



# Post-subcommittee memo

## Historic Landmark Commission

Planning Division  
Community & Economic Development Department

**To:** Historic Landmark Commission Members  
**From:** Casey Stewart, Principal Planner  
**Date:** September 30, 2010  
**Re:** Sustainability Code project – accessory structures (**PLNPCM2009-01338**)

---

On September 1, 2010 the HLC considered proposed Zoning Ordinance amendments for accessory structures used in urban farming and renewable energy collection systems. The Commission formed a subcommittee to further review and give input on the proposed amendments. The subcommittee, consisting of Dave Richards and Bill Davis, met with Planning Division staff on Tuesday, September 14, 2010. Planning Staff has outlined the major points of the discussion in this memo and incorporated the suggestions where feasible in the attached draft amendments. Staff has also revised the HLC Policy Document section related to solar panel installation to reflect the updates of the amendments. The HLC should consider the policy updates on pages 10 and 11, and decide whether or not to adopt them.

Planning Staff would like the HLC to review the revised zoning amendments, with a focus on the structures being located within the Historic Preservation Overlay District, and make a formal recommendation to the Planning Commission.

### **Issues raised at subcommittee:**

- Allowed building coverage area for greenhouses, hoop houses, and cold frames was too large
- Color of wind turbine towers should be limited to earth tones.
- Wind turbine tower drawings should be stamped by a Utah-certified engineer.
- Clarify that renewable energy systems must comply with both city and state electrical codes.
- When wind systems are abandoned, notice to the property owner shall be made by the city.
- Remove the “reasonable restrictions” limits relating to solar collection systems where mitigation could result in additional expenses exceeding \$2,000 or a reduction in efficiency exceeding 20%.
- Allow for administrative Certificates of Appropriateness and more installation flexibility when solar panels are proposed for locations not visible from the public way (location priorities 1-4).
- Require full HLC review for solar panels proposed for locations that are readily visible (location priorities 5 and 6).
- Incorporate existing policy statements for solar panel installation into the amendments.

Planning staff revised the amendments to address all of the above issues. The full text of the proposed amendments, with revisions based on the subcommittee’s comments, is attached for your review.

### ***Recommendation***

#### **PLNPCM2009-01338 – Sustainability Ordinance for Accessory Structures**

After reviewing the proposed language and based on the Commission’s discussion and findings in the staff report, it is recommended that the Historic Landmark Commission forward a favorable recommendation to the Planning Commission to recommend the City Council adopt the proposed sustainability ordinance text amendments related to accessory structures.

The proposed text amendments are listed below in green underlined text and the revisions based on the Historic Landmark Commission subcommittee's comments are in blue text.

Add following new definitions to Chapter 21A.62 Definitions:

"Urban agriculture" is a general term meaning the growing of plants, including food products, and the raising of animals in and around cities. Urban farms and community gardens with their accessory buildings, farm stands, farmers markets, and garden stands are components of urban agriculture.

"Cold frame" means an unheated outdoor structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

"Greenhouse" means a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

"Hoop house" means a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of growing plants. A hoop house is considered more temporary than a greenhouse.

"Small wind energy system" means an accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on-site consumption of utility power.

"Small solar energy collection system" shall mean an accessory structure that is roof-mounted, wall-mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property. A small solar energy collection system shall not exceed a capacity of 100 kilowatts (kW).

## **Chapter 21A.40 - ACCESSORY USES, BUILDINGS AND STRUCTURES**

**21A.40.010: PURPOSE STATEMENT:** (No change)

**21A.40.020: GENERAL AUTHORIZATION:** (No change)

**21A.40.030: ZONING COMPLIANCE REQUIRED:**

No accessory use, building or structure shall be established or constructed unless ~~a zoning certificate has been issued~~ it complies with the zoning ordinance and proper building permits, if required, have been obtained. Accessory buildings associated with keeping animals, bees, livestock and poultry are not subject to this chapter or the building coverage limits of the respective zoning district but are subject to the provisions of the City Code Chapter 8 Animals. (Ord. 26-95 § 2(20-2), 1995)

**21A.40.040: USE LIMITATIONS:** (No change)

**21A.40.050: GENERAL YARD, BULK AND HEIGHT LIMITATIONS:**

All accessory buildings permitted by this chapter shall be subject to the following general requirements:

A. Location Of Accessory Buildings In Required Yards:

1. Front Yards: ~~Accessory buildings are prohibited in any required front, side or corner side yard. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A3b of this section. (This section was moved to the new "side yards" section below.)~~

2. Corner Lots: No accessory building on a corner lot shall be closer to the street than the distance required for corner side yards. At no time, however, shall an accessory building be closer than twenty feet (20') to a public sidewalk or public pedestrian way and the accessory building shall be set back at least as far as the principal building.

