

Historic Landmark Commission Staff Report

SUSTAINABILITY ORDINANCE – ACCESSORY STRUCTURES FOR URBAN AGRICULTURE AND SMALL SCALE RENEWABLE ENERGY

PLNPCM2009-01338

Hearing date: September 1, 2010



Planning Division
Department of Community
& Economic Development

Applicant

SLC Corp., Mayor Ralph Becker

Staff

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Current zone

N/A

Current master plan designation

City-wide

Council District

City-wide

Community Council

City-wide

Affected Ordinance Sections

- 21A.40 Accessory Uses, Buildings and Structures
- 21A.62 Definitions

Notification

- Notice mailed Aug 19, 2010
- Posted to Planning Dept and Utah State Public Meeting websites Aug 19, 2010.

Attachments

- A. Department Comments
- B. Public Comments
- C. Previous Historic Landmark Commission comments

Request

Mayor Ralph Becker has initiated a request to amend the Salt Lake City Zoning Ordinance to include regulations promoting sustainable urban living. The proposed Sustainability Code Amendment project includes many aspects and this petition is focused on regulations to specifically allow for accessory structures associated with urban agriculture uses and equipment relating to small renewable energy systems including solar and wind.

On April 12, 2010 the HLC was briefed on and discussed proposed zoning ordinance amendments dealing with accessory structures used in urban farming and renewable energy collection systems. The amendments have not been adopted yet and recently some questions arose about the hierarchy of solar panel location preferences when installed on buildings/structures subject to the Historic Preservation Overlay District regulations.

The Planning Division would like the HLC to review the proposed regulations again, paying particular attention to the installation of small solar energy collection systems within the Historic Preservation Overlay District, and make a formal recommendation.

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.

Background

The Historic Landmark Commission discussed solar collection systems previously at meeting in March and a work session in April 2009. A copy of the minutes from that work session and a copy of the “discussion paper” created by Clarion Associates, the Sustainability Code consultant, are included for review as *Attachment C*.

In November 2009, Mayor Becker initiated a petition for the purpose of amending the Salt Lake City Zoning Ordinance to encourage practices of sustainable living. The City hired Clarion Associates as a consultant on the project, with the goal of creating appropriate zoning, subdivision and site development regulations that will make Salt Lake City a sustainable community. A portion of those regulations pertains to facilitating the use of accessory structures in support of urban agriculture and private, small scale renewable energy generation

The amendments for accessory structures relating to urban agriculture are incorporated into the section of *21A.40.050* that establishes yard, bulk, and height limitations for accessory structures. The proposed amendments for structures relating to renewable energy (solar and wind) collection and generation are recommended as new sections, essentially new categories of accessory structures.

Initial Summary

Following are the proposed types of accessory structures grouped by type mentioned above and a brief list of the issues typically associated with the structures in question together with the intent of the proposed amendments:

Urban Agriculture (food/plant production) – cold frame, greenhouse, hoop house

“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.

Issues:

1. **Size:** Not subject to the usual total coverage limits as most accessory buildings, yet still limited.
2. **Height:** Subject to zoning district height limit
3. **Location:** Prohibited in front yard; allowed in side and rear yards
4. **Materials:** Commonly made of either molded or thin sheet transparent plastic over a frame of wood, metal, or PVC piping.

These types of structures are typically seasonal or temporary in nature but can be permanent. These structures have always been permitted in the past but have been subject to the location and building coverage limits for all accessory buildings, making it difficult to have a garage, shed, and a greenhouse. The intent of the proposed accessory structures amendments is to encourage and promote their use in urban agriculture by easing some of the typical regulatory barriers or limits often encountered with accessory structures such as limits on location, size, and number of structures.

Small Renewable Energy Systems – small wind energy system, small solar energy collection system

“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).

Issues (Wind):

1. **Setback:** Shall be setback from property lines a distance equal to the total height plus five feet
2. **Height:** No height limit other than Federal Aviation Administration when compliance with setback provisions is achieved.
3. **Location:** Subject to compliance with setback provisions.
4. **Color:** Original factory color cannot be changed.
5. **Sound:** Cannot exceed 55dBA for any period of time and measured at adjacent property line. The sound level may be exceeded during short-term events out of owner’s control, such as severe storms or utility outages.

The most common complaint relating to small wind energy systems is noise. With the recommend qualifiers it is anticipated that any adverse impacts will be sufficiently mitigated.

Issues (Solar):

1. **Size/Area:** No limit proposed
2. **Height:** 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 visible from any adjacent property or public right of way.
3. **Location**:** Can be located on both the primary and/or accessory buildings, or as a separate structure.

****More specific location requirements are proposed for systems in the Historic Preservation Overlay District. Staff requests the Historic Landmark Commission pay particular attention to these more specific location requirements found on *page 11 [Section 21A.040.180(2)]*.**

- a. **Placement of Small Solar Energy Collection Systems:** The location priority No. 6 allows solar collection systems on the front façade of the principal building as a last resort (i.e., no other location is possible). Should this be permitted or removed completely? If it is permitted, solar energy collection systems may become common in some historic districts, such as the Avenues, due to existing lot orientation, narrowness, and size; existing trees; close proximity of houses, and; south-facing principal facades on streets running east-west. Staff’s research,

based on a White Paper of the Secretary of the Interior's Standards for Historic Preservation as well as design guidelines of other jurisdictions in the United States and from the United Kingdom, found that most projects proposing highly visible solar systems, i.e. on the principal or front façade, were denied. Historic preservation is inherently "sustainable" in itself as it preserves the materials, architecture and site design of the past. Preservation and renewable energy can both be factors in sustainability.

