

# HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division  
Department of Community  
& Economic Development

## CLARIFY ACCESSORY STRUCTURE DEMOLITION IN THE H HISTORIC PRESERVATION OVERLAY- PLNPCM2012-00531

Hearing date: December 6, 2012

### 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.06 Decision Making Bodies
- 21A.10 Public Hearing Requirements
- 21A.34 H Historic Preservation Overlay

### Notification

- Published in newspapers 11/24/12
- Posted to Planning Dept and Utah State Public Meeting websites 11/21/12

### Attachments

A. DRAFT Ordinance

### ***Request***

On July 31, 2012 Mayor Ralph Becker, initiated a request to amend the Salt Lake City Zoning Ordinance in order to clarify how accessory building demolition is evaluated and executed in the H Historic Preservation Overlay District.

The proposal shall:

- Improve the clarity of the Zoning Ordinance without changing the intent behind regulations;
- Clearly identify the criteria used to evaluate accessory building demolition;
- Add a new criterion to the “Alteration” standards speaking to the construction of new accessory buildings; and,
- Maintain consistent language throughout ordinance when referring to accessory buildings.

### ***Recommendation***

Based on the findings in the staff report, it is the Planning Staff’s opinion that the Historic Landmark Commission transmits a favorable recommendation to the Planning Commission to forward a positive recommendation to City Council to adopt the proposed changes to the zoning ordinance as it relates to the clarification of accessory building demolition in the H Historic Preservation Overlay.

### ***Potential Motions***

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report, testimony and proposed text amendment presented, I move that the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission to forward a positive recommendation to the City Council to adopt the proposed changes to the zoning ordinance as it relates to the clarification of accessory building demolition in the H Historic Preservation Overlay.

**Not Consistent with Staff Recommendation:** Based on the testimony, proposed text amendments as presented and the following findings, I move that the Historic Landmark Commission transmit a recommendation to the

Planning Commission to forward negative recommendation to the City Council relating to this petition.

The Historic Landmark Commission shall make findings on the Zoning Text Amendment standards as listed below:

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;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

## **Background**

### **Project Description**

Salt Lake City intermittently processes ordinances to provide clarification when it is found that processes are not clearly identified in the ordinance. It is then beneficial to make minor code clarifications that lead to a greater ease of use, understanding, and process with regard to the Preservation Program.

Although Staff has been consistent with their treatment of the demolition of accessory structures, there have been questions as to exactly how the demolition is executed in its entirety and it hasn't been explicitly clear in the zoning ordinance.

This text amendment is intended to clarify how demolition is handled, the criteria used for evaluation and to provide additional clarification so future interpretation of the demolition of accessory buildings versus principal buildings is clearly outlined. It should be noted that the proposed changes continue to provide Staff the right to forward any accessory building demolition petition to the Landmark Commission if it is found that the structure might meet the contributing building criteria- A recent case example, PLNHLC2012-00384 otherwise commonly referred to as the Meck garage petition.

### **Discussion of recent Surveys**

Staff has reviewed the most recent surveys (Westmoreland 2010, Capitol Hill 2008) and found that there generally is not enough information available nor research performed to determine a contributing status of accessory buildings. The surveys' primary focus and documentation has been on the primary historic building on the site. In Salt Lake City there are handfuls of properties which have more than one primary contributing historical building designated on site. Documentation has generally been done in the form of a general count of outbuildings, and in some cases photographs taken. Photographs often are labeled with qualitative statements such as "interesting garage," and other times given what appear to be somewhat arbitrary descriptions.

The Capitol Hill Survey discussed garage review as " cursory" in nature, and mentions that previous surveys were erroneous calling some garages contributing when they were built entirely outside of the period. It concludes with statements that more work needs to be done. The Westmoreland Survey provides a general tally of garages, identifies if they may have been built within the period. The survey makes it clear that the focus of the survey is on the "Contributing Primary Resources," namely the homes on each site. It says that garages are "not included in resource count." That being said, the surveys do not outright negate the importance of garages on landmark sites or within historic districts.

Staff recognizes that there are accessory buildings that may be found to be significant and should be preserved. Staff should continue to forward such demolition requests to the Historic Landmark Commission if there is any question that a garage or accessory buildings meets the "contributing building" standards. This been Staff practice as demonstrated the case of the Meck garage. However, it is also Staff's experience that many garages have not meet the criteria of a "contributing building" and those petitions for demolition should continue to be administratively reviewed using the alteration standards. Staff acknowledges that although a garage may not meet the criteria of a contributing building, it may contribute to the site and the district in other ways such as siting and location on site. For that reason, replacement garages are important on a contributing site. The established process should continue to be in line with the Historic Preservation Philosophy statement to provide greater flexibility when appropriate on site when considering alterations and demolitions of non-contributing garages.