3. Side Yards: Accessory buildings are prohibited in any required interior side yard; however, hoop houses, greenhouses, and cold frame structures associated solely with growing food and/or plants are allowed in an interior side yard but no closer than one foot (1') to the corresponding lot line. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A3b of this section.

4.3. Rear Yards: Location of accessory buildings in a rear yard shall be as follows:

- a. In residential districts, no accessory building shall be closer than one foot (1') to a side or rear lot line except when sharing a common wall with an accessory building on an adjacent lot. In nonresidential districts, buildings may be built to side or rear lot lines in rear yards, provided the building complies with all applicable requirements of the adopted building code.
- b. No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building; excluding cold frames associated solely with growing food and/or plants.
- c. Garages on two (2) or more properties that are intended to provide accessory building use for the primary occupants of the properties, in which the garage is located, may be constructed in the rear yards, as a single structure subject to compliance with adopted building code regulations and the size limits for accessory buildings on each property as indicated herein.
- d. In the R-1 districts, R-2 district and SR districts accessory structures shall be located a maximum of five feet (5') from the rear property line subject to the following exceptions:

(1) The building or structure is a hoop house, greenhouse, or cold frame associated solely with growing food and/or plants.

(2) The maximum setback from the rear property line may be increased to meet the transportation division minimum required turning radius and other maneuvering standards.

(3) The planning director or designee may authorize the issuance of building permits for an accessory structure with a maximum setback of more than five feet (5') from the rear property line if the property owner demonstrates that fifty percent (50%) or more of the properties on the block face have accessory structures located more than five feet (5') from the rear property line. In this case, the accessory structure may be set back from the rear property line a distance equal to the average setback of the other accessory structures on the block face. An appeal of this administrative decision shall be heard by an administrative hearing officer subject to the provision of chapter 21A.52 of this title.

(4) The board of adjustment may approve an alternate location for an accessory structure as a special exception based on hardships created by topography or the location of mature vegetation.

5. Accessory Or Principal Lot: No portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district; excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants.

B. Maximum Coverage:

1. Yard Coverage:

a. In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, cold frames, and row covers associated solely with growing food and/or plants, shall occupy not more than

fifty percent (50%) of the total area located between the rear facade of the principal building and the rear lot line.

- b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed ~~twenty percent (20%)~~ fifteen percent (15%) of the total area located between the rear facade of the principal building and the rear lot line plus the side yard area between the front and rear facades of the principal building.

## 2. Building Coverage:

- a. In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, cold frames, and row covers associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. The maximum footprint for a primary accessory structure within the SR-1A is limited to four hundred eighty (480) square feet with an additional one hundred twenty (120) square feet allowed for a secondary accessory structure. Notwithstanding the size of the footprint of the principal building, at least four hundred eighty (480) square feet of accessory building coverage shall be allowed subject to the compliance with subsection B1 of this section.
- b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed ~~fifty percent (50%)~~ thirty-five percent (35%) of the building footprint of the principal structure.

## C. Maximum Height Of Accessory Buildings/ Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, And The RO District: The height of accessory buildings/structures in residential districts shall conform to the following:
- The height of accessory buildings with flat roofs shall not exceed twelve feet (12');
  - The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and
  - Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.
2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 district, R-2 district and SR districts shall conform to the following:
- The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') in the SR-1A;
  - The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured as the vertical distance between the top of the roof and the finished grade at any given point of building coverage. In the SR-1A the height of accessory buildings with pitched roofs shall not exceed fourteen feet (14'); and
  - Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title, if the proposed accessory building is in keeping with other accessory buildings on the block face. (Ord. 26-06 §§ 2, 3, 2006: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 13-04 § 18, 2004: Ord. 35-99 § 57, 1999: Ord. 30-98 § 4, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(20-4), 1995)

## **21A.40.052: ACCESSORY USES ON ACCESSORY LOTS: (No change)**

The following sections are new and will be added at the end of Chapter 21A.40.

## **21A.40.170: SMALL WIND ENERGY SYSTEMS:**

### **1. Standards**

All small wind energy systems shall comply with the following requirements. If there is any conflict between the provisions of this section and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

#### **a. Setback**

The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height plus five feet. If the small wind energy system is on a roof, the total extended height is equal to the roof height and tower height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights-of-way. Guy wires and other support devices shall be setback at least five (5) feet from all property lines.

#### **b. Tower Height**

Where the total extended height meets the sound and setback requirements of this section (See 1a above.), there shall be no specific height limitation, except as imposed by Federal Aviation Administration (FAA) regulations per subsection (j), below.

#### **c. Sound**

Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dBA for any period of time. The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.

#### **d. Appearance, Color, and Finish**

~~The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer. Colors permitted include grays, browns, greens, tans and other earth tones. Bright, luminescent, or neon colors as determined by the city are prohibited.~~

#### **e. Clearance**

The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades. Blades on small wind energy systems in residential districts shall not exceed twenty (20) percent of tower height. All portions of the system shall maintain a clearance from power utility lines as required by the Utah High Voltage Line Safety Act.

