

In the following sections, underline text is new text proposed to be added and strike-through text is proposed to be deleted. Text not underlined or without a strikethrough is existing in the code and will not be changed. Through the public and City Staff review process this draft will be further revised and it is possible that other related sections will be modified as the proposal progresses.

21A.06.050: HISTORIC LANDMARK COMMISSION:

- A. General Provisions: The provisions of title 2, [chapter 2.07](#) of this code shall apply to the historic landmark commission except as otherwise set forth in this section.
- B. Creation: The historic landmark commission was created pursuant to the enabling authority granted by the historic district act, section 11-18-1 et seq., of the Utah Code Annotated, 1953 (repealed), and continues under the authority of the land use development and management act, Utah code chapter 10-9a.
- C. Jurisdiction And Authority: The historic landmark commission shall:
 1. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of [chapter 21A.34](#) of this title;
 2. Participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation; Communicate the benefits of historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;
 3. Review and approve or deny applications for the demolition of contributing principal structures in the H historic preservation overlay district pursuant to chapter 21A.34 of this title;
 4. Review designations, amendments to and boundaries of a local historic district, thematic designation and landmark sites, and make a recommendation ~~Recommend~~ to the planning commission and the city council; ~~the boundaries for the establishment of an H historic preservation overlay district and landmark sites;~~
 5. Make recommendations when requested by the planning commission, the hearing officer or the city council, as appropriate, on applications for zoning amendments and conditional uses involving properties within the H historic preservation overlay districts; when requested by the applicant, planning director, planning commission or the city council.
 6. Review and approve or deny certain modifications to dimensional standards for properties located within an H Historic Preservation Overlay District. This authority is also granted to the planning director or designee for applications within the H Historic Preservation Overlay District that are eligible for an administrative approval decision by the planning director or zoning administrator. The certain modifications to zoning district specific development standards are listed as follows and are in addition to any modification authorized elsewhere in this title:
 - a. Overall building and accessory structure height;

- ba. Building and accessory structure wall height;
 - ~~b. Accessory structure wall height~~;
 - c. Accessory structure square footage;
 - d. Fence and retaining wall height;
 - ~~e. Overall building and accessory structure height~~;
 - ef. Signs pursuant to section [21A.46.070](#) of this title; and
 - fg. Any modification to bulk and lot regulations, except density, of the underlying zoning district where it is found that the proposal complies with the applicable standards identified in section [21A.34.020](#) and is compatible with the surrounding historic structures.
7. Make recommendations to the planning commission in connection with the preparation of the general plan of the city; and
 8. Make recommendations to the ~~c~~City ~~c~~Council on design guidelines, policies and ordinances that may encourage preservation of buildings and related structures of historical and architectural significance.
ADDS IN AUTHORITY LANGUAGE TO REFLECT DUTIES THAT ARE NOT CURRENTLY LISTED
 9. Review historic resource surveys for designations and all subsequent updates and make recommendations to the planning commission and the city council.
 10. Review National Register nominations or amendments and make a recommendation to the Utah Board of State History.
 11. Recommend to the city council development of incentive programs, either public or private, to encourage the preservation of the City's historic resources.
- D. Membership: The Historic Landmark Commission shall consist of not less than seven (7) nor more than eleven (11) voting members appointed in a manner providing balanced geographic, professional, neighborhood and community interests representation. In situations where a member resigns or is removed as prescribed in this code and adopted policies and procedures and as a result, the number of members drops to less than seven (7), the commission may still function until a 7th member is appointed. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.
- E. Qualifications of Members: Each voting member shall be a resident of the City interested in preservation and knowledgeable about the heritage of the City. Members shall be selected so as to ideally provide representation from the following groups of experts and interested parties whenever a qualified candidate exists:
1. At least two (2) architects, and
 2. ~~Citizens~~ Residents at large possessing preservation related experience in archaeology, architecture, architectural history, construction, history, folk studies, law, public history, real estate, real estate appraisal, or urban planning.

- F. Meetings: The Historic Landmark Commission shall meet at least once per month or as needed.
- G. Commission Action: A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. ~~The decision of the Historic Landmark Commission shall become effective upon the posting of the record of decision.~~
- H. Public Hearings: The Historic Landmark Commission shall schedule and give public notice of all public hearings pursuant to the provisions of [chapter 21A.10](#) of this title.
- I. Removal of a Member: Any member of the Historic Landmark Commission may be removed by the Mayor for violation of this title or any policies and procedures adopted by the Historic Landmark Commission following receipt by the Mayor of a written complaint filed against the member.
- J. Policies and Procedures: The Historic Landmark Commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

21A.06.040: APPEALS HEARING OFFICER:

- A. Creation: The position of Appeals Hearing Officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, section 10-9a-701 of the Utah Code Annotated.
- B. Jurisdiction and Authority: The Appeals Hearing Officer shall have the following powers and duties in connection with the implementation of this title:
 1. Hear and decide appeals from any administrative decision made by the Zoning Administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in [chapter 21A.16](#), "Appeals of Administrative Decisions", of this title;
 2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in [chapter 21A.18](#), "Variances", of this title;
 3. Hear and decide appeals of any ~~administrative~~ decision made by the Historic Landmark Commission, or the planning director in the case of administrative decisions, pursuant to the procedures and standards set forth in section [21A.34.020](#), "H Historic Preservation Overlay District", of this title;
 4. Hear and decide appeals from decisions made by the Planning Commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20, "Subdivisions and Condominiums", of this Code; and
 5. Hear and decide appeals from administrative decisions made by the planning commission pursuant to the procedures and standards set forth in this title.