- b. **Reasonable restrictions:** Staff seeks guidance on the proposed installation standards and whether or not to include the "reasonable restrictions" provision as standard No. 2, and if so, thoughts from the Commission on how the calculations will be determined and considered for future Certificates of Appropriateness. Efficiency in solar technology increases relatively quickly thereby making it difficult to maintain a standard for subsequent projects. Including specific dollar amounts in local government ordinances can quickly become subjective and controversial. Should the "reasonable restrictions" standard be retained?

Public Participation

The proposed amendments were presented and available for review at an open house on December 17, 2009 and again on April 15, 2010. Public comments received are included as *Attachment B*.

Between January and May of 2010, staff sought comments from numerous City departments and met with representatives from the Business Advisory Board, and the Historic Landmark Commission to discuss the amendments. They have provided technical input regarding appropriate practice to regulate the proposed structures while attempting to mitigate undesired impacts on residents and local businesses. The Historic Landmark Commission recommended against excluding hoop houses, greenhouses, and cold frames from building coverage limits completely. Staff responded by including building coverage limits specifically for those types of structures.

Numerous city departments reviewed the proposed amendment and a handful returned comments. Most comments were related to the amendments for small wind and solar renewable energy systems. The comments were implemented in the proposed amendments and are included as *Attachment A*.

Analysis

The proposed text amendments start on the next page and focus on *Chapter 21A.40 Accessory Uses, Buildings, and Structures*. A definition for new terms is included, along with qualifying provisions regulating size, location, and use of the accessory structures. For ease of analysis, the amendments are presented and discussed in three different groups based on type of structure. The first group consists of structures associated with urban agriculture. The second group consists of structures associated with small wind energy systems. And the third and final group consists of small solar energy systems.

The proposed text amendments are listed below in green underlined text and the ordinance location precedes each section:

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: 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. The combined coverage for all hoop houses, greenhouses, and cold frames shall be calculated separately and shall not exceed twenty percent (20%) of the yard area described above plus the side yard area between the front and rear facades of the principle building.
2. Building Coverage: 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. The combined coverage for all hoop houses, greenhouses, and cold frames shall be calculated separately and shall not exceed fifty percent (50%) 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:
 - a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12');
 - b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and
 - c. 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:
 - a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') in the SR-1A;
 - b. 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
 - c. 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 4a 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 55dBA 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. 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 foot pegs or rungs below 12 feet of 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 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. 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 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 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 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.

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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

a. General

In addition to meeting the standards set forth in this ordinance, all applications to install a small solar collection system within the Historic Preservation Overlay District shall obtain a Certificate of Appropriateness prior to installation. If there is any conflict between the provisions of this subsection 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 integrity of the historic building or structure while maintaining the 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.

(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 and most compatible with the character-defining features of the historic building or structure while providing efficient operation of the solar device.

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

(5) On the principle 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 principle building in a location most compatible with the character-defining features of the structure.

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its 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: The executive summary section of the City’s Futures Commission Report of 1998 states, “Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.” Promoting sustainability by encouraging local food production and renewable energy systems is a priority in Salt Lake City. The proposed amendments related to urban agriculture accessory structures and small renewable energy systems offer opportunities to improve and sustain the health of citizens and neighborhoods.

Finding: The proposed text change is consistent with adopted policy documents.

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

Analysis: Chapter *21A.02.030* of the Zoning Ordinance states:

“PURPOSE AND INTENT:

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)”

The proposed changes to the ordinance will further the purpose statement of the Zoning Ordinance by enabling urban agriculture and renewable energy systems in various zones throughout the City. Specifically these uses are consistent with intent statements c, d, e, g and h. By enabling the uses, individuals will be able to work more efficiently in community gardens and sell locally grown foods and products thereby lessening the need for imported foods and reducing the environmental impacts from transportation, air pollution etc. Amendments allowing renewable energy sources will enable citizens to create new sources of energy while lessening overall dependence on fossil fuels, which also decreases air pollution.

The qualifying provisions for the accessory structures are designed to encourage their use yet uphold the general health, safety, and welfare of citizens by reducing or eliminating harmful impacts. These

modifications create qualifying provisions that will facilitate mitigation of adverse impacts on neighboring property owners and will clarify sections of the ordinance that were not clear or concise.

Finding: Staff finds that the proposed changes to the Zoning Ordinance are consistent with the overall purpose of the Zoning Ordinance as stated in Chapter 21A.02.030.

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 proposed text amendments are city-wide and as such will affect properties within the Historic Preservation Overlay District. The proposed amendments propose specific requirements and limits for accessory structures within the Historic Preservation Overlay District which are consistent with and balance the purposes of preserving historic buildings, structures and the associated neighborhoods while encouraging individual properties to utilize accessory structures for urban agriculture and renewable energy.

Finding: The proposed text amendment meets this standard.

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

Analysis: The proposed text amendments mirror current trends in community sustainability, by providing alternatives for renewable energy and food production systems. These amendments will update planning practices that create and maintain efficient infrastructure, foster close-knit neighborhoods, create a sense of community, and preserve natural habitat.