#### **f. Signage Prohibited**

All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

#### **g. Lighting**

No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

#### **h. Access**

~~Any climbing~~No foot pegs, ~~or~~ rungs, or other climbing aids shall be allowed below 12 feet on a freestanding tower ~~shall be removed to prevent unauthorized climbing.~~ For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

**i. Requirement for Engineered Drawings**

Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings (by an engineer licensed by the State of Utah) of the tower, base, footings, and/or foundation as provided by the manufacturer.

**j. Compliance with FAA Regulations**

No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection or other current FAA regulations governing airspace protection.

**k. Compliance with Building and Electrical Codes**

Small wind energy systems and all associated components shall comply with all applicable building and electrical codes ~~contained in the International Building Code as adopted by Salt Lake City and the State of Utah. The systems shall also comply with state electrical codes.~~

**l. Utility Notification**

No small wind energy system shall be installed until evidence has been submitted to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**m. Abandonment**

If a wind turbine is inoperable for six consecutive months the owner shall be notified by Salt Lake City that they must, within six months of receiving the notice, restore their system to operating condition or remove the wind turbine from the tower. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons.

**n. Off-Street Parking Or Loading Requirements**

A small wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

## **21A.40.180: SMALL SOLAR ENERGY COLLECTION SYSTEMS:**

To avoid conflict with the only current ordinance for solar panels, the section below (general regulations for the foothills residential districts) is being modified as indicated:

### **21A.24.010.P.3.d *Special Foothills Regulations – Design Regulations***

Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment, excluding solar panels which are subject to section 21A.040.180, shall not extend above the highest roof ridgeline. ~~Roof mounted solar collection panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do not project above the ridgeline of the roof segment upon which they are mounted. Except as provided in the foregoing sentence, solar collection panels shall not be mounted upon any roof.~~

The proposed regulations follow:

#### **1. Standards**

All small solar energy collection systems shall comply with the following requirements except as provided in Section 2 relating to small solar energy collection systems in the Historic Preservation Overlay Districts. Per chapter 21A.34.020 the historic landmark commission or staff have authority to modify the setbacks, location and height to ensure compliance with the overlay district regulations. Excluding Section 2, if there is any conflict between the provisions of Section 1 Standards, and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

##### **a. Setbacks, Location, and Height**

- (1) A small solar energy collection system shall be located a minimum of six feet from all property lines and other structures, except the structure on which it is mounted.
- (2) A small solar energy collection system shall not exceed by more than three feet the maximum height permitted in the zoning district in which it is located or shall not extend more than 12 feet above the roofline of the structure upon which it is mounted, whichever is less. ~~However, the system may exceed these maximums if the system is not readily visible from any adjacent property or public right of way.~~
- (3) A small solar energy collection system may be located on an accessory structure, including legal accessory structures located less than six feet from a property line.
- (4) A development proposed to have a small solar energy collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.

##### **b. Coverage**

A small solar energy collection system mounted to the roof of a building shall not exceed ninety percent (90%) of the total roof area of the building upon which it is installed. A system constructed as a separate accessory structure on the ground shall count toward the total building and yard coverage limits for the lot on which it is located.

##### **c. Code Compliance**

Small solar energy collection systems shall comply with all applicable building and electrical codes contained in the International Building Code adopted by Salt Lake City.

##### **d. Solar Easements**

A property owner who has installed or intends to install a small solar energy collection system shall be responsible for negotiating with other property owners in the vicinity for any desired

solar easement to protect solar access for the system and shall record the easement with the Salt Lake County Recorder.

**e. Off-Street Parking And Loading Requirements**

Small solar energy collection systems shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

**2. Small Solar Collection Systems And Historic Preservation Overlay Districts or Landmark Sites**

**a. General**

In addition to meeting the standards set forth in this ordinance, Section 21A.040.180, all applications to install a small solar collection system within the Historic Preservation Overlay District shall obtain a Certificate of Appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection 21A.40.180.2.c that follows. If there is any conflict between the provisions of this subsection, 21A.40.180.2, and any other requirements of Section 21A.40.180, Small Solar Energy Collection System, the provisions of this subsection shall take precedence.

**b. Installation Standards**

(1) The small solar energy collection system shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device. The system must be installed in such a manner that it can be removed and not damage the historic building, ~~or structure, or site it is associated with.~~

~~(2) In approving a specific location and method of installation of the solar energy collection system, the historic landmark commission may impose reasonable restrictions to ensure the solar energy collection system is compatible with the character defining features of the historic structure. "Reasonable restrictions" are defined for purposes of this section as requirements that do not impose additional costs exceeding \$2,000 or decrease system performance by more than 20 percent. The commission may also require consideration of an alternative energy system of comparable cost, efficiency, and energy conservation benefits that has a demonstrably lesser impact on the historic structure~~

**c. Small Solar Collection System Location Priorities**

In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation approved shall be the least visible from a public right-of-way, ~~not including alleys, and most compatible with the character-defining features of the historic building, or structure, or site. while providing efficient operation of the solar device.~~ Systems proposed for locations 1 – 4, which are not readily visible from a public right-of-way may be reviewed administratively as set forth in Chapter 21A.34.020.F.1 *Administrative Decision*. Systems proposed for locations 5 – 6, which may be visible from a public right-of-way shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in Chapter 21A.34.020.F.2 *Historic Landmark Commission*.

