

**HISTORIC LANDMARK COMMISSION  
STAFF REPORT**



Planning Division  
Department of Community and  
Economic Development

**Historic Landmark Commission Authority to  
Initiate Petitions  
PLNPCM2010-00376  
August 4, 2010**

**Applicant:** SLC Planning  
Commission

**Staff:** Janice Lew, 535-7625  
janice.lew@sclgov.com

**Current Zone:**  
NA

**Master Plan Designation:**  
NA

**Council District:**  
Citywide

**Community Council Chair:**  
Citywide

**Applicable Land Use Regulations:**

- 21A.06.050 Decision Making  
Bodies and Officials
- 21A.34.020 H Historic  
Preservation Overlay District
- 21A.50.030 Amendments

**Notification:**

- Notice mailed on July 22, 2010
- Published in newspaper July 22,  
2010
- Agenda posted on the Planning  
Division and Utah Public  
Meeting Notice websites July 22,  
2010

**Attachments:**

- A. Draft Text Amendments
- B. Public Comment

***Request***

The Planning Commission has initiated a petition to amend various sections of the Zoning Ordinance to allow the Historic Landmark Commission to initiate petitions to amend the Zoning Ordinance and Zoning Map relating to historic preservation issues.

***Staff Recommendation***

Based upon the analysis and findings listed in this report, it is the Planning Staff's opinion that Petition PLNHLHC2010-00376 substantially meets the ordinance standards for a zoning text amendment.

If the Historic Landmark Commission concurs with the staff analysis and findings in this report, staff recommends that the Commission forward a favorable recommendation to the Planning Commission and City Council.

Or

If the Historic Landmark Commission finds the proposed zoning text amendment fails to substantially meet the ordinance standards, the Commission should forward a negative recommendation to the Planning Commission and City Council.

## ***Background***

### **Project Description**

As noted on page one of this staff report, the object of the proposed text amendments is to allow the Historic Landmark Commission to initiate petitions to amend the Zoning Ordinance and Zoning Map relating to historic preservation issues. The following outlines each section of the Zoning Ordinance that will be addressed (Attachment A):

1. Section 21A.06.050C – Decision Making Bodies and Officials: Jurisdiction and Authority
2. Section 21A.50.030 – Amendments: Initiation
3. Section 21A.34.020.C.1 – H Historic Preservation Overlay District: Establishment of Overlay District

## ***Comments***

### **Public Comment**

An open house was held on June 17, 2010. No public comment regarding this petition has been received in opposition to the proposed amendments. Public comment received is included as Attachment B.

### **City Department Comment**

On July 6, 2010, the Planning Division solicited comments from all applicable City Departments and Divisions. No comments regarding this petition have been received in opposition to the proposed amendments.

## ***Project Review***

## ***Analysis and Findings***

### **Options**

**Approval:** If the Commission finds that the proposed text amendments meet the standards of the ordinance, the Commission should forward a favorable recommendation.

**Denial:** If the Commission finds that the proposed text amendments do not meet the standards of the ordinance, the Commission should forward a negative recommendation.

**Table:** If the Commission finds that additional information is needed, they may postpone the decision with specific direction as to the additional information required.

### **Findings**

A decision to amend the Salt Lake City Zoning Text by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. The process requires that the Planning Commission make a recommendation to the City Council. Because this petition addresses public policy in the H Historic Preservation Overlay District, staff is also soliciting a recommendation from the

Historic Landmark Commission to the City Council. In making a decision concerning a proposed amendment, the City Council should consider the following factors:

**1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;**

**Analysis:** All citywide, community and small area master plans promote the importance of historic preservation. The proposed amendments to the ordinance will further the goals and objectives of City policies by clarifying the jurisdiction and authority of the Historic Landmark Commission, strengthening the role of the Commission, and enabling the Commission to function more effectively.

**Finding:** The proposed text amendments are consistent with the purposes, goal, objectives, and policies of the various adopted planning documents of Salt Lake City.

**2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.**

**Analysis:** The zoning ordinance lists several objectives that the City seeks to achieve through the Historic Landmark Commission. These goals include:

1. Preserve buildings and related structures of historic and architectural significance as part of the City's most important cultural, educational and economic assets;
2. Encourage proper development and utilization of lands and areas adjacent to historical areas and to encourage complementary, contemporary design and construction;
3. Protect and enhance the attraction of the City's historic landmarks for tourists and visitors;
4. Safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history;
5. Promote the private and public use of landmarks and the historical areas within the H historic preservation overlay district for the education, prosperity and general welfare of the people;
6. Increase public awareness of the value of historic, cultural and architectural preservation; and
7. Recommend design standards pertaining to the protection of H historic preservation overlay districts and landmark sites.

As such, the administration of the H Historic Preservation Overlay District by the Historic Landmark Commission is intended to support the welfare, prosperity and education of the people of Salt Lake City.

**Finding:** The proposed text amendments further the specific purpose statements of the zoning ordinance by allowing the Commission to initiate petitions relating to historic preservation.