Finding: The proposed text amendment implements the best current practices in urban planning and design.

Attachment A
Public Comment

Stewart, Casey

From: Bentley, Alene [Alene.Bentley@PacifiCorp.com]
Sent: Tuesday, June 22, 2010 5:28 PM
To: Stewart, Casey
Subject: FW: Sustainability Code Revisions

Categories: Other

Casey,
The set back requirement for wind power systems says there should be no interference with public utilities. Rocky Mountain Power suggests you include a stronger statement about clearance and specifically reference the Utah High Voltage Line Safety Act, which requires a working clearance of 10 feet.

In addition, each section addresses "municipal code." Electric codes are national and state. We also suggest you include reference to compliance with national and state electrical clearance codes.

Thanks again for the opportunity to review the code revisions. It's helpful for people to understand requirements up-front so there are no surprises.
Alene

Alene Bentley
Rocky Mountain Power
201 South Main, Suite 2300
Salt Lake City, UT 84111
Office: (801) 220-4437 Cell: (801) 910-6527

From: Barker, Jake
Sent: Tuesday, June 22, 2010 4:38 PM
To: Bentley, Alene
Subject: RE: Sustainability Code Revisions

Hi Alene,

The only thing I can think of is a statement that would reference the Utah High Voltage Line Safety Act and that a working clearance of 10 feet must be maintained. In their set back section of the wind power source, they mention that public utilities shouldn't be "interfered" with, but I think there should be a stronger statement about clearance.

In addition, each section talks about complying with "municipal code", but our electric codes are national and state for clearances. Working that in would probably be nice.

Thanks,
Jake

From: Bentley, Alene
Sent: Tuesday, June 22, 2010 2:56 PM
To: Barker, Jake
Subject: FW: Sustainability Code Revisions
Importance: High

Jake,

Proposed sustainability zoning ordinances - Airport Comments on:
Urban Agriculture, Alternative Energy Systems, Accessory Dwelling Units, and
Street & Pedestrian Connectivity
Submitted to Cheri Coffey from Allen McCandless
October 30, 2009

Title	Paragraph Number	Comments
Urban Agriculture	D.2. a. and D.2. b.	<p>No zoning district was provided, however the A Airport district would not be an appropriate zone for Urban Agriculture activities due to potential bird attractants and safety concerns.</p> <p><i>Recommend: Do not allow Urban Agriculture in the A Airport district.</i></p>
Alternative Energy Systems, Small Wind Energy Systems	D.3. j.	<p>Text should be added to cover other FAA airspace regulations as follows: Recommend to add:</p> <p>“ . . . Part 77 of the FAA guidance on airspace protection, <u>or other current FAA regulations governing airspace protection.</u>”</p>
Alternative Energy Systems, Solar Array	E.3. a. 1.	<p>The airport could install a large solar array in the future as part of the terminal and concourse expansions. The array may be ground mounted, roof mounted or a variety of installations. The ordinance, as written would not allow the airport to install any solar array between the main terminal and public right of way.</p> <p><i>Recommend: Exempt the airport from Solar Array ordinance.</i></p>
Alternative Energy Systems, Solar Array	E.3. a. 3, 4, and 5.	<p>The square footage and height of an airport solar array could exceed these restrictions. As written, the ordinance would not allow any large solar array and would restrict the height.</p> <p><i>Recommend: Exempt the airport from Solar Array ordinance.</i></p>
Alternative Energy Systems, Solar Collection System	F.3.a.2.	<p>If solar collectors are installed on terminals, or concourses or other airport buildings, the systems could exceed 12 feet maximum height.</p> <p><i>Recommend: Exempt the airport from Solar Collection System ordinance.</i></p>
Accessory Dwelling Units		(No Airport-related comments)
Street & Pedestrian Connectivity	A.2.a.(1)	<p><u>We are concerned that this draft ordinance was written for subdivisions, and streets within commercial and residential developments. The airport environment has many conflicts with this zone as</u></p>

Stewart, Casey

From: Coffey, Cheri
Sent: Tuesday, February 23, 2010 2:56 PM
To: Stewart, Casey; Milliner, Ray
Cc: Sommerkorn, Wilford
Subject: FW: Need a Shade Control Act to encourage residential solar

This may play into the solar array and solar collection equipment ordinance changes.

Very timely☺

From: Bennett, Vicki
Sent: Tuesday, February 23, 2010 1:44 PM
To: Becker, Ralph; Gale, Amy
Cc: Mickelson, Kaye; Chris Duerksen; Coffey, Cheri
Subject: RE: Need a Shade Control Act to encourage residential solar

Here is the State code that is current:

57-13-1. Definitions.

As used in this act:

- (1) "Solar easement" means a right, whether or not stated in the form of restriction, easement, covenant, or conditions in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined herein.
- (2) "Solar energy system" means a system of apparatus and equipment capable of collecting and converting incident solar radiation into heat, or mechanical or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation or mechanical energy generation.
- (3) "Passive solar system" means a system which uses structural elements of the building, to provide for collection, storage, and distribution of solar energy for heating or cooling.
- (4) "Solar skyspace" means the space between a solar energy collector and the sun which must remain unobstructed such that on any given clear day of the year, not more than 10 percent of the collectable insolation shall be blocked.