## **Proposed Code Changes & Analysis**

The Salt Lake City Planning Division is processing specific adjustments to the Zoning Ordinance. The changes proposed are discussed below in the order that they would appear in the ordinance.

### **1. Chapter 21A.06 – Decision Making Bodies**

Provides consistent language when referring to accessory buildings, changing terminology to “accessory buildings,” rather than “accessory structures.” Accessory structures according to the zoning ordinance refers to many objects such as fences, walls, etc. This clarifies that the ordinance is referring to garages and other sorts of accessory outbuildings, not other objects.

### **2. Chapter 21A.10 – Public Hearing Notice Requirements**

Provides consistent language when referring to accessory buildings, changing terminology to “accessory buildings,” rather than “accessory structures.”

Provides further clarification that the twelve (12) day notification that occurs as part of the “demolition of a noncontributing building” in a historic district is intended to refer to the primary building, not noncontributing accessory buildings on the site. This furthers clarification that the primary building is of ultimate importance, and the notice pertains to demolition of the primary building, not the demolition of noncontributing accessory buildings.

### **3. Chapter 21A.34 – H Historic Preservation Overlay District**

Provides consistent language when referring to accessory buildings, changing terminology to “accessory buildings,” rather than “accessory structures.”

Provides clarification to the definitions of “Contributing” and “Noncontributing” Buildings. The ordinance consistently makes reference to the “principal” building; this should be consistent throughout the code and will clarify intent when making interpretations. Further consistency is achieved by adding the word “primary” or “principal” where applicable as the principal building is generally the most significant historic resource on the site. Consistency in language will aid with consistency and clarification as to how principal and accessory buildings are treated in terms of hierarchy and flexibility of review on a site.

Clarifies that demolition of accessory buildings, garages, etc. on contributing or noncontributing sites can be administratively approved through issuance of a Certificate of Appropriateness.

Clarifies that if a primary building is to be demolished on a noncontributing site, that the notification procedures will need to be adhered to, but not for accessory building demolition.

Adds the “demolition of accessory buildings” to the list of projects that must be evaluated using the “G” Standards for alteration of a Landmark Site or contributing site.

Adds a new standard to the Alteration Standards (G). The new standard is intended to provide design criteria to guide the evaluation the construction of new accessory buildings and garages on landmark sites or within local historic districts.

## **Public Participation**

### **Community and Recognized Organizations**

The Planning Division hosted a public open house on November 15, 2012. Notice of the meeting was sent to Community Council chairs, and other groups and individuals whose names are on the Planning Division's List serve. Notice was also posted on the City and State websites. The proposed ordinance was posted on the Planning Division webpage on November 21, 2012. Staff has not received any comment at this time.

As of the finalization of this Staff Report, the Planning Staff will forward any comments received about this proposal to the Historic Landmark Commission members, prior to the meeting on December 6, 2012.

### **Public Comments**

Staff has received no public comment.

### **City Department Comments**

Staff sent information regarding the proposed text changes to numerous City Departments and no comments were received.

## **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:

- A. In making its decision concerning a proposed text 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 community master plans and their land use policies generally outline neighborhood, community and regional uses of land and their characteristics. The purpose is to guide land use but not specifically address the level of detail as the zoning ordinance.

The City has adopted a Preservation Philosophy which is considered when developing appropriate courses of action when:

- Consistently interpreting and applying adopted standards and efficiently administering the process.
- Apply standards in a reasonable manner, taking into consideration economic and technical feasibility.
- Respect that change is a part of history and appropriate additions and alterations must be considered as a part of a natural evolution of historic properties and districts.
- Allow greater flexibility when considering alterations to non-contributing buildings.

**Finding:** The proposed text changes are consistent with the adopted Preservation Policy document. The latest surveys tally accessory buildings within historic districts, but do not evaluate the accessory buildings as "contributory" to the district as principal buildings. The primary building on the site is of primary importance and greater flexibility should be shown to accessory buildings that are not the primary "contributing" buildings on the site. This being said, accessory buildings as well as other historical objects on the site do contribute to the site and the district, most notably with their historical siting and location on site. The ordinance and policies support that natural changes and evolution should be more flexible in terms

of how they are treated and replaced. The new alteration standard will strengthen appropriate replacement structures.

-The proposed text amendments provide additional refinement of the zoning regulations by providing clarification of existing regulations. The proposed amendments will help ensure compatibility and consistency with goals, objectives and policies of the adopted master plans of the City.

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

**Analysis:** In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not substantially alter the various purpose statements of zoning districts.

**Finding:** The proposed text amendments are consistent with current planning practices and further the specific purpose statements found throughout the Zoning Ordinance.

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

**Analysis:** The proposed text amendments clarify the H Historic overlay district language. Therefore they will not interfere with the character of specific properties. The proposed amendments reflect code maintenance issues intended to improve effectiveness and processes.