**3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.**

**Analysis:** The City has established and continually improved an array of tools and programs aimed at protecting the buildings and landscapes from its past. The purpose of the H Historic Preservation Overlay District is to provide the means to protect and preserve areas of the City and individual structures and sites having historic, architectural or cultural significance. The intent of the proposed amendments is not to create any inconsistency or conflict with applicable overlay zoning districts, but to expand the authority of the Historic Landmark Commission. The proposed amendments will provide a level of consistency in powers among the City's decision making bodies.

**Finding:** The proposed text amendments are consistent with the provisions of any applicable overlay zoning district, more specifically the H Historic Preservation Overlay District, which may impose additional standards.

**4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

**Finding:** This standard is not applicable to the proposed text amendments because the proposed amendments do not create a new regulation, just another body that can initiate petitions.

**Attachment A**  
Draft Text Amendments

## CHAPTER 21A.06 DECISION MAKING BODIES AND OFFICIALS

### 21A.06.050: HISTORIC LANDMARK COMMISSION:

C. Jurisdiction And Authority: In addition to carrying out the general purposes set forth in subsection B of this section, the hHistoric landmark eCommission shall:

1. Conduct surveys of significant historic, architectural, and cultural landmarks and historic districts within the city;
2. Petition the city council to designate identified structures, areas or resources as landmark sites or H historic preservation overlay districts;
3. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of chapter 21A.34 of this title;
4. Develop and participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation;
5. Review and approve or deny applications for the demolition of structures in the H historic preservation overlay district pursuant to chapter 21A.34 of this title;
6. Recommend to the planning eCommission the boundaries for the establishment of an H historic preservation overlay district and landmark sites;
7. Make recommendations when requested by the planning eCommission, the bBoard of aAdjustment or the eCity eCouncil, as appropriate, on applications for zoning amendments, conditional uses and special exceptions involving H historic preservation overlay districts and landmark sites;
8. Make recommendations to the eCity eCouncil concerning the utilization of state, federal or private funds to promote the preservation of landmark sites and H historic preservation overlay districts within the city;
9. Make recommendations to the city council regarding the acquisition of landmark structures or structures eligible for landmark status where preservation is essential to the purposes of section 21A.34.010, "H Historic Preservation Overlay District", of this title, and where private preservation is infeasible;
10. Make recommendations to the planning eCommission in connection with the preparation of the general plan of the city;
11. Make recommendations to the eCity eCouncil on policies and ordinances that may encourage preservation of buildings and related structures of historic and architectural significance; and

12. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of section 21A.50 of this title.

**21A.50 AMENDMENTS**

21A.50.030: INITIATION:

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the ~~p~~Planning ~~e~~Commission. Applications for amendments may be initiated by the ~~m~~Mayor, a ~~e~~City ~~e~~Council member, a planning commissioner, a member of the Historic Landmark Commission when the amendment relates to historic preservation, the owner of the property included in the application, or the property owner's authorized agent. ~~Applications related to H historic preservation overlay districts or landmark sites shall be initiated as provided in subsection 21A.34.020C1 of this title.~~

**21A. 34 OVERLAY DISTRICTS**

21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:

C. Establishment Of Overlay District:

1. Procedure For Establishment Of An H Historic Preservation Overlay District Or Landmark Site: An H historic preservation overlay district or landmark site shall be established pursuant to the procedures for amending the zoning map of this title in chapter 21A.50 of this title. Any application for a zoning map amendment to establish an H historic preservation overlay district or landmark site shall be prepared reviewed by the hHistoric HLandmark eCommission at a public hearing. and submitted to the planning eommission. After holding a public hearing on any such petition, the Historic Landmark Commission shall forward a recommendation to the Planning Commission for Planning Commission review in accordance with chapter 21A.50 of this title. Any individual or organization can request that the ~~h~~Historic ~~H~~Landmark ~~e~~Commission consider initiating a petition to amend the zoning map for the purposes set forth in this chapter preparing an application of a landmark site or H historic preservation overlay district. The application shall contain information and recommendations concerning the areas, buildings and premises for areas included in the amendment application.

**Attachment B**  
Public Comment



To Janice Lew  
Re granting HLC the authority to initiate petitions  
7/27/10

As you know, the Landmarks Commission was a subcommittee of the Planning Commission prior to 1995. When I served on the City's Planning Commission, the Commission had a representative on Landmarks (and also on the Board of Adjustment). The Planning Commission meetings began with a consent agenda for the decisions of the Landmarks Committee. These decisions were very rarely ever discussed by the Planning Commission but the Planning Commission's authority was the basis for the final recommendation or decision.

In 1995, the new zoning ordinance elevated Landmarks to the status of a full Commission, but failed to provide the authority to initiate petitions which all members of the Planning Commission have. I have no question that this was an oversight. It is illogical to raise the group to the status of a full commission and then not grant the same authority that the most similar Commission, the Planning Commission, has.

I view the proposed change as long overdue. The Landmarks Commission should have the authority to initiate petitions on any issues involving historic preservation in any part of the City and on City-owned property outside the City limits. The authority should not be restricted to existing historic districts and should, of course, include the authority to initiate proposals for new districts.

I look forward to reading your staff report and plan to attend the hearing next week.

cindy cromer