57-13-2. Creation of solar easement -- Writing required -- Contents -- Enforcement.

- (1) Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an interest in real property. The easements shall be created in writing and shall be filed, duly recorded and indexed in the office of the recorder of the county in which the easement is granted. Such easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated herein.
- (2) Any deed, will, or other instrument that creates a solar easement shall include, but the contents need not be limited to:
 - (a) a description of the real property subject to the solar easement and a description of the real property benefiting from the solar easement;
 - (b) a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;

- (c) any terms or conditions under which the solar easement is granted or may be terminated;
 - (d) any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement; and
 - (e) any other provisions necessary or desirable to execute the instrument.
- (3) A solar easement may be enforced by injunction or proceedings in injunction or other civil action.

Looks like BJ is right about the easement being the only current recourse now.

I will reply to him, and have also copied Chris Duerksen – our revised City Codes also only suggest that landowners negotiate voluntary easements, as the public was concerned about solar issues vs. trees. Do we want to consider taking this issue further?

Vicki

From: Becker, Ralph
Sent: Monday, February 22, 2010 5:29 PM
To: Gale, Amy
Cc: Bennett, Vicki; Mickelson, Kaye
Subject: RE: Need a Shade Control Act to encourage residential solar

Utah has a shade control act that was passed in the 1970's and I think is still in the State Code. (It was actually the first piece of legislation, along with a solar tax credit) I worked on after writing a law review article on solar access law). You may need to get help finding it, but last time I checked, it was still in the land use code. I know BJ, but feel free to follow up,
Ralph

From: BJ Nicholls [mailto:bjnicholls@comcast.net]
Sent: Thursday, February 18, 2010 4:27 PM
To: Mayor
Subject: Need a Shade Control Act to encourage residential solar

Howdy Mayor Ralph,

We're looking at building a new garage and we're seriously thinking of installing a solar photovoltaic array on the building. Currently, we have good sun exposure without shade from the neighboring property. But I can't see that either Utah or the city has a solar shade control law similar to California's. The only solar law that I can find is one that allows you to join with neighbors and create a solar easement/covenant. Creating such an easement is a significant barrier to the anyone considering an investment in home solar, and a shade control act like California's would be a real boon to encouraging investment in clean home solar technology.

We have a neighbor just down the hill who's recently installed an impressive photovoltaic array and passive hot water system on their new garage, and we're excited to see new solar installation contractors providing services in the city. Please take a look at the California law (pdf attached) and consider backing a city or statewide law that could dramatically lower the legal hurdles and costs for residents who'd like to go green with solar energy.

Thanks and best,

BJ

BJ Nicholls
1149 Douglas St

SUSTAINABILITY – Accessory Structures
COMMENT SHEET
PLNPCM2009-01338

If we may contact you for further discussion about your comments, please provide us with contact information:

Name Tom Irvin
Address (include zip code) _____
Phone _____
Email _____

Written comments:

<p>Except coops, beehives, etc (Chap 8) structures from compliance with 21A-40 Acc. Use Building locations, etc.</p> <p>21A.40-030 - zoning certs are not currently being issued for accessory structures. - change that?</p>
--

make Δ to ord.

Coffey, Cheri

From: Sommerkorn, Wilford
Sent: Tuesday, September 29, 2009 3:58 PM
To: 'ssillow@gmail.com'
Cc: Coffey, Cheri; Comarell, Pat; Paterson, Joel
Subject: RE: Silloway application

Mr. Silloway,

I appreciated the opportunity to speak with you about your proposal to place solar panels on the roof of your house. I also received the photos you sent by mail which show how you wanted to do it.

After reviewing your ideas closely with our staff, what we run into is the clear language in the zoning ordinance in the Foothill Zone which does not allow for solar panels to be installed on roofs unless they are parallel with the slope of the roof, and do not stick up above the crest of the roof. With the roof where you wishing to place it being flat, there is no option but to only allow for installation where the panel lies flat. That, of course, defeats much of the effectiveness of such solar panels.

There is no question that given the world we live in today, this section of the zoning ordinance should be changed. We are right in the middle of a process of reviewing all our city ordinances to see how we can make them "friendlier" to sustainability principles, including for wind and solar power. This will be one of the provisions we will propose to change. However, it will take some time to work these changes through the adoption process here, probably on the order of 6-12 months.

If you desire to try to move this along quicker, you could make an application with the city to amend the text of our zoning ordinance to address this issue. We would then be obligated to move it along as a regular application, but it may not gain you that much time in doing so, as this will still take several months to go all the way through hearing and recommendation by the planning commission and then a hearing and decision by the city council. It would also require you to pay a fee to make such an application.

Sorry I don't have better news for you right now on dealing with this in a quicker manner, but we are bound by what is written in our ordinances. Please feel free to contact me with any other questions you may have.

Wilf Sommerkorn
Director
Salt Lake City Planning Division

From: Stuart Silloway [mailto:ssillow@gmail.com]
Sent: Monday, September 28, 2009 3:23 PM
To: Sommerkorn, Wilford
Subject: Silloway application

Dear Mr. Sommerkorn;

I wonder if you have had any additional thoughts on our application for a solar system installation. I sent you pictures of our roof line so you could more easily see what we are dealing with. I cannot believe that the regs. suggest that all flat roofs are ineligible as the panels must be slanted to make the efficiencies work. Our roof line is much higher than the top of the flat roof on which the panels would sit.