**Finding:** The proposed clarification amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards and do not significantly modify any intent or purpose of the existing City code.

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

**Analysis:** The proposed clarification amendment reflects current practices in urban planning and will clarify, update and enhance City's planning practices as it relates to the Historic Preservation Program.

**Finding:** The proposed clarification text amendments are consistent with the purpose of the Zoning Ordinance and implement current and professional practices of historic preservation.

***Attachment A***  
DRAFT Ordinance

**THIS IS A DRAFT ORDINANCE**

**21A.06.050 B: HISTORIC LANDMARK COMMISSION:**

B. Jurisdiction and Authority: the historic landmark commission shall:

3. Review and approve or deny applications for the demolition of ~~structures~~ buildings/sites in the H historic preservation overlay district pursuant to chapter 21A.34 of this title;
6. Review and approve or deny certain special exceptions for properties located within an H historic preservation overlay district. The certain special exceptions are listed as follows:
  - a. Building wall height;
  - b. Accessory building structure wall height;
  - c. Accessory building structure square footage;
  - d. Fence height;
  - e. Overall ~~building and principal and~~ accessory building structure height;
  - f. Signs pursuant to 21A.46.070; and
  - g. Any modification to bulk and lot regulations of the underlying zoning district where it is found that the underlying zoning would not be compatible with the historic district and/or landmark site.

**21A.10.020 B.2. PUBLIC HEARING NOTICE REQUIREMENTS:**

B. Special Noticing Requirements For Administrative Approvals:

2. Determination Of Noncontributing Status Within An H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing primary building structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

**21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:**



A. Purpose Statement: In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H historic preservation overlay district is to:

1. Provide the means to protect and preserve areas of the city and individual buildings~~structures~~ and sites having historic, architectural or cultural significance;
3. Abate the destruction and demolition of historic buildings/sites ~~structures~~;

B. Definitions:

2. Contributing Building Structure: A contributing building structure is a primary building structure or site within an H historic preservation overlay district that meets all the criteria outlined in subsection C2 of this section, and It is of moderate importance to the city, state, region or nation because it imparts artistic, historic or cultural values. A contributing building is of significance as the primary historic resource on the site. A contributing building structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.
3. Noncontributing Building Structure: A noncontributing building structure is a building ~~structure~~ within an H historic preservation overlay district that does not meet the criteria listed in subsection C2 of this section. The major character defining features on the primary building have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing buildings structures may also include those which are less than fifty (50) years old.
4. Landmark Site: A landmark site is any site included on the Salt Lake City register of cultural resources that meets all the criteria outlined in subsection C2 of this section. Such sites are of exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.
6. Demolition: Any act or process which destroys a building structure, object or property within an H historic preservation overlay district or a landmark site. (See subsection B7 of this section.)
7. Demolition, Partial: Partial demolition includes any act which destroys a portion of a building structure consisting of not more than twenty five percent (25%) of the floor area of the building structure, and where the portion of the building structure to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the

historic period on any exterior elevation exceeding twenty five percent (25%) when the demolition is part of an act of restoring original historic elements of a building structure and/or restoring a building structure to its historical mass and size.

D. The adjustment of boundaries of an H Historic Preservation Overlay District and the Revocation of the designation of Landmark Site:

3. Criteria for the revocation of the designation of a Landmark Site are as follows:

- a. The property has ceased to meet the criteria for designation as a landmark site because the qualities that caused it to be originally designated have been lost or destroyed or the primary historic building or structure has been demolished;  
or

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

3. Relocation of a building structure or object on the same site or to another site;
5. Alteration or construction of accessory buildings structures, such as garages, etc.;

F. Procedure for Issuance of Certificate of Appropriateness:

1. Administrative Decision: Certain types of construction or demolition may be approved administratively subject to the following procedures:

- a. The following may be approved by administrative decision:

- (1) Minor alteration of or addition to a landmark site or contributing site and/or building structure;
- (2) Substantial alteration of or addition to a noncontributing site;
- (3) Partial demolition of either a landmark site or a contributing building structure;
- (4) Demolition of any accessory building such as a garage, etc., on a contributing or noncontributing site structure;