(1) Rear yard in a location not readily visible from a public right-of-way ~~(except an alley).~~

(2) On an accessory building or structure ~~(such as a garage),~~ in a location not readily visible from a public right-of-way ~~(except an alley).~~

(3) In a side yard in a location not readily visible from a public right-of-way ~~(except an alley).~~

(4) On the principal building in a location not readily visible from a public right-of-way ~~(except an alley).~~

(5) On the principal building in a location that may be visible from a public right-of-way, but not on the structure's front façade.



- (6) On the front façade of the principal building in a location most compatible with the character-defining features of the structure.

Chapter 21A.34.020.F.1.a Types Of Construction Allowed Which May Be Approved By Administrative Decision shall be amended to include:

- (6) Installation of solar energy collection systems that are not readily visible from a public right-of-way, pursuant to Section 21A.40.180.2 of this title.

Chapter 21A.34.020.F.2.a Types Of Construction To Be Reviewed By The Historic Landmark Commission shall be amended to include:

- (7) Installation of solar energy collection systems that may be readily visible from a public right-of-way, pursuant to Section 21A.40.180.2 of this title.

DRAFT

DRAFT

# **POLICY DOCUMENT SALT LAKE CITY HISTORIC LANDMARK COMMISSION**

The original Policy Document was approved by the Historical Landmark Committee, which is now the Historic Landmark Commission, on February 1, 1984.

(The dates of the amendments are noted.)

## **1.0 PURPOSE**

To set forth the basic approaches and philosophies that guide the Historic Landmark Commission in its decision making and courses of action; to help define the way the Historic Landmark Commission consistently carries out its function and implications for action, in particular preservation issues and design review situations. This serves as a framework within which the Historic Landmark Commission makes its specific recommendations, as well as a position statement on certain issues. The intention is to formalize the Historic Landmark Commission's explicit policies as much as possible; additional, more implicit intentions may be established in this statement as they are developed into policies through the Historic Landmark Commission's experience.

It is hoped this statement will facilitate an understanding of the Historic Landmark Commission's determinations, direction and courses of action from the public, potential applicants, and officials responsible for decisions effecting the City's preservation program and efforts.

## **2.0 DESIGN GUIDELINES**

In interpreting the compatibility criteria specified in Chapter 21.74 of the Salt Lake City Zoning Ordinance (i.e. Historic Districts and Landmark Sites)

the Historic Landmark Commission hereby adopts the design guidelines set forth in *Historic District Design Guidelines* prepared for Salt Lake City by the Utah State Historical Society. The Historic Landmark Commission also adopts the *Secretary of the Interior's Standards for Rehabilitation* and guidelines for applying them. Applicants will be referred to these documents in developing proposals for alterations, construction, and demolition. The purpose of these guidelines is to provide more specific information on which to base determinations of whether proposed changes to the exterior form and appearance of the structure is consistent with the historic or visual character of the district or site.

## **3.0 CONDITIONAL USES IN HISTORIC BUILDINGS**

The Historic Landmark Commission hereby adopts by reference, the policy statement entitled *Guidelines for Conditional Use Approval in a Historic Structure*.

## **4.0 ARTIFICIAL MATERIAL**

The use of artificial material in a building which is listed on the Salt Lake City Register of Cultural Resources (either as a landmark site or as part of an historic district) shall not be approved unless it is proven necessary for the preservation of the building.

Examples of artificial materials addressed by the Historic Landmark Commission:

- Vinyl siding;
- Aluminum siding;
- Asbestos siding;
- Non-historic metal roofing material;

- Masonite particle board roofing; and
- Others as may be specified by the Historic Landmark Commission.  
(Adopted by HLC 9/30/1980)

## 5.0 SIGNS

A sign is an integral part of the building façade in both design and function and should complement the building in terms of location, size, illumination, materials, style, and color. The Historic Landmark Commission considers the entire principal façade as the “sign” (i.e. in context). Signs should relate to the architecture of the building and not have a negative impact on neighboring properties and the streetscape.

In commercial areas of historic districts (such as South Temple), the Historic Landmark Commission encourages the use of low-key, sophisticated signage such as brass lettering, painted signs in an historical character etc. The Historic Landmark Commission encourages the spot-lighting of buildings rather than illuminated signs in most cases. Back-lit plastic and animated signs are discouraged. Indirect lighting is preferred.