What do you think?

Stuart Silloway.

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

DRAFT

Stewart, Casey

From: Coffey, Cheri
Sent: Tuesday, March 09, 2010 11:19 AM
To: Stewart, Casey
Subject: FW: Building Codes and PV panels

Categories: Other

Casey,

This e-mail relates to solar panels and the fire fighters ability to fight fires from the roof. It is all these little details that we don't know exist.

Have fun.

Cheri

From: Goff, Orion
Sent: Tuesday, March 09, 2010 10:18 AM
To: Zollinger, Renee; Cook, Kurt
Cc: Coffey, Cheri; Butcher, Larry; Sommerkorn, Wilford; Comarell, Pat; Itchon, Edward; Ellis, Martha
Subject: RE: Building Codes and PV panels

Renee, we are the entity that issues the permits for the systems. The ord. is not sensitive to the fire-fighting issue, i.e. where they are placed on the roof to facilitate adequate firefighter safety. (Only structural and connection issues) To accomplish this initiative, firefighter safety, a change to the ord. and a transmittal to Council and subsequent Council action would be required.

Let me discuss this with Frank Gray, and see who should produce the transmittal for Council. I believe the Planning Division is currently working with a consultant to amend the ord. to make it more friendly and consistent with green practices. Perhaps they should be involved with this as well as the placement of these panels on buildings is also an aesthetic issue.

From: Zollinger, Renee
Sent: Tuesday, March 09, 2010 9:49 AM
To: Goff, Orion
Subject: Building Codes and PV panels

Hi, Orion,

Who is the best person to give me a quick primer on what the City's requirements/codes are for solar installations, as they relate to firefighter safety?

Renee Zollinger
Environmental Manager
Salt Lake City Corporation
451 S. State St. Room 145
PO Box 145467
Salt Lake City, UT 84114-5467
(801) 535-7215 (office)
(801) 750-4390 (cell)

Visit us at www.slccgreen.com, become a fan of our [Salt Lake City Green Facebook page](#) or follow [SLCCgreen](#) on [Twitter!](#)



Please consider the environment before printing this email.

From: Cook, Kurt
Sent: Tuesday, March 09, 2010 8:22 AM
To: Zollinger, Renee
Subject: RE: PV Safety for Firefighters, April 1 Webinar - Invite your local Fire Department!

Thanks Renee. You are right about the urgency of the awareness and training for our safety. These solar systems pose unique and unfamiliar challenges to our firefighters considering the conditions we typically encounter during structure fire situations. I have forwarded the webinar link to all of my senior staff and Training Division for review and dissemination.

Thanks again for keeping us in mind.

-Kurt

R. Kurt Cook
Fire Chief
Salt Lake City Fire Department
801-580-1242

From: Zollinger, Renee
Sent: Monday, March 08, 2010 12:00 PM
To: Cook, Kurt
Cc: Bennett, Vicki
Subject: PV Safety for Firefighters, April 1 Webinar - Invite your local Fire Department!

Hi, Chief Cook,

I wasn't sure if you already have a safety program focused on solar systems, so I'm passing on some information! Attached is a description of a webinar that talks about fire safety on facilities with solar photovoltaic systems, and the link to register is in the email below. Additionally, here is a link to some training videos prepared by the San Jose Fire Department: <http://www.youtube.com/watch?v=4oaF9GV3pIU>. These videos are getting a fair amount of attention in the solar community.

We saw a large upsurge in the number of systems installed throughout Utah last year, and the State is launching a new solar rebate program in a few weeks that may further increase the number of systems here in the City.

Do you see any need(s) to look at building codes with respect to safety issues, or are these well covered at this time? Let me know if we can support you in this.

Renee Zollinger
Environmental Manager
Salt Lake City Corporation
451 S. State St. Room 145
PO Box 145467
Salt Lake City, UT 84114-5467

(801) 535-7215 (office)
(801) 750-4390 (cell)

Visit us at www.slcgreen.com, become a fan of our [Salt Lake City Green Facebook page](#) or follow [SLCgreen](#) on [Twitter!](#)



Please consider the environment before printing this email.

From: Muller, Hannah [mailto:Hannah.Muller@ee.doe.gov]
Sent: Monday, March 08, 2010 9:31 AM
To: 'Larry Sherwood'; ttleads@sandia.gov
Subject: PV Safety for Firefighters, April 1 Webinar - Invite your local Fire Department!

Solar America City partners,

In partnership with the Solar America Board for Codes and Standards, DOE's Solar America Cities program is pleased to present a Webinar on PV Safety for Firefighters on April 1, 2010 at 2pm EDT.

Please see the attached file for a description of the webinar content and presenter bios.

We hope you will engage fire departments in your region to participate!