- C. **Qualifications:** The appeals hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for appeals hearing officer review. The appeals hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.
- D. **Conflict Of Interest:** The appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest prohibited by title 2, [chapter 2.44](#) of this code.
- E. **Removal Of The Appeals Hearing Officer:** The appeals hearing officer may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning director following receipt by the mayor of a written complaint filed against the appeals hearing officer. If requested by the appeals hearing officer, the mayor shall provide the appeals hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

21A.10.020: PUBLIC HEARING NOTICING REQUIREMENTS

Providing all of the information necessary for notice of all public hearings required under this title shall be the responsibility of the applicant and shall be in the form established by the zoning administrator and subject to the approval of the zoning administrator pursuant to the standards of this section.

- A. **Public Hearing Required:** Projects requiring a public hearing as required by this title shall be held after the following public notification:
 - 1. **Mailing ~~f~~For Public Hearing:** Notice by first class mail shall be provided:
 - a. A minimum of twelve (12) calendar days in advance of the public hearing;
 - b. To all owners and tenants of the land as shown on the Salt Lake City geographic information system records. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title;
 - c. Within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of the land subject to application for sexually oriented businesses requiring conditional site plan review pursuant to [chapter 21A.36](#) of this title; and
 - d. Notice by first class mail for zoning text amendments shall only be required if a notice requesting the mailing is received by the Planning Director.
 - 2. **Notification ~~t~~To Recognized Organizations:** The City shall give e-mail notification, or other form of notification chosen by the Planning Director, a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, [chapter 2.60](#) of this Code.

3. Contents of Mailing Notice for Public Hearing: The first-class mailing notice for any public hearing required pursuant to this title shall generally describe the subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
4. Posting for Public Hearing: The land subject to an application for a public hearing shall be posted by the City with a sign giving notice of the public hearing, providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.
 - a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty-five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application.
 - b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.
 - c. Exemption: This posting requirement shall not apply to applications for amendments involving an H Historic Preservation Overlay District, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a Historic District, or for text amendments to this title.
5. Publication: As required by State law, at least twelve (12) calendar days in advance of the first public hearing for an application for an amendment to the text of this title or other processes as required by State law, the City shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

B. Special Noticing Requirements for Administrative Approvals:

1. Design Review: The Planning Commission shall consider requests for design review ([chapter 21A.59](#) of this title) at a public hearing if there is an expression of interest after providing notice as follows:
 - a. Notification: The City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land

subject to the application. Recognized organizations are also entitled to receive notice pursuant to title 2, [chapter 2.60](#) of this Code by e-mail or other form chosen by the Planning Director. At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the Planning Commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the Planning Director may decide the issue administratively.

2. ~~Notice of Application for Demolition of a Determination Of Noncontributing Principal Structure 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 principal structure, the City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action determination of noncontributing status of the property to all abutting properties and those properties across the street from the subject property and 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.~~
 - a. Contents of the Mailing Notice of Application: The notice for mailing shall generally describe the subject property, include a photograph of the noncontributing structure proposed for demolition, date of construction, historic status information from the most recent historic survey on file or a historic status determination, where such application can be inspected by the public, the date when the Planning Director will issue a certificate of appropriateness for demolition, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.
3. ~~Notice Of Application For Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in [chapter 21A.52](#) of this title, the Planning Director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.~~
 - a. ~~Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the Planning Director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in [chapter 21A.16](#) of this title.~~
24. ~~Notice oOf Application fFor TSA Development Reviews: Prior to the approval of a development review score as authorized in section 21A.26.078 of this title, the Planning Director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all~~

property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.

- a. Contents of the Mailing Notice of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the Planning Director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.

Chapter 21A.34 OVERLAY DISTRICTS

21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:

- A. Purpose Statement**
- B. Historic Preservation Overlay Areas**
- C. Designation, Adjustment, Expansion or Revocation of a Landmark Site, Local Historic District or Thematic Designation**
- D. Historic Status Determination**
- E. Certificate of Appropriateness Required**
- F. Procedures for Issuance of a Certificate of Appropriateness**
- G. Standards for alteration of a Landmark Site, Contributing Structure or new construction of an accessory structure**
- H. Standards for New Construction or alteration of a Noncontributing structure**
- I. Standards for Relocation**
- J. Standards for Demolition of a Landmark Site**
- K. Standards for Demolition of a Contributing Principal Building**
- L. Economic Hardship Determination**
- M. Requirements for Certificate of Appropriate for Demolition**
- N. Revocation of the Demolition of a Landmark Site**
- O. Exceptions of Certificate of Appropriate for Hazardous Buildings**
- P. Expiration of Approvals**

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 structures and sites having historic, architectural or cultural significance;
 2. Encourage new development, ~~and redevelopment and the subdivision of properties lots in Historic Districts~~ and redevelopment and the subdivision of properties lots in Historic Districts that is compatible with the character of existing development of Historic Districts or individual landmarks;
 3. Abate the destruction and demolition of historic structures;

4. Implement adopted plans of the City related to historic preservation;
5. Foster civic pride in the history of Salt Lake City;
6. Protect and enhance the attraction of the City's historic landmarks and districts for tourists and visitors;
7. Foster economic development consistent with historic preservation; and
8. Encourage social, economic and environmental sustainability.