- (5) Demolition of a noncontributing primary building structure; and,
- d. Notice for Application for Demolition of a Noncontributing primary building on a noncontributory site Structure: An application for demolition of a noncontributing structure shall require notice for determination of noncontributing sites pursuant to chapter 21A.10 of this title.
2. Historic Landmark Commission: Certain types of construction, demolition and relocation shall only be allowed to be approved by the historic landmark commission subject to the following procedures:
- a. The following shall be reviewed by the historic landmark commission:
- (1) Substantial alteration or addition to a landmark site or contributing building structure/site;
  - (2) New construction of a principal building in H historic preservation overlay district;
  - (3) Relocation of landmark site or contributing building/site;
  - (4) Demolition of landmark site or contributing building/site;
  - (5) Applications for administrative approval referred by the planning director;
  - (6) Installation of solar energy collection systems that may be readily visible from a public right of way, as described in and pursuant to chapter 21A.40 of this title; and,
- g. Review and Decision by The Historic Landmark Commission: The historic landmark commission shall make a decision at a regularly scheduled meeting, within sixty (60) days following receipt of a completed application, except that a review and decision on an application for a certificate of appropriateness for demolition of a landmark site or contributing building structure declaring an economic hardship shall be made within one hundred twenty (120) days following receipt of a completed application.
- (2) On the basis of its written findings of fact the historic landmark commission shall either approve, deny or conditionally approve the certificate of appropriateness. A decision on an application for a certificate of appropriateness for demolition of a contributing building structure may be deferred for up to one year pursuant to subsections L and M of this section.

(3) The decision of the historic landmark commission shall become effective at the time the decision is made. Demolition permits for landmark sites or contributing buildings structures shall not be issued until the appeal period has expired.

h. Appeal of Historic Landmark Commission Decision to the Appeals Hearing Officer: The applicant, any owner of abutting property or of property located within the same H historic preservation overlay district, any recognized or registered organization pursuant to title 2, chapter 2.62 of this code, the Utah State Historical Society or the Utah Heritage Foundation, aggrieved by the historic landmark commission's decision, may object to the decision by filing a written appeal with the appeals hearing officer within ten (10) calendar days following the date on which a record of decision is issued. The filing of the appeal shall stay the decision of the historic landmark commission pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the historic landmark commission if such decision defers a demolition request for up to one year pursuant to the provisions of subsections L and M of this section.

G. Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Building Structure including the demolition of or new construction of an accessory building structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the principal building and its site and environment;
9. Additions or alterations to buildings or structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
12. Any new accessory building located on a landmark site or within the H historic preservation overlay district, which is readily visible from the public way, shall be designed to be visually compatible and consistent with the character of the primary building, landmark site and/or district. Replacement garages should take the original accessory building's historical siting into consideration whenever possible.

H. Standards for Certificate of Appropriateness involving new Construction or Alteration of a Noncontributing Building Structure: In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing buildings structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing buildings structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding buildings structures and streetscape and is in the best interest of the city:

1. Scale and Form:

- a. Height and Width: The proposed height and width shall be visually compatible with surrounding buildings structures and streetscape;
- b. Proportion of Principal Facades: The relationship of the width to the height of the principal elevations shall be in scale with surrounding buildings structures and streetscape;
- c. Roof Shape: The roof shape of a building structure shall be visually compatible with the surrounding buildings structures and streetscape; and
- d. Scale of a Building Structure: The size and mass of the buildings structures shall be visually compatible with the size and mass of surrounding buildings structures and streetscape.

2. Composition of Principal Facades:

- a. Proportion of Openings: The relationship of the width to the height of windows and doors of the building structure shall be visually compatible with surrounding structures and streetscape;
- b. Rhythm of Solids to Voids in Facades: The relationship of solids to voids in the facade of the building structure shall be visually compatible with surrounding buildings structures and streetscape;
- c. Rhythm of Entrance Porch and other Projections: The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding buildings structures and streetscape; and
- d. Relationship of Materials: The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding buildings structures and streetscape.

3. Relationship to Street:

- a. Walls of Continuity: Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;
  - b. Rhythm of Spacing and Structures on Streets: The relationship of a structure or object to the open space between it and adjoining buildings ~~structures~~ or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;
  - c. Directional Expression of Principal Elevation: A building ~~structure~~ shall be visually compatible with the buildings, structures, public ways and places to which it is visually related in its orientation toward the street; and
  - d. Streetscape; Pedestrian Improvements: Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.
- I. Standards for Certificate of Appropriateness for Relocation of Landmark Site or Contributing Building Structure: In considering an application for a certificate of appropriateness for relocation of a landmark site or a contributing building structure, the historic landmark commission shall find that the project substantially complies with the following standards:
- 1. The proposed relocation will abate demolition of the primary building structure;
  - 2. The proposed relocation will not diminish the overall physical integrity of the district or diminish the historical associations used to define the boundaries of the district;
  - 3. The proposed relocation will not diminish the historical or architectural significance of the building structure;
  - 4. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
  - 5. A professional building mover will move the building and protect it while being stored; and
  - 6. A financial guarantee to ensure the rehabilitation of the building structure once the relocation has occurred is provided to the city. The financial guarantee shall be in a form approved by the city attorney, in an amount determined by the planning director sufficient to cover the estimated cost to rehabilitate the building structure as approved by the historic landmark commission and restore the grade

and landscape the property from which the building structure was removed in the event the land is to be left vacant once the relocation of the building structure occurs.

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