Register here:

<https://www2.gotomeeting.com/register/233737995>

Best,
Hannah

Hannah Muller
Solar America Cities Program Lead
U.S. Department of Energy
Ph: 202-586-4883
Fax: 202-586-8148
hannah.muller@ee.doe.gov

DOE is partnering with 25 cities to build sustainable local solar markets. Learn more at www.solaramericacities.energy.gov

2009 Zoning Text Amendment

November 9, 2009

Task Force Meeting

Members Present

Jeff Bair, Cindy Cromer, Barbara Green, Jerry Green,, Helen Peters, Vasilios Priskos, Dave Richards, Lon Richardson, Judi Short, Ray Whitchurch

Staff Present

Wilf Sommerkorn Planning Director; Cheri Coffey, Planning Manager; Kevin LoPiccolo, Planning Programs Supervisor

Review of Summary Notes

The members of the Task Force had no comments on the Summary Notes from the October 26, 2009 meeting???

NonConforming Uses / NonComplying Structures

Without having a small neighborhood business zoning district adopted at the same time you change the non-conforming regulations, the property owner is stuck. You are closing the door on potential for expansion where right now you can expand up to 50% of the structure without going through a process.

How do you address incremental expansion?

People like small neighborhood walkable shops. You need to provide the ability to expand.

Perhaps you can create a Special "Legal" conditional use that the Planning Commission can recognize.

The use is not the issue. The standards are the issue.

The expansion of the use has been abused over the years.

Is there a way to use historic landmark process to address this? Perhaps you could expand if the property is in an historic district where they have commercial guidelines.

The HLC could review the project if you want to expand. Those outside the historic district have to wait to expand until at some future date when the Small Neighborhood Commercial Project has been adopted and new zoning is in place.

Find guidelines that have to be met to expand or intensify.

Urban Agriculture

General

1. The reality is that you use less energy on a major farm than you do in small local urban agriculture areas. This is due to economies of scale.
2. Do not over regulate especially when you cannot enforce.
3. City has really poor enforcement program.
4. The Purpose statements don't make sense.

Community Gardens

1. Community gardens are helpful in building a sense of community. They are not a panacea to cure all the energy issues.
2. Distinguish between public and private. If on public property, it must be maintained by the City. You can't delegate the maintenance to a private entity on a public property. They have a different level of maintenance which could be a problem.
3. Do not allow on public property that is designated historic or in historic districts.
4. Don't allow in parks. The City needs all the open recreation space it has.
5. Ok to not require parking.
6. If allow to sell from a community garden located in a residential zone, you are basically allowing a commercial use in a residential zone.
7. Compost Site will lead to a problem with Methane Gas.
8. Community Garden as a home occupation is ok if you limit the number of people that can be on site at any one time (similar to what we do with a hair salon or piano teacher as a home occupation).
9. Ok to have these on public lands as long as they are not developed Open Space or the historic medians. If it is a vacant lot owned by the government that is ok.

Community Supported Agriculture

1. Don't allow CSA's in residential. It will lead to increased traffic in the neighborhoods.

Accessory Structures for Urban Agriculture.

1. Greenhouse, hoophouse is ok as long as it meets the accessory structure regulations.

MEETING NOTES

Solar Systems and Historic Preservation

3/7/09

Attendance: Chris Duerksen and Joyce Allgaier, Clarion Associates, Vicki Bennett, Director of Sustainability, Creed Hammond, Earle Bevins and Warren Lloyd with the Historic Landmark Commission, Joel Paterson, Robin Zeigler, Nick Norris and Janice Lew with the Planning Division, representatives of solar companies

The representatives from solar companies met in another meeting just before the meeting with the Historic Landmark Commission. The purpose of that meeting was to gain their feedback in general but some issues relating to historic districts also came up. One attendee suggested that the city could offer city land for someone in a district to locate their panels on so that they would not need to be on the historic building. With this scenario, there would be issues with the power companies, the distance between the structure and the panels and the ability to secure the site. As an example, St. George has a 2-megawatt solar farm in the works where they sell off units to individuals who can then use the tax credits.

At the Historic Landmark Commission meeting the following issues were discussed.

Warren Lloyd stated that the majority of issues have been in the Avenues but there is a problem with the foliage in that area that prevents ground level units.

All agreed that the Commission would like more education on solar collectors in general. What are the different types, how much leeway do they have to be relocated anywhere but due south and how much effectiveness do they lose? The guidelines should provide different regulations for thermal and PV since the falloff from relocation is different.

Lloyd explained that the Commission has been using the section of the design guidelines for roof top devices for making decisions on solar collectors and that has not been clear policy since that section of the guidelines mostly considers skylights.

Chris Duerksen said that Jim Lindberg with the National Trust stated that the National Trust is working on updating the Secretary of Interior's Standards.

Lloyd asked if staff could put together information about how past solar collectors have been reviewed.

In response to the possibility of moving solar panels to a façade where they may still work but may not be as efficient, Jordan Gates with Harris-Dudley Plumbing and Heating pointed out that there are Federal and State tax credits for PV and thermal that require that the panels be located no more than 15% from due south. The state tax credit is 25% up to \$2000. He also stated that adding solar panels to an accessory structure can be quite expensive because of the need to bury lines between the main building and the accessory structure.

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION
MINUTES OF THE MEETING
Room 315, 451 South State Street
April 1, 2009 at 5:45 p.m.**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on April 1, 2009.

If you are viewing a hard copy of the minutes and would like to view the attached materials and listen to audio excerpts of the record, please go to:

www.slcgov.com/boards/HLC/hlc-agen.htm

To download the FTR player and listen to audio excerpts from the record if you are already viewing this document on the worldwide web, click [here](#).