~~—B. Definitions:~~ **DEFINITIONS BEING MOVED FROM THIS SECTION AND ADDED TO DEFINITIONS CHAPTER - 21A.62**

~~—CONTRIBUTING STRUCTURE: A structure or site within the H Historic Preservation Overlay District that meets the criteria outlined in subsection C15 of this section and is of moderate importance to the City, State, region or Nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.~~

~~—DEMOLITION: Any act or process which destroys a structure, object or property within the H Historic Preservation Overlay District or a landmark site. (See definition of demolition, partial.)~~

~~—DEMOLITION, PARTIAL: Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the 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 structure and/or restoring a structure to its historical mass and size.~~

~~—DESIGN GUIDELINES: The design guidelines provide guidance in determining the suitability and architectural compatibility of proposed maintenance, repair, alteration or new construction while at the same time, allowing for reasonable changes that meet current needs of properties located within the Historic Preservation Overlay District. For architects, designers, contractors and property owners, they provide guidance in planning and designing future projects. For City staff and the Historic Landmark Commission, they provide guidance for the interpretation of the zoning ordinance standards. Design guidelines are officially adopted by City Council.~~

~~—ECONOMIC HARDSHIP: Denial of a property owner of all reasonable beneficial or economically viable use of a property without just compensation.~~

~~—HISTORIC RESOURCE SURVEY: A systematic resource for identifying and evaluating the quantity and quality of historic resources for land use planning purposes following the guidelines and forms of the Utah State Historic Preservation Office.~~

~~— 1. Reconnaissance level surveys (RLS) are the most basic approach for systematically documenting and evaluating historic buildings in Utah communities and involves only a visual evaluation of properties.~~

—2. Intensive level surveys (ILS) include in depth research involving research on the property and its owners, documentation of the property's physical appearance and completion of the Utah State Historic Office's historic site form.

—LANDMARK SITE: Any site included on the Salt Lake City Register of Cultural Resources that meets the criteria outlined in subsection C15 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.

—LOCAL HISTORIC DISTRICT: A geographically or thematically definable area within the H Historic Preservation Overlay District designated by the City Council pursuant to the provisions of this section, which contains buildings, structures, sites, objects, landscape features, archaeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City.

—NEW CONSTRUCTION: The building of a new principal building within the H Historic Preservation Overlay District or on a landmark site.

—NONCONTRIBUTING STRUCTURE: A structure within the H Historic Preservation Overlay District that does not meet the criteria listed in subsection C15 of this section. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures may also include those which are less than fifty (50) years old.

—THEMATIC DESIGNATION: A collection of individual sites, buildings, structures, or features which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.

—WILLFUL NEGLECT: The intentional absence of routine maintenance and repair of a building over time.

B. Applicability: All properties located within the boundaries of a Local Historic District, part of a Thematic Designation, or designated as a Landmark Site are subject to the requirements of this chapter.

1. Applicable Standards: The applicable standards of this chapter are determined by the historic status of the property as identified in the most recent adopted historic resource survey on file with the Salt Lake City Planning Division or a historic status determination issued in accordance with 21A.34.020.D.

a. Historic Resource Surveys: Historic resource surveys are available for all properties within the boundaries of a local historic district. Each property included in the survey is evaluated and given a historic rating of contributing or noncontributing to the historic district, as defined in section 21A.62.

(1) Updates to Historic Resource Surveys: Following the designation of a local historic district, the historic resource survey used to establish the local historic district may be updated on a periodic basis. Updates to historic resource surveys will amend city records to ensure the correct regulations apply to each property. Updates to historic resource surveys shall be done in accordance with the provisions in 21A.51.080 and 21A.34.020.D.

C. Designation, adjustment, expansion, or revocation of a Landmark Site, Local Historic District or Thematic Designation shall follow the applicable procedures and standards in chapter 21A.51 Local Historic Amendments; H Historic Preservation Overlay District:

LANGUAGE BELOW IS BEING MOVED AND REORGANIZED INTO A NEW CHAPTER - 21A.51 - LOCAL HISTORIC DESIGNATION AND AMENDMENTS

— 1. Intent: Salt Lake City will consider the designation of a landmark site, or thematic designation in order to protect the best examples of historic resources which represent significant elements of the City's prehistory, history, development patterns or architecture. Designation of a local historic district must be in the best interest of the City and achieve a reasonable balance between private property rights and the public interest in preserving the City's cultural, historic, and architectural heritage. The City Council shall determine that designation of a landmark site, local historic district or thematic designation is the best method of preserving a unique element of history important to understanding the prehistory or history of the area encompassed by the current Salt Lake City corporate boundaries.

— 2. City Council May Designate Or Amend Landmark Sites, Local Historic Districts Or Thematic Designations: Pursuant to the procedures in this section and the standards for general amendments in section 21A.50.050 of this title the City Council may by ordinance apply the H Historic Preservation Overlay District and:

— a. Designate as a landmark site an individual building, structure or feature or an integrated group of buildings, structures or features on a single lot or site having 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;

— b. Designate as a local historic district a contiguous area with a minimum district size of one "block face", as defined in section 21A.62.040 of this title, containing a number of sites, buildings, structures or features that contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value and constituting a distinct section of the City;

— c. Designate as a thematic designation a collection of sites, buildings, structures, or features which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value; and

— d. Amend designations to add or remove features or property to or from a landmark site, local historic district or thematic designation.

— 3. Preapplication Conference: Prior to the submittal of an application for the designation or amendment to a landmark site(s), local historic district(s) or thematic designation(s), and prior to gathering any signatures in support of such an application, a potential applicant shall attend a preapplication conference with the Planning Director or designee. The purpose of this meeting is to discuss the merits of the proposed designation and the amendment processes as outlined in this section.

— 4. Notification Of Affected Property Owners: Following the preapplication conference outlined in subsection C3 of this section and prior to the submittal of an application for the designation or amendment to a local historic district(s) or thematic designation(s), the City shall send by first class mail a neutral informational pamphlet to owners of record for each property potentially affected by a forthcoming application. The informational pamphlet shall contain, at a minimum, a description of the process to create a local historic district and will also list the pros and cons of a local historic district. The informational pamphlet shall be mailed after a potential

applicant submits to the City a finalized proposed boundary of an area to be included in the H Historic Preservation Overlay District. Once the City sends the informational pamphlet, property owner signature gathering may begin per subsection C5b of this section. The informational pamphlet sent shall remain valid for ninety (90) days. If an application is not filed with the City within ninety (90) days after the date that the informational pamphlet was mailed, the City shall close its file on the matter. Any subsequent proposal must begin the application process again.