The Historic Landmark Commission considers the request for a sign in the context of the owner’s comprehensive (total) signage plan for the building. For office/commercial uses, only one building identification sign will be approved by the Historic Landmark Commission. Tenants should be identified in an interior building directory.

## 6.0 REVIEW OF LARGE SCALE PROJECTS

The Historic Landmark Commission, in order to both expedite the review process

and promote a well thought out design effort, encourage applicants of large-scale projects to develop master plans which can be approved and serve as the parameters for individual decisions for the owner. This procedure improves the design of a project by providing a coordinated and comprehensive concept and a long-range overview of the project for the owner, tenant, and Historic Landmark Commission. It avoids a piecemeal approach which is often not in the best interests of the project, causes time delays, and creates a fragmented decision making approach for all concern. Good planning is essential. Examples of this master plan approach have been used in such areas as site development, landscaping, and signage.

In the applicant’s responsibility to prepare these master plans and submit them for the Historic Landmark Commission’s review. Once these are approved, staff may, through the administrative review process, screen individual portions of each proposal as they arise and are presented for permits (either by the developer or the tenant). This involves minimal time.

## 7.0 EXPIRATION OF APPROVALS

All plans for new construction and demolition approved by the Historic Landmark Commission expire one year from the date of Historic Landmark Commission meeting at which approval was granted. Upon written request by the applicant, the Historic Landmark Commission may grant an extension of time for an additional six months. However, the Historic Landmark Commission may elect to have the plans submitted by the applicant as a new case.

8.0 RECOMMENDATION OF VARIANCES TO THE BOARD OF ADJUSTMENT

In cases where the Historic Landmark Commission feels that a zoning variance will result in a substantially better design solution for a particular project, the Historic Landmark Commission may actively support or recommend the granting of a variance by the Board of Adjustment. The Historic Landmark Commission may elect not to have any input in the Board of Adjustment's decisions regarding variances in cases where a project is approved with minimal compatibility to the Historic Landmark Commission's guidelines. In cases of incompatibility resulting in denial of an application by the Historic Landmark Commission, a negative recommendation concerning any variances will be conveyed to the Board.

9.0 DRIVEWAYS

Where a new driveway which will replace lawn and/or landscaping is being proposed, the Historic Landmark Commission shall approve drive strips with lawn in between rather than a solid hard surfaced drive to mitigate the change from greenery to hard surfacing. Additional landscaping may be required. The Historic Landmark Commission may require this treatment in cases where solid hard surfaced driveways are being replaced, upgraded, or resurfaced.

10.0 SPECIAL STATEMENTS

The Historic Landmark Commission formally recognizes the following special statements written to clarify the Historic Landmark Commission's philosophies and/or policies regarding issues under its jurisdiction:

- a. *South Temple Historic District*, by R. L. Bliss (9/3/78);
- b. *Stylistic Plagiarism and Architecture For Our Time*, by R. L. Bliss (4/1981); and
- c. *Imitation Architecture in Salt Lake City's Historic Districts*, by K. Harris (4/1981).

11.0 STREET TREES

Street tree plantings will be required of all new construction projects, landscaping proposals, and other major applications. Street tree plantings will be installed according to the Historic Landmark Commission's specifications as to size, type, spacing, and location.

12.0 BONDS

Completion of bonds may be required by the Historic Landmark Commission for rehabilitation and/or landscaping work involving such cases as Conditional Uses in Historic Buildings, applicants who are previous violators of Historic Landmark Commission actions where completion is uncertain, and in cases where substantial but incomplete compliance has occurred and occupancy permit is being requested by the applicant.

In the case on non-compliance with landscaping plans, such as in the case where weather does not permit installation, a bond may be required in order for the applicant to occupy the building provided the bond amount covers all costs of installing the landscaping and includes provisions to hold the bond for at least one growing season to ensure subsequent replacement of landscaping if necessary.

### 13.0 BUILDING CODES AND HISTORIC BUILDINGS

The Historic Landmark Commission acknowledges the health and life safety issues which the City's building codes address while also recognizing that the application of present building codes often result in the destruction of the character of historically significant buildings. This apparent conflict between preservation objectives and building codes should be addressed by City officials. The Historic Landmark Commission feels the City should encourage the preservation of the historical value of significant buildings while providing reasonable safety from fire, seismic, or other hazards for occupants of these buildings. This can be accomplished by the sensitive, responsive, and flexible application of present codes, in addition to utilizing those sections allowing for exemptions and equivalences. If necessary, an alternative historic building code should be adopted by the City.

### 14.0 FENCES

The relationship between a historic building and landscape features help to define the historic character of the site. Among the various visual aspects relating to the setting of an historic property are such site features as fences, including their design and materials. Appropriate fencing materials in historic districts or around historic properties include the following:

- Wood;
- Wrought Iron; and
- Masonry.