The regular meeting of the Historic Landmark Commission was held on April 1, 2009, at [5:46:53 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: Warren Lloyd (Vice Chairperson), Arla Funk, Sheleigh Harding, Polly Hart, Anne Oliver, and Earle Bevins, III.

Planning staff present for the meeting were: Frank Gray, Community & Economic Development Director; Wilford Sommerkorn, Planning Director; Paul Nielson, Senior City Attorney; Joel Paterson, Planning Manager; Robin Zeigler, Senior Preservation Planner; Nick Norris, Senior Planner; and Andrea Curtis, Acting Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Warren Lloyd (Vice Chairperson), Arla Funk, Polly Hart, Anne Oliver, and Earle Bevins, III. Joel Paterson and Nick Norris attended for the Planning Division.

FIELD TRIP 4:00 p.m. ([Listen to the audio](#))

DINNER 5:00 p.m. [5:04:45 PM](#)

Ms. Zeigler asked the Commissioners if any of them would like to attend a Utah Heritage Foundation conference in May. She explained there is a free opening event on Thursday evening, April 30, 2009, followed by sessions on Friday, May 1, and a tour of the Yalecrest area on Saturday, May 2. Commissioners Funk, Harding, and Hart indicated they would attend if funds were available. Ms. Zeigler indicated that the buttons the Commissioners had received were to invite them to attend the National Alliance of Preservation Commissions event in Grand Rapids in 2010, although City funds are not available to fund their attendance. She explained that this conference differs from the National Trust conference in that it focuses specifically on preservation commissions. She noted that conference activities will include several different tours for families of participants, an effort designed to encourage more participation in the event, and that participant sessions frequently include workshops rather than just lectures.

Ms. Zeigler referred to packet materials provided by Clarion regarding solar panels, noting that most of the Commissioners had attended the recent meeting wherein a discussion of the topic was planned but there had not been sufficient time for the Commissioners to participate. She referred to the sheet entitled "Discussion Paper" and expressed the hope that the Commissioners would share their thoughts during this time. Ms. Zeigler noted that the recommended language is in italics on the back page of the materials. She stated that solar education would be provided during the dinner session of the May Historic Landmark Commission meeting. Ms. Zeigler asked the Commissioners to provide to Clarion additional feedback at this time regarding their thoughts about the language, other ideas, concerns, etc. Commissioner Lloyd asked if there had been any information coming out at the State level regarding regulation; Ms. Zeigler stated nothing had been forthcoming. Commissioner Lloyd queried if the summary page of the solar materials represents Ms. Zeigler's summary of the meeting. Ms. Zeigler clarified that the summary was provided by Clarion, not her. She noted the consultant recommended a tiered approach that avoids denying a request but assists in identifying the best location. Commissioner Hart noted that the inability to deny a request concerns her, as it is feasible such a need might arise. She also noted that in Footnote 3, which refers to a fine of \$2,000, she would be more comfortable with a percentage than a specific number, as the number could easily become outdated. She suggested the fine represent a percentage of cost or other non-specific amount.

Commissioner Lloyd inquired as to the best method for staying abreast of technological changes in the solar field. Ms. Zeigler responded that she felt the Clarion language, which focuses on location rather than type and style of collector, addresses this concern. Matt Goebel, Clarion representative, noted that their suggested language does not define a 'solar system' per se, with intent that the term be based on current technology. Commissioner Lloyd noted that the suggested guidelines for location and placement might be used, but that the Commission might make additional comments specifically about color reflectivity, the specific panel type identified in an application, etc. He acknowledged it would be difficult to create a policy statement outlining those types of requirements due to changing technology. Ms. Zeigler expressed her opinion that such issues would become less significant with the passage of time because solar technology continues to improve, becoming less intrusive. Commissioner Warren agreed but noted that panels will always have a color, reflectivity, and similar characteristics that could only be addressed after seeing the specific design identified in an application. He noted that the language proposed by Clarion would provide guidelines regarding location, each product will have to be reviewed to evaluate its relationship to the roof whereon it's placed. Commissioner Oliver inquired whether Commissioner Lloyd was requesting additional language to address this need or whether he felt the current suggestions are sufficiently open ended. Commissioner Lloyd responded that he believes that each application would require a review of current design guidelines for roofs and colors on roofs, noting that if this language were further defined then it would assist with determinations regarding solar panels. He stated that guidelines in terms of placement would be most helpful at this point.

Mr. Goebel observed that this type of placement standard could be extended to other types of alternative energy structures, suggesting that a similar design review might be desirable for wind turbines in residential neighborhoods which are becoming increasingly popular across the nation as technology improvements make them smaller, quieter, and more affordable.

Ms. Zeigler asked the Commissioners to forward any additional thoughts to her, confirming she would pass the notes on this evening's discussion as well as any additional comments received to Mr. Goebel.

Ms. Zeigler announced that Jessica Norrie is no longer a member of the Historic Landmark Commission because she recently moved outside of the city limits, thus no longer qualifying for membership. Ms. Zeigler stated that the Utah Heritage Foundation has been asked for another recommendation to replace Ms. Norrie as their representative on the Commission. Commissioner Harding clarified that owning property in the city is insufficient to qualify for membership, reaffirming that Commissioners must reside in the city. Ms. Zeigler concurred. Commissioner Funk questioned whether the Alternate Commissioner might be a viable replacement. Ms. Zeigler noted that he spends half of the year out of the country and thus was not able to serve as a full time member. Commissioner Harding noted that a new member had recently been nominated to the Commission. Ms. Zeigler confirmed that but recognized the position filled was an 'at large' position and not the Utah Heritage Foundation representative. Commissioner Lloyd asked if the name had been approved by the Mayor's Office and was now waiting for the City Council's approval. Mr. Paterson confirmed that paperwork had been forwarded to the Council, which now has the opportunity to confirm the proposed appointment.