—5. ~~Petition Initiation For Designation Of A Landmark Site, Local Historic District Or Thematic Designation:~~

— a. ~~Petition Initiation For H Historic Preservation Overlay District; Landmark Site:~~ Any owner of property proposed for a landmark site, the Mayor or the City Council, by majority vote, may initiate a petition to consider the designation of a landmark site.

— b. ~~Petition Initiation For H Historic Preservation Overlay District; Local Historic District Or Thematic Designation:~~ A property owner initiating such a petition shall demonstrate, in writing, support of more than thirty three percent (33%) of the property owners of lots or parcels within the proposed boundaries of an area to be included in the H Historic Preservation Overlay District. The Mayor or the City Council, by a majority vote, may initiate a petition to consider designation of a local historic district or thematic designation.

— (1) ~~For purposes of this subsection, a lot or parcel of real property may not be included in the calculation of the required percentage unless the application is signed by property owners representing at least fifty percent (50%) of the interest in that lot or parcel.~~

— (2) ~~Each lot or parcel of real property may only be counted once toward the thirty three percent (33%), regardless of the number of owner signatures obtained for that lot or parcel.~~

— (3) ~~Signatures obtained to demonstrate support of more than thirty three percent (33%) of the property owners within the boundary of the proposed local historic district or thematic designation must be gathered within a period of ninety (90) days as counted between the date that the informational pamphlet was mailed as required per subsection C4 of this section and the date of the last required signature.~~

— c. ~~Fees:~~ No application fee will be required for a petition initiated by a property owner for designation of a property to the H Historic Preservation Overlay District.

—6. ~~Notice Of Designation Application Letter:~~ Following the receipt by the City of an application for the designation or amendment to a local historic district(s) or thematic designation(s), the City shall send a notice of designation application letter to owner(s) of record for each property affected by said application along with a second copy of the informational pamphlet described in subsection C4 of this section. In the event that no application is received following the ninety (90) day period of property owner signature gathering, the City will send a letter to property owner(s) of record stating that no application has been filed, and that the City has closed its file on the matter.

—7. ~~Planning Director Report To The City Council:~~ Following the initiation of a petition to designate a landmark site or a local historic district or thematic designation, the Planning Director shall submit a report based on the following considerations to the City Council:

— a. ~~Whether a current survey meeting the standards prescribed by the State Historic Preservation Office is available for the landmark site or the area proposed for a local historic district or thematic designation. If a suitable survey is not available, the report shall propose a strategy to gather the needed survey data.~~

~~— b. The City administration will determine the priority of the petition and determine whether there is sufficient funding and staff resources available to allow the Planning Division to complete a community outreach process, historic resource analysis and to provide ongoing administration of the new landmark site, local historic district or thematic designation if the designation is approved by the City Council. If sufficient funding is not available, the report shall include a proposed budget.~~

~~— c. Whether the proposed designation is generally consistent with the purposes, goals, objectives and policies of the City as stated through its various adopted planning documents.~~

~~— d. Whether the proposed designation would generally be in the public interest.~~

~~— e. Whether there is probable cause to believe that the proposed landmark site, local historic district or thematic designation may be eligible for designation consistent with the purposes and designation criteria in subsection C15 of this section and the zoning map amendment criteria in section [21A.50.050](#), "Standards For General Amendments", of this title.~~

~~— f. Verification that a neutral informational pamphlet was sent per subsection C4 of this section to all property owners within a proposed local historic district following the presubmittal process outlined in subsection C3 of this section.~~

~~— 8. Property Owner Meeting: Following the submission of the Planning Director's report and acceptance of the report by the City Council, the Planning Division will conduct a community outreach process to inform the owners of property within the proposed boundaries of the proposed landmark site, local historic district or thematic designation about the following:~~

~~— a. The designation process, including determining the level of property owner support, the public hearing process, and final decision making process by the City Council; and~~

~~— b. Zoning ordinance requirements affecting properties located within the H Historic Preservation Overlay District, adopted design guidelines, the design review process for alterations and new construction, the demolition process and the economic hardship process.~~

~~— 9. Open House: Following the property owner meeting, the Planning Division will conduct an open house for the owners of property within the proposed boundaries of the local historic district or thematic designation to provide the information described in subsections C8a and C8b of this section.~~

~~— 10. Public Hearing Process:~~

~~— a. Historic Landmark Commission Consideration: Following the initiation of a petition to designate a landmark site or a local historic district, the Historic Landmark Commission shall hold a public hearing and review the request by applying subsection C15, "Standards For The Designation Of A Landmark Site, Local Historic District Or Thematic Designation", of this section. Following the public hearing, the Historic Landmark Commission shall recommend approval, approval with modifications or denial of the proposed designation and shall then submit its recommendation to the Planning Commission and the City Council.~~

~~— b. Planning Commission Consideration: Following action by the Historic Landmark Commission, the Planning Commission shall hold a public hearing and shall recommend approval, approval with modifications or denial of the proposed designation based on the standards of section [21A.50.050](#) of this title, zoning map amendments and shall then submit its recommendation to the City Council.~~

~~— 11. Property Owner Opinion Balloting:~~

~~— a. Following the completion of the Historic Landmark Commission and Planning Commission public hearings, the City will deliver property owner opinion ballots via first class mail to property owners of record within the boundary of the proposed local historic district or thematic designation. The property owner opinion ballot is a nonbinding opinion poll to inform the City Council of property owner interest regarding the designation of a local historic district. Each individual property in the proposed designation boundary, regardless of the number of owners having interest in any given property, will receive one property owner opinion ballot.~~