As a rule, chain link fences are prohibited in historic districts or around landmark sites except for the following conditions:

- a. The topography of the lot is such that chain link fencing would be more appropriate than other types of fencing;
- b. The fencing is not visible from the public right-of-way; and
- c. If the fencing is visible from the public right-of-way, it must be screened by wood slats or mature shrubbery which will hide the chain link. Vines are not an appropriate screening device because they lose their foliage in the winter months and the chain link is visible during this time.

(HLC adopted on 2/3/93)

### 15.0 ADDITIONS

Additions on historic residential structures are sometimes a necessary part of maintaining the viability of historic properties and districts. However, new additions should be designed in such a manner that they preserve the historic character of the primary structure. In general, large additions and those which effect the primary elevation of the residence have a greater potential to adversely affect the historic integrity of a historic house. Furthermore, because the roofline of a historic home is a character-defining feature, additions that require the alteration of the roofline of the original, early, or historic portion of the house should be avoided. Thus, in the following instances, the full Historic Landmark Commission should review proposals for additions that involve the following actions:

- a. If an addition is substantially visible from the street;

- b. If the footprint of the addition equals fifty (50) percent or larger of the existing footprint of the house; or
- c. If the addition requires a change in roofline (excluding dormers) of the primary structure.

(Adopted by HLC on 6/21/2000)

## 16.0 GARAGES

The Historic Landmark Commission recognizes that garages are a necessary part of maintaining the viability of historic properties and districts, and accessory structures have always been features in the historic landscape of Salt Lake City. However, garages, when not designed to be compatible with the primary structure or when not visually subordinate to the primary structure, can have an adverse effect on the historic character of a district. For this reason, the Historic Landmark Commission should review garages with the following characteristics:

- a. The garage is larger than 600 square feet;
- b. The garage creates a substantial presence on the streetscape because it would be located on a corner lot or visible from a public way;
- c. It is more than one-story in height; or
- d. It will be used for an auxiliary use that could lead to disruptive activity in a neighborhood.

(Adopted by HLC on 6/21/2000)

## 17.0 CARPORTS

Carports are generally not allowed on contributing structures in an historic

district or on a landmark site, or when visible from the street or public right-of-way on a non-contributing structure in an historic district. Carports are allowed when staff determines that they will not have an adverse affect on the streetscape within an historic district and are associated with a non-contributing structure. In the event that the staff determines that approving a carport would have an adverse effect on a property, streetscape or environment within an historic district, the property owner can appeal the staff's decision to the full Historic Landmark Commission.

(Adopted by HLC on 6/21/2000)

## 18.0 RECORDATION REQUIREMENT OF APPROVED CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION

The Historic Landmark Commission shall, as a condition of approval for a Certificate of Appropriateness for Demolition, require the property owner to provide the Historic Landmark Commission with documentation of the building, structure, or site according to the standards outlined in this policy. Such documentation may include photographs, floor plans, measured drawings, an archeological survey, written history or any other information specified by the Documentation Subcommittee, which may be relevant to the historical or architectural aspects of the building, structure, or site.

Documentation shall meet one of the following documentation levels as determined by the Documentation Subcommittee following a field inspection, if necessary, of the subject property. In determining the level of documentation, the Subcommittee shall evaluate whether the building, structure, or site demonstrates a quality of

significance as defined in Section 21A.34.020(B) of the Salt Lake City Zoning Ordinance:

Landmark Site: Such sites are of exceptional importance to the City, State, Region, or Nation and impart high artistic, historic, or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.

Contributing Structure: A contributing structure is typically of moderate importance to the City, State, Region, or Nation because it imparts artistic, historic, or cultural values. A contributing structure has its major character-defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.

Non-contributing Structure: The major character-defining features of a non-contributing structure have been so altered as to make the original and/or historic form, materials, and details indistinguishable and alterations are irreversible. Non-contributing structures also include those that are less than fifty (50) years old.

Based upon the level of significance of the building, structure, or site, different levels of documentation may be required. In keeping within the framework of the *Secretary of the Interior's Guidelines for Architectural and Engineering Documentation*, the documentation package may consist of the following:

A. Level 1 (typical landmark site):

1. Drawings – A full set of measured drawings that includes the following should be sufficient to provide a permanent record of the structure:
  - a. 1/16" = 1'0" site plan showing the location of the building and its access;
  - b. 1/8" = 1'0" scale, dimensioned and labeled floor plans; and
  - c. 1/8" = 1'0" scale, dimensioned and labeled building elevations and sections (two perpendiculars) with reference to building materials.
2. Photographs – Copy negatives and prints should be archivally treated.
  - a. Twenty-five (25) to thirty (30) black and white photographs (including interior and exterior views) done with 35 mm film as well as 35 mm slides. Specific details may be requested following a site visit, (negatives, contact sheets, or small prints).
  - b. Ten (10) black and white large-format (4" x 5" negatives) photographs showing several interior views, entire views of each elevation, and corner views showing two sides of the building, (negatives and contact prints).
3. Written Data – History and description. Specific information that is unique to the building,



structure, or site and the context of the building in Salt Lake City history may be requested.