At this point, Ms. Zeigler noted that the discussion items were complete and the recording was turned off.

MEETING CALLED TO ORDER [5:47:21 PM](#)

APPROVAL OF THE MINUTES FROM MARCH 4, 2009 [5:49:27 PM](#)

Commissioner Funk made a motion to approve the minutes as presented. Commissioner Harding seconded the motion. All voted "Aye". The motion carried unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:49:48 PM](#)

Vice Chairperson Lloyd noted that Chairperson Fitzsimmons is excused from the meeting.

Discussion Paper:
Solar Systems And Historic Preservation District Design Review
Clarion Associates
3/7/09

Background

Across the United States, concern over greenhouse gas emissions, climate change, and energy costs/independence is fueling a growing movement to install alternative energy facilities such as solar systems on homes and business. Using alternative energy facilities is seen as a key step in making our communities sustainable. Indeed, several states such as California and Nevada restrict the ability of local governments to prohibit solar systems on commercial and residential buildings. The recently completed sustainability inventory completed for Salt Lake City includes fostering alternative energy generation as a key goal.

At the same time, there is widespread recognition that historic buildings, in addition to greatly enhancing community character, also embody a significant amount of energy.¹ Moreover, studies show that historic commercial buildings built before 1920 are actually more energy efficient than most built between 1920 and 2000.

Salt Lake City is recognized nationally for its significant historic buildings and districts and has been a leader in adopting standards to ensure their preservation. Historic structures are protected from demolition and inappropriate additions. Existing city preservation regulations require accessory structures such as solar systems to be mounted flush to the roof and not visible from public streets (a standard that is common in many preservation ordinances in the United States and similar to one included in the Secretary of the Interior's preservation guidelines). This standard will function effectively in many instances, guiding the location of a solar system to the rear of an historic lot or placement on the rear façade of the historic building. In some cases, however, (for example, where an historic house faces to the south on a lot and no appropriate locations exist elsewhere on the site or building), it may work to prohibit installation of an efficient solar system.

The challenge facing Salt Lake City (and many others nationwide) is how to reconcile carefully the goal of fostering the installation of alternative energy devices such as solar systems with the equally important goal of preserving historic buildings and community character.

Discussion and Recommendation

To address this issue, Clarion Associates researched how other communities and states were attempting to find a solution. Additionally, we held discussions with Salt Lake City planning and preservation staff and with representatives of the National Trust for Historic Preservation. We also drew on our experience with the issue of installation of large TV dishes that were required by federal legislation in the 1980s to be allowed on sites throughout communities, including historic districts.

Our initial recommendation for discussion of a general approach to the issue is a hierarchal standard that directs the owner of an historic building desiring to install a solar system to first consider the least

¹ Embodied energy refers to the quantity of energy required to build a house, including materials, transportation, etc.

obtrusive locations on a lot before proposing a location that is visible from a public right-of-way.² In addition, the historic landmark commission might also be granted the authority to impose reasonable restrictions to ensure the solar system is compatible with the character defining features of the historic structure. Reasonable restrictions might be defined as restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. The commission might also be given authority to require consideration of an alternative system of comparable cost, efficiency, and energy conservation benefits that does not have adverse impacts on the historic structure.

Potential ordinance language is set forth below for discussion purposes only:

An applicant proposing to install a solar system (to be defined) on an historic structure, a lot upon which an historic structure is located, or a lot within a designated historic district shall install the system 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 integrity of the historic resource while maintaining the efficient operation of the solar device.

In approving appropriate locations and manner of installation, the historic landmark commission shall consider the following locations in the priority order they are set forth below. The historic landmark commission shall approve the location and method of installation that it finds to be least visible from a public right-of-way and most compatible with the character-defining features of the historic structure while providing efficient operation of the solar device.

- 1. Back yard of an historic structure in a location not visible (or least visible?) from public right-of-way (except an alley).*
- 2. An accessory building or structure (such as a garage), in a location not visible (least visible) from a public right-of-way (except an alley).*
- 3. In a side yard of an historic structure in a location not visible (least visible) from a public right-of-way (except an alley).*
- 4. On the historic structure, in a location not visible (least visible) from a public right-of-way (except an alley).*
- 5. On the historic structure, 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 historic structure in a location most compatible with the character-defining features of the structure.*

In approving a specific location and method of installation of the solar system, the historic landmark commission may impose reasonable restrictions to ensure the solar system is compatible with the character defining features of the historic structure. Reasonable restrictions shall not significantly increase the cost of the system or significantly decrease its efficiency or specified performance.³ 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.

² The format and specific ordinance language will need to be drafted to conform to the city's existing historic preservation regulations and standards and terminology.

³ In its Solar Rights Act, California defines "reasonable restrictions" as requirements that do not impose additional costs exceeding \$2,000 or decrease performance by 20 percent.