~~— (1) A property owner is eligible to vote regardless of whether or not the property owner is an individual, a private entity, or a public entity;~~

~~— (2) The Municipality shall count no more than one property owner opinion ballot for:~~

~~— (A) Each parcel within the boundaries of the proposed local historic district or area; or~~

~~— (B) If the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and~~

~~— (3) If a parcel or unit has more than one owner of record, the Municipality shall count a property owner opinion ballot for the parcel or unit only if the property owner opinion ballot reflects the vote of the property owners who own at least fifty percent (50%) interest in the parcel or unit.~~

~~— b. Property owners of record will have thirty (30) days from the postmark date of the property owner opinion ballot to submit a response to the City indicating the property owner's support or nonsupport of the proposed designation.~~

~~— c. A letter shall be mailed to all property owners within the proposed local historic district or thematic designation whose property owner opinion ballot has not been received by the City within fifteen (15) days from the original postmark date. This follow up letter will encourage the property owners to submit a property owner opinion ballot prior to the thirty (30) day deadline date set by the mailing of the first property owner opinion ballot.~~

~~— 12. Notification Of Property Owner Opinion Balloting Results: Following the public opinion balloting for the proposed designation, the City will send notice of the results to all property owners within the proposed local historic district, area, or thematic designation.~~

~~— 13. City Council Consideration: Following the transmittal of the Historic Landmark Commission and the Planning Commission recommendations and the results of the property owner opinion process, the City Council shall hold a public hearing to consider the designation of a landmark site, local historic district or thematic designation.~~

~~— a. Designation Of A Landmark Site: The City Council may, by a majority vote, designate a landmark site.~~

~~— b. Designation Of A Local Historic District Or Thematic Designation:~~

~~— (1) If the property owner opinion ballots returned equals at least two thirds ($\frac{2}{3}$) of the total number of returned property owner support ballots, and represents more than fifty percent (50%) of the parcels and units (in the case of a condominium project) within the proposed local historic district, area, or thematic designation, the City Council may designate a local historic district or a thematic district by a simple majority vote.~~

~~— (2) If the number of property owner opinion ballots received does not meet the threshold identified in subsection C13b(1) of this section, the City Council may only designate a local~~

historic district, area, or a thematic district by an affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the City Council.

~~— (3) If the number of property owner opinion ballots received in support and in opposition is equal, the City Council may only designate a local historic district or a thematic district by a super majority vote.~~

~~— c. Following Designation: Following City Council designation of a landmark site, local historic district or thematic designation, all of the property located within the boundaries of the H Historic Preservation Overlay District shall be subject to the provisions of this section. The zoning regulations will go into effect on the date of the publication of the ordinance unless otherwise noted on the adoption ordinance.~~

~~— 14. Notice Of Designation: Within thirty (30) days following the designation of a landmark site, local historic district or thematic designation, the City shall provide notice of the action to all owners of property within the boundaries of the H Historic Preservation Overlay District. In addition, a notice shall be recorded in the Office of the County Recorder for all lots or parcels within the area added to the H Historic Preservation Overlay District.~~

~~— 15. Standards For The Designation Of A Landmark Site, Local Historic District Or Thematic Designation: Each lot or parcel of property proposed as a landmark site, for inclusion in a local historic district, or for thematic designation shall be evaluated according to the following:~~

~~— a. Significance in local, regional, State or national history, architecture, engineering or culture, associated with at least one of the following:~~

~~— (1) Events that have made significant contribution to the important patterns of history, or~~

~~— (2) Lives of persons significant in the history of the City, region, State, or Nation, or~~

~~— (3) The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or~~

~~— (4) Information important in the understanding of the prehistory or history of Salt Lake City; and~~

~~— b. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places;~~

~~— c. The proposed local historic district or thematic designation is listed, or is eligible to be listed on the National Register of Historic Places;~~

~~— d. The proposed local historic district contains notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City;~~

~~— e. The designation is generally consistent with adopted planning policies; and~~

~~— f. The designation would be in the overall public interest.~~

~~— 16. Factors To Consider: The following factors may be considered by the Historic Landmark Commission and the City Council to help determine whether the proposed designation of a landmark site, local historic district or thematic designation meets the criteria listed above:~~

~~— a. Sites should be of such an age which would allow insight into whether a property is sufficiently important in the overall history of the community. Typically this is at least fifty (50) years but could be less if the property has exceptional importance.~~

~~— b. Whether the proposed local historic district contains examples of elements of the City's history, development patterns and/or architecture that may not already be protected by other local historic districts within the City.~~

~~— c. Whether designation of the proposed local historic district would add important knowledge that advances the understanding of the City's history, development patterns and/or architecture.~~

~~— d. Whether approximately seventy five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by the most recent applicable historic survey.~~

~~— 17. Boundaries Of A Proposed Landmark Site: When applying the evaluation criteria in subsection C15 of this section, the boundaries of a landmark site shall be drawn to ensure that historical associations, and/or those which best enhance the integrity of the site comprise the boundaries.~~

~~— 18. Boundaries Of A Proposed Local Historic District: When applying the evaluation criteria in subsection C15 of this section, the boundaries shall be drawn to ensure the local historic district:~~

~~— a. Contains a significant density of documented sites, buildings, structures or features rated as contributing structures in a recent historic survey;~~

~~— b. Coincides with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;~~

~~— c. Coincides with logical physical or manmade features and reflect recognized neighborhood boundaries; and~~

~~— d. Contains nonhistoric resources or vacant land only where necessary to create appropriate boundaries to meet the criteria of subsection C15 of this section.~~

~~— 19. Boundaries Of A Proposed Thematic Designation: When applying the evaluation criteria of this section, the boundaries shall be drawn to ensure the thematic designation contains a collection of sites, buildings, structures, or features that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.~~