B. Level 2 (typical contributing structure):

1. Drawings – A set of measured drawings that includes the following should be sufficient to provide a permanent record of the structure:

- a. 1/8" = 1'0" scale, dimensioned and labeled floor plans;
- b. 1/8" = 1'0" scale, dimensioned and labeled building elevations; and

2. Photographs – Copy negatives and prints should be archivally treated.

- a. Ten (10) black and white photographs (including interior and exterior views) done with 35 mm film. Photographs of the exterior should include such details as trim, porch rails, and window treatments, (negatives, contact sheets, or 3" x 5" prints).

3. Written date – History and description.

C. Level 3 (typical non-contributing structure):

1. Photographs – Copy negatives and prints should be archivally treated.

- a. Ten (10) black and white photographs (including interior and exterior views)

done with 35 mm film showing several interior views, entire views of each elevation, and any other pertinent details, (negatives, contact sheets, of 3" x 5" prints).

2. Written date – History and description.

Based upon the level of significance of the building, structure, or site, the Documentation Subcommittee may request any of the following drawings:

- Site plan;
- Landscaping plan, including walkways, retaining walls, fountains and pools, trees and plantings, statues, and other decorative elements, such as light posts, railings, etc.;
- Building plans including basement and roof plans;
- Ceiling plans with architectural features such as skylights, plaster work, etc.;
- Building exterior elevations;
- Interior elevations with architectural features;
- Building sections; and/or
- Specific architectural, structural, mechanical, and electrical details.

Available research sources for written documentation include the following:

- Abstract of title;
- Tax card and photograph;
- Building permit;
- Sanborn Maps;
- Obituary index;
- City directories/gazetteers;
- Census records;
- Biographical encyclopedias;
- Newspapers;

- City/County histories;
- Personal interviews;
- Utah State Historical Society Library;
- Utah State Historical Society Library Preservation Files;
- Utah State Historical Society Library Architects File;
- Church of Jesus Christ of Latter-day Saints Family History Library;
- Marriot Library, University of Utah; and/or
- Local library.

Documentation shall be submitted to the Documentation Subcommittee, prior to the issuance of a Certificate of Appropriateness by the Preservation Staff. Following a determination by the Documentation Subcommittee that the documentation package is complete, a duplicate of the material should be submitted as well. These documents, which record the evolution of historic districts and structures in Salt Lake City, will be stored and available for public use at two separate locations (City and Utah State historical Society Library).

(Adopted by HLC 8/21/2002)

## 19.0 SOLAR PANEL INSTALLATION

### Introduction

It is increasingly clear that due to the environmental pollution and spiraling cost of energy, people are looking for alternative sources of energy as a means of combating pollution and reducing energy cost. Encouraging practices that achieve energy conservation and a sustainable community are City priorities; therefore, these policies are being proposed to make it easier for private citizens to get over-the-counter permits for energy-saving home improvements. This proposal will help to

promote the City's sustainable community and energy conservation programs.

### Existing Regulations

The technical codes adopted by the State intend that installation of solar hot-water or photovoltaic systems require a permit from the local jurisdiction. The 2003 International Building Code states:

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The City is not in a position to debate whether solar panels should or should not belong on the list of installations referred to in the code section above. The Building Code requires the City to provide regulation. The following factors may have life-safety issues related to the installation and should be considered.

- Structural load imposed on the existing structure, roof or wall by the weight of the panels and the fluid inside.
- Wind deflection information based on configuration and placement on the structure
- Cross connection control to protect the culinary water from contamination in systems that are circulating a heat-transfer solution such as glycol.

## **Structural**

Many of the homes property owners are requesting the use of solar panels on may be located in historic neighborhoods, and/or on homes built before modern trusses and light-framing techniques. On most of these homes the structural systems do not currently meet the standards for the loads imposed. Adding any additional weight may cause settling and even collapse. The City needs basic information on the framing system in use to evaluate the structural requirements. The City needs this information at the time of application for a permit, such as: type of roof covering, size and separation of the framing members, and distance of span of the framing members. This is needed to allow the City to calculate whether the structural framing system can accept the additional load of the proposed solar panels. This information needs to be provided by the applicant at the time of application for a permit at the permit counter.

## **Securing for Wind Speed**

There are many methods of securing the panels to the roof and/or walls. Each applicant is required to supply the City with the manufacturer's specifications on the panels showing the layout and design and specifying that the panels are built to resist the wind-speed measurements in their geographical location and the specific design layout on the roof/wall.

## **Cross-connection Control**

Many systems use fluids other than water for heat transfer in the system. Applicants are required to show that the system includes effective cross-connection control devices to keep the

potable water from being contaminated by the heat-exchange liquid, such as glycol.

