinances. She stated that they would continue to return to the Commission as they progressed. Ms. Coffey indicated that the discussion

that evening would focus upon amendments to the code regarding accessory structures and use tables relating to urban agriculture and renewable energy regulations to promote sustainability.

Ms. Coffey noted that the urban agriculture uses related to accessory structures were the uses which the Commission would review most frequently. She stated that these structures included greenhouses, cold frames and hoop houses. Ms. Coffey indicated that the City did not currently require a building permit for any structure less than 120 square feet in size, however, if it were in a historic district it would require a Certificate of Appropriateness. She noted that all of those uses could be reviewed administratively.

Ms. Coffey stated that the promotion of these uses did conflict somewhat with existing regulations. She noted that under the existing compatible infill regulations, the maximum lot coverage and location were limited. She indicated that a typical accessory structure required a setback of five feet from the rear property line. Ms. Coffey noted that the new proposal removed these regulations regarding location, setbacks and maximum lot coverage for the aforementioned structures.

Questions for Staff from the Commission [7:40:55 PM](#)

Commissioner Hart inquired if owners would be able to cover every square inch of property if the no maximum lot coverage standard were included.

Ms. Coffey noted that owners would be able to do so in the rear yard, not in the front.

Commissioner Hart inquired how the Commission could then stop the creation of these structures for alternative uses, giving the example that someone might then use a hoop structure for a garage.

Ms. Coffey stated that this was an issue staff had raised. She noted that she didn't have an answer at the time; however, staff would explore the issue further.

Commissioner Hart noted that the lack of maximum coverage was concerning as the Commission had just witnessed during the field trip that those types of structures could be quite overwhelmingly large. She indicated that she would advocate imposing some kind of limit on the maximum lot coverage.

Chairperson Lloyd noted that the intent of the changes was to provide property owners the opportunity to have a greenhouse or hoop house in addition to their existing garage.

Commissioner Carter noted that he did not concur with Commissioner Hart and felt that there should be no limit on maximum lot coverage.

Commissioner Bevins inquired if the proposed changes could be practically policed to address concerns like those raised by Commissioner Hart.

Ms. Coffey noted that the more regulation that was included in the Ordinance, the more teeth the Enforcement Officers would have to enforce the code. She stated that many of these concerns of the Commission became enforcement issues.

Commissioner Funk noted her concern that these uses might cause structures placed on the property line to shade the neighboring property and inhibit their ability to grow things. She stated that there were now greenhouses being built below grade in the area and noted that this might be preferable if additional height were requested.

Commissioner Davis stated that he concurred with Commissioners Hart and Funk. He noted that he felt there should be an applicable setback of some sort for these types of structures. He also stated that he was concerned about usable materials in local historic districts. He noted that he could envision this ordinance creating huge enforcement issues.

Commissioner Haymond noted that he felt there should be a way for an abutting urban farming structure to not be built to the maximum height for accessory structures.

Mr. Paterson noted that there was no current standard regulating this for accessory structures.

Ms. Coffey noted that one of the items listed as a renewable energy resource was solar collection systems. She stated that there was not a listed size limit; however, there was a height limit, not to exceed three feet more than the maximum zone height.

Ms. Coffey noted that in Salt Lake City Historic Districts solar collection systems would be reviewed for placement in the following order:

1. The collection system would be placed in the rear yard;
2. If this proved impossible, the collection system could be placed on an accessory structure;
3. If this proved impossible, it could be placed in the side yard;
4. If this proved impossible, it could be placed on the historic structure, but not where it was visible;
5. If this proved impossible, it could be placed where visible, but never on the front of the structure.

Ms. Coffey noted that the draft ordinance included "reasonable restrictions" which allowed that staff could restrict where the collector was located, however, staff could only recommend placement in a location that would not reduce an applicant's perceived gained energy efficiency by more than twenty percent.

Chairperson Lloyd noted that these collection systems were not becoming invisible. He stated that the technology had a good deal of growing to do before it could be compromised of regular materials people would enjoy looking at. He indicated however that placement for solar systems seemed to be more flexible as the technology continued to improve.

Commissioner Richards stated that he did not believe that these collection systems should be allowed additional height over the maximum zone height unless it was a flat roofed structure.

Commissioner Carter noted he felt as though there was a need for the Commission to respond supportively regarding the environmental and energy issues facing society. He stated that he did not care as much about preserving the view or appearance of an overall structure when considering these needs.

Commissioner Richards noted his disagreement with Commissioner Carter. He stated that he did feel that advances in coming years would see more roofing products embedded with photo voltaic technologies which might make the requirement moot.

Commissioner Hart stated that she did not wish to discourage the draft ordinance from moving forward but that more guidelines could help to inform better sustainable practices and compatible infill.

Commissioner Davis noted he was in agreement with Commissioner Carter. He indicated he felt there was a need to address these technologies in a responsible way.

Ms. Coffey reviewed proposed standards for wind turbines. She noted that the draft ordinance required a proposed turbine not exceed FAA standards coupled with stringent setback standards matching the height of the turbine plus five feet in every direction. Ms. Coffey stated that staff had also been told by several individuals that Salt Lake City was not a good place to implement wind energy.

Commissioner Haymond noted that he felt the requirements of the draft ordinance regarding wind turbines to be adequate.

Commissioner Davis stated he felt there were a few areas around the canyons which would be conducive to the use of wind power.

Ms. Coffey reviewed tables of uses regarding urban farming. She noted that the current definition for community gardens was very stringent and that there was a great deal of interest in the community. She noted that the ordinance would attempt to limit the size, hours of operation, number of large vehicles on the property at any given time and allowing for sale of the produce grown in a community garden.

Chairperson Lloyd inquired if a community garden would then require a business license.

Ms. Coffey noted that while she was not certain of the exact regulations, she thought a business license might be required.

Commissioner Davis stated that there was tremendous demand for community gardens and felt they should be encouraged.

Ms. Coffey stated that there might be instances where a church, school, government site or park could lend space to a community garden group.

Ms. Coffey reviewed proposed standards for urban farming and community supported agriculture. She noted that currently you could grow produce on a site but not sell from the site. She noted that the new regulations would allow for this use in residential areas.

Ms. Coffey reviewed proposed standards for seasonal farm stands. She noted that under the proposed ordinance, farm stands would be allowed in Residential Mixed Use types of Zoning Districts on a main collector or arterial street. She stated that there had been a farming stand at 1300 East and 2100 South for some time which technically was not allowed due to the current restrictions, which seemed overly harsh as an enforcement issue. Ms. Coffey stated the Commission might mull over what restrictions they felt these transitory uses would require if allowed in an historic district.

Public Hearings [8:23:23 PM](#)

Gina Zipcovich was present to comment on the draft ordinance on Community Gardens. She stated that the hours of operation restriction might be changed to read in line with hours of operation under urban farming, i.e. only during daylight hours. Ms. Zipcovich also questioned the size restriction requirement for community gardens and asked that the Commission consider amending the size to encompass slightly larger areas.

Commissioner Davis stated that he felt that the draft ordinance language might well be changed to address these issues but still respect the existing noise ordinance.

Commissioner Richards noted that the ordinance could also include a conditional use process to review parcels larger than one half acre that might have a desired use as a community garden.

Other Business

There was no further business.

The meeting adjourned at [8:29:56 PM](#).

Cecily Zuck, Senior Secretary
Transcribing for Angela Hasenberg, Secretary of Record