~~— D. The Adjustment Or Expansion Of Boundaries Of An H Historic Preservation Overlay District And The Revocation Of The Designation Of Landmark Site:~~

~~— 1. Procedure: The procedure for the adjustment of boundaries of an H Historic Preservation Overlay District and the revocation of the designation of a landmark site shall be the same as that outlined in subsection C of this section.~~

~~— 2. Criteria For Adjusting The Boundaries Of An H Historic Preservation Overlay District: Criteria for adjusting the boundaries of an H Historic Preservation Overlay District are as follows:~~

~~— a. The properties have ceased to meet the criteria for inclusion within an H Historic Preservation Overlay District because the qualities which caused them to be originally included~~

~~have been lost or destroyed, or such qualities were lost subsequent to the Historic Landmark Commission recommendation and adoption of the district;~~

~~— b. Additional information indicates that the properties do not comply with the criteria for selection of the H Historic Preservation Overlay District as outlined in subsection C15 of this section; or~~

~~— c. Additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the H Historic Preservation Overlay District, provided they meet the standards outlined in subsection C15 of this section.~~

~~— 3. Criteria For The Expansion Of An Existing Landmark Site, Local Historic District Or Thematic Designation: A proposed expansion of an existing landmark site, local historic district or thematic designation shall be considered utilizing the provisions of subsections C15 through C19 of this section.~~

~~— 4. Criteria For The Revocation Of The Designation Of A Landmark Site: Criteria 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 structure has been demolished; or~~

~~— b. Additional information indicates that the landmark site does not comply with the criteria for selection of a landmark site as outlined in subsection C15 of this section; or~~

~~— c. Additional information indicates that the landmark site is not of exceptional importance to the City, State, region or Nation.~~

D. Historic Status Determination:

NEW - HISTORIC STATUS DETERMINATIONS IN CERTAIN CIRCUMSTANCES FOR INDIVIDUAL PROPERTIES

1. Purpose: The City utilizes the most recently updated or adopted historic resource surveys to determine the historic status of properties within the H Historic Preservation Overlay District. Historic status determinations are to address individual properties within a local historic district in certain circumstances.
2. Authority: Historic status determinations shall be made by the Zoning Administrator in the form of an administrative interpretation.
3. Persons Entitled to Seek Historic Status Determinations: Application for a historic status determination may be made by the owner of the subject property or the owner's authorized agent. The planning director may also initiate a petition for a historic status determination.
4. Limitations: A historic status determination:
 - a. Does not change the boundaries of the local historic district;
 - b. Cannot be issued for Landmark Sites;
 - c. Cannot be issued for structures that are not within period of significance in an adopted or updated historic resource survey.
5. Applicability: Historic status determinations may be rendered for properties within an existing local historic district using the considerations in 21A.34.020.D.6 to determine whether they are contributing or noncontributing to the local historic district for the following:

- a. Unrated Properties: Properties that were inadvertently missed or for whatever reason, not given a historic status rating;
- b. Incorrectly Rated Properties: Properties that may have been incorrectly rated;
- c. Properties that Warrant Reconsideration: Properties that warrant reconsideration based on considerations in 21A.34.020.D
- 5. Application for Historic Status Determination: An Administrative Interpretation application may be made to the Zoning Administrator on a form provided, which shall include at least the following information, unless deemed unnecessary by the Zoning Administrator:
 - a. The applicant's name, address, telephone number, e-mail address and interest in the subject property. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 - b. The street address, legal description and tax number of the subject property;
 - c. Current and historic photographs;
 - d. Any historic resource surveys and reports on record in the Planning Division or the Utah State Historic Preservation Office;
 - e. Description of any alterations to the structure and the date of approval for any alterations;
 - f. The historic status rating the applicant believes to be correct. If the request is to change the historic status rating, the applicant shall state the reason(s) the existing historic rating is incorrect and should be changed based on the considerations for outlined in section 21A.34.020.D.6, this can be accomplished through an intensive level historic survey.
 - g. Any other information the Zoning Administrator deems necessary for a full and proper consideration of the particular application.
- 6. Considerations for Historic Status Determinations – A historic status determination may include but is not limited to the following considerations:
 - a. Review of a recent intensive level survey and evaluation of the subject building conducted in accordance with Utah State Preservation Office standards for building surveys.
 - b. If alterations have occurred, whether or not the alterations are generally reversible.
 - c. Whether or not the building contributes to an understanding of the contextual significance of a neighborhood, community or area.
 - d. Whether or not the building is historically significant. The analysis shall be based on the National Park Service definition of integrity and take into consideration how the building reflects the historical or architectural merits of the overall Local Historic District in which the resource is located. When analyzing integrity, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district. The National Park Service defines integrity as “the ability of a property to

convey its significance.” Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

- (1) Location- Location is the place where the historic property was constructed.
 - (2) Design: Design is the combination of elements that create the form, plan, space, structure, and style of a property.
 - (3) Setting: Setting is the physical environment of a historic property.
 - (4) Materials: Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
 - (5) Workmanship: Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
 - (6) Feeling: Feeling is a property’s expression of the aesthetic or historic sense of a particular period of time.
 - (7) Association: Association is the direct link between an important historic event or person and a historic property.
7. Decision: Written findings documenting the historic status determination shall be sent to the applicant, the historic landmark commission and kept on file in city records.
 8. Updating Records: If the historic status determination is different than the property’s historic rating in the most recent historic resource survey, the determination will stand and the city’s applicable historic resource survey(s) will be updated to reflect the determination.
 9. Appeal of Decision: Any person adversely affected by a final decision made by the zoning administrator interpreting a provision of this title may appeal to the appeals hearing officer in accordance with the provisions of [chapter 21A.16](#) of this title.
- E. ~~Certificate of Appropriateness Required: After the establishment of an H Historic Preservation Overlay District, or the designation of a landmark site, n~~ No alteration in the exterior appearance of a structure, site, object or work of art affecting the landmark site or a property within the H Historic Preservation Overlay District shall be made or permitted to be made unless or until the an application for a certificate of appropriateness is has been submitted to, and approved by, the Historic Landmark Commission, or administratively by the Planning Director, as applicable, pursuant to subsection F of this section. Certificates of appropriateness shall be required for:
1. A Certificate of Appropriateness shall be required for all of the following:
 - a1. Any exterior alteration to the property unless specifically exempted under [21A.34.020.E.2](#); ~~construction needing a building permit;~~
 - b2. New Construction; ~~Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;~~
 - c3. Relocation of a structure or object on the same site or to another site;
 - d4. Demolition; ~~Construction of additions or decks;~~