## **Certificate of Appropriateness Required for Solar Panels on Landmark Sites and Structures Located within Local Historic Districts**

The Planning Division will provide a Certificate of Appropriateness indicating approval of the proposed solar panel installation on a Landmark Site or a structure located within a local historic district. The Ordinance states:

- E. Certificate Of Appropriateness Required: After the establishment of an H historic preservation overlay district, or the designation of a landmark site, no alteration in the exterior appearance of a structure, site, object or work of art affecting the landmark site or a property within the H historic preservation overlay district shall be made or permitted to be made unless or until the application for a certificate of appropriateness has been submitted to, and approved by, the historic landmark commission, or administratively by the planning director, as applicable, pursuant to subsection F of this section. Certificates of appropriateness shall be required for:
1. Any construction needing a building permit.

Furthermore, the Design Guidelines for Residential Historic districts in Salt Lake City includes the following policy and standard which affect the placement of solar collectors:

**Policy:**

The character of a historical roof should be preserved, including its form and materials wherever feasible.

**Standards for Roofs:**

7.4 Minimize the visual impact of skylights and other rooftop devices.

The addition of features such as skylights or solar panels should not be installed in a manner such that they will interrupt the plane of the historic roof. They should be lower than the ridgeline, when possible. Flat skylights that are flush with the roof plane may be considered on the rear and sides of the roof. Locating a skylight on a front roof plane is inappropriate.

The Historic Landmark Commission adopts the following criteria to be considered when reviewing the proposed installation of solar panels on residential structures located within a local historic district or on residential structures that are listed individually as Landmark Sites.

1. Solar panels should be installed below the ridgeline of a pitched roof; when possible or setback from the edge of a flat roof.
2. Solar panels should be mounted parallel to the plane of

a pitched roof and have a low profile.

~~23.~~ Solar panels should be located so as not to change an historic roofline or obscure the relationship of an historic roof to character-defining features such as dormers and chimneys.

~~34.~~ Solar panels should be installed in a manner which does not damage or obscure character-defining features.

~~4.—Solar panels should be located on the rear or sides of a pitched roof. Locating solar panes on a front pitched roof of the primary façade is inappropriate.~~

~~5.—Solar panels should be mounted parallel to the plane of a pitched roof and have a low profile.~~

~~6.—Solar panels should be installed in a location on the roof so as not to be readily visible from public streets~~

Furthermore, consideration of all types of solar energy collection systems shall also include the following locations in the priority order they are set forth below (an alley shall not be considered a public right-of-way in these instances). More flexibility from the previous installation criteria shall be given to systems installed in locations not readily visible from a public way.

1. Rear yard in a location not readily visible from the public right-of-way

2. On an accessory building or structure (such as a garage), in a location not readily visible from a public right-of-way.

3. In a side yard in a location not readily visible from a public right-of-way

4. On a principal building in a location not readily visible from a public right-of-way.

5. On a principal building in a location that may be visible from a public right-of-way, but not on the structure's front façade

6. On the front façade of the principal building in a location most compatible with the character-defining features of the structure

### **Submittal Requirements for a Certificate of Appropriateness**

Applicants must submit to the Planning Division elevation drawings that indicate the proposed location of solar panels, photographs of the home which provide an indication of the visibility of the proposed solar panels from the public street, and a manufacturer's brochure for the solar panels. If all needed information is submitted and it is determined that the above criteria are met, a Certificate of Appropriateness will be issued over the counter for locations not readily visible from a public right-of-way. Locations that may be visible from a public right-of-way will be referred to the Historic Landmark Commission. However, in some cases, a site visit may be required to determine if the proposal meets the criteria. In such cases, a determination of compliance with the criteria will be made within

three days of submittal. If the administrative criteria are not met, the proposal will be referred to the Historic Landmark Commission.

These criteria for placement of solar ~~energy collection systems~~ panels were presented to and formally adopted by the Historic Landmark Commission on ~~July 5, 2006~~ October 6, 2010.

### **Proposed Protocol for the Issuance of Building Permits**

The following construction issues will be addressed prior to the issuance of a residential solar panel permit in any zoning district in the city:

- Structural loads imposed on the support structure (weight of panels and support structure)
- Framing information such as the type of roof covering, size of framing members, and the span and distance separation of framing members.
- Wind deflection information based upon the configuration and placement of the panels
- Cross connection control system (if applicable)

In addition, a plumbing permit may be required if a connection to the culinary water system is proposed or a mechanical permit if ducting is required.

### **Proposed Protocol for the Issuance of Building Permits on a designated Landmark Site or on a site located within a local Historic District.**

Subsequent to a finding of appropriateness by the Planning Division, and the resolution of the structural and cross-connection issues

referenced above, Building Services will issue permits for solar panels over the counter, based on staff availability, but no longer than three business days.  
(July 5, 2006 adopted by HLC)