- ~~—5. Alteration or construction of accessory structures, such as garages, etc.;~~
- ~~—6. Alterations to windows and doors, including replacement or changes in fenestration patterns;~~
- ~~—7. Construction or alteration of porches;~~
- ~~—8. Masonry work including, but not limited to, tuckpointing, sandblasting, painting and chemical cleaning;~~
- ~~—9. The construction or alterations of site features including, but not limited to, fencing, walls, paving and grading;~~
- ~~—10. Installation or alteration of any exterior sign;~~
- ~~—11. Any demolition;~~
- ~~12. New construction; and~~
- ~~—13. Installation of an awning over a window or door.~~

2. Exemptions: The following are exempt from obtaining a Certificate of Appropriateness:

- a. Maintenance;
- b. Installation of storm windows or doors
- c. Landscaping that:
 - (1) Complies with the standards of this Title;
 - (2) Does not include a wall or a fence;
 - (3) Is not identified in a historic resource survey or historic documentation as an attribute that contributes to the property's historic significance;
- d. Painting of surfaces other than unpainted stone, brick or cement;
- e. Plaques, boxes, and other similar objects that measure 18 inches or less are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- e. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are in a location that is not visible from the public right of way; and
- f. Solar energy collection systems meeting the priority locations outlined in section 21A.40.190.B.3.a, 21A.40.190.B.3.b, and 21A.40.190.B.3.c.

F. Procedure For Issuance of Certificate of Appropriateness:

- 1. Administrative Authority Decision: The following may be decided by the Planning Director or designee: Certain types of construction or demolition may be approved administratively subject to the following procedures:
 - ~~—a. Types Of Construction: The following may be approved by administrative decision:~~
 - a. ~~(1) Minor alteration of or addition to a landmark site or contributing site, building, and/or structure;~~

- b. ~~(2)~~ Substantial alteration of or addition to a noncontributing site building or structure;
- c. ~~(3)~~ Partial demolition of either a landmark site or a contributing principal building or structure;
- d. ~~(4)~~ Demolition of an accessory building or structure; and
- e. ~~(5)~~ Demolition of a noncontributing building or structure, ~~;~~ and
 - ~~(6)~~ Installation of solar energy collection systems pursuant to section 21A.40.190 of this title.

~~— b. Submission Of Application: An application for a certificate of appropriateness shall be made on a form prepared by the Planning Director or designee, and shall be submitted to the Planning Division. The Planning Director shall make a determination of completeness pursuant to chapter 21A.10 of this title, and shall forward the application for review and decision.~~

~~— c. Materials Submitted With Application: The application shall include photographs, construction drawings, and other documentation such as an architectural or massing model, window frame sections, and samples and any further information or documentation as the Zoning Administrator deems necessary in order to fully consider and analyze the application. deemed necessary to consider the application properly and completely.~~

~~— d. Fees: No application fee will be required for a certificate of appropriateness that is administratively approved.~~

~~— e. Notice Of Application For Demolition Of A Noncontributing Building Or Structure: An application for demolition of a noncontributing building or structure shall require notice for determination of noncontributing sites pursuant to chapter 21A.10 of this title. The applicant shall be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.~~

~~— f. Standards Of Approval: The application shall be reviewed according to the standards set forth in subsections G and H of this section, whichever is applicable.~~

~~— g. Review And Decision By The Planning Director: On the basis of written findings of fact, the Planning Director or the Planning Director's designee shall either approve, or conditionally approve, the certificate of appropriateness based on the standards in subsections G and H of this section, whichever is applicable, within thirty (30) days following receipt of a completed application. The decision of the Planning Director shall become effective at the time the decision is made.~~

~~— h. Referral Of Application By Planning Director To Historic Landmark Commission: The Planning Director may refer any application to the Historic Landmark Commission due to the complexity of the application, the significance of change to the landmark site or contributing building in the H Historic Preservation Overlay District, or the need for consultation for expertise regarding architectural, construction or preservation issues, or if the application does not meet the standards of review.~~

2. Historic Landmark Commission Authority: ~~The following Certain types of construction, demolition and relocation shall only be decided approved by the Historic Landmark Commission subject to the following procedures:~~

~~a. Types Of Construction: The following shall be reviewed by the Historic Landmark Commission:~~

- a. Substantial alteration or addition to a landmark site or contributing site, building, and/or structure;
 - b. ~~(2)~~—New construction of principal building in H Historic Preservation Overlay District;
 - c. ~~(3)~~—Relocation of landmark site or contributing principal building;
 - d. ~~(4)~~—Demolition of landmark site or contributing principal building; and
 - e. ~~(5)~~—Applications for administrative approval referred by the Planning Director; and
- ~~(6)~~—Installation of solar energy collection systems on the front facade of the principal building in a location most compatible with the character defining features of the home pursuant to section ~~21A.40.190~~ of this title. **ALLOWS SOLAR PANELS ON FRONT FACADES TO BE REVIEWED AT A STAFF LEVEL**

3.b. ~~Submission of Application:~~ An application for a certificate of appropriateness shall be made on an application form prepared by the zoning administrator and accompanied by applicable fees, the Planning Director or designee, and shall be submitted to the Planning Division. The Planning Director shall make a determination of completeness pursuant to ~~chapter 21A.10~~ of this title, and shall forward the application for review and decision. The procedure for an application for a certificate of appropriateness shall be the same as specified in subsection F1b of this section.

- a. General Application Requirements: A complete application shall include the following unless deemed unnecessary by the zoning administrator:
 - (1) The applicant's name, address, telephone number, e-mail address and interest in the subject property;
 - (2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 - (3) The street address and legal description of the subject property;
 - (4) A narrative including a complete description of the project and how it meets review standards with citation of supporting adopted City design guidelines;
 - (5) Current and historic photographs of the property
 - (6) A site plan or drawing drawn to a scale which includes the following information: property lines, lot dimensions, topography, adjacent streets, alleys and walkways, landscaping and buffers, existing and proposed buildings and structures, lot coverage, grade changes, parking spaces, trash receptacles, drainage features, proposed setbacks and other details required for project evaluation;
 - (7) Elevation drawings and details for all impacted facades;
 - (8) Illustrative photos and or samples of all proposed façade materials;
 - (9) Building, wall, and window section drawings;

(10) Any further information or documentation as the zoning administrator deems necessary in order to fully consider and analyze the application.

b. New Construction Application Requirements: In addition to the general application requirements listed above, applications for new construction of a primary structure shall include the following unless deemed unnecessary by the zoning administrator:

~~c. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by [chapter 21A.10](#) of this title.~~

~~d. Materials Submitted With Application: An application shall be made on a form provided by the Planning Director and shall be submitted to the Planning Division in accordance with subsection F1c of this section, however specific requirements for new construction shall include the following information unless deemed unnecessary by the Zoning Administrator:~~

- ~~(1) The applicant's name, address, telephone number, e-mail address and interest in the subject property;~~
- ~~(2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;~~
- ~~(3) The street address and legal description of the subject property;~~
- ~~(4) A narrative including a complete description of the project and how it meets review standards with citation of supporting adopted City design guidelines;~~
 - ~~(1) (5) A context plan showing property lines, building footprints, front yard setbacks, adjacent streets and alleys, historic district boundaries, contributing/noncontributing structures and landmark sites;~~
 - ~~(2) (6) A streetscape study which includes height measurements for each primary structure on the block face;~~
- ~~(7) A site plan or drawing drawn to a scale which includes the following information: property lines, lot dimensions, topography, adjacent streets, alleys and walkways, landscaping and buffers, existing and proposed buildings and structures, lot coverage, grade changes, parking spaces, trash receptacles, drainage features, proposed setbacks and other details required for project evaluation;~~
- ~~(8) Elevation drawings and details for all facades;~~
- ~~(9) Illustrative photos and/or samples of all proposed facade materials;~~
- ~~(10) Building, wall, and window section drawings;~~
 - ~~(3) (11) 3D models that show the new construction in relation to neighboring buildings; and~~
 - ~~(4) (12) 3D models that show the new construction from the pedestrian perspective; and~~
- ~~(13) Any further information or documentation as the Zoning Administrator deems necessary in order to fully consider and analyze the application.~~

4.e. Notice: Applications for a certificate of appropriateness are subject to notification requirements of title 2 chapter 2.60 of this code. shall require notice pursuant to [chapter 21A.10](#) of this title.

f. ~~Public Hearing:~~ Applications for a certificate of appropriateness shall require a public hearing pursuant to [chapter 21A.10](#) of this title.

5.g. Standards ~~f~~For Approval: ~~The Applications for a certificate of appropriateness shall be reviewed according to the standards set forth in subsections G through K of this section, whichever are applicable.~~

ADDS IN ABILITY TO DENY ADMINISTRATIVE PETITIONS AT A STAFF LEVEL

6. Administrative Decisions: The planning director or designee shall approve, conditionally approve, or deny the application for a certificate of appropriateness based upon written findings of fact. The decision of the planning director or designee shall become effective upon issuance of the certificate of appropriateness.

a. Referral of Application to Historic Landmark Commission: The planning director or designee may refer any application to the Historic Landmark Commission due to the complexity of the application, the significance of change to the structure or site, or the need for consultation for expertise regarding architectural or other preservation issues.

7.h. ~~Review And Decision By The Historic Landmark Commission~~ Decisions: The Historic Landmark Commission shall hold a public hearing to review the application in accordance with the standards and procedures set forth in chapter 21A.10 of this title. ~~make a decision at a regularly scheduled meeting, following receipt of a completed application. The Historic Landmark Commission shall approve, conditionally approve, or deny the application based upon written findings of fact. The decision of the Historic Landmark Commission shall become effective at the time the decision is made. Following a decision from the historic landmark commission to approve a certificate of appropriateness. the planning director or designee shall issue a certificate of appropriateness after all conditions of approval are met. Demolition permits for landmark sites or contributing principal buildings shall not be issued until the appeal period has expired and the criteria in 21A.34.020.M 21A.34.020.N is satisfied.~~

— (1) ~~After reviewing all materials submitted for the case, the recommendation of the Planning Division and conducting a field inspection, if necessary, the Historic Landmark Commission shall make written findings of fact based on the standards of approval as outlined in this subsection F through subsection K of this section, whichever are applicable.~~

— (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.~~

— (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 principal buildings shall not be issued until the appeal period has expired.~~

— (4) ~~Written notice of the decision of the Historic Landmark Commission on the application, including a copy of the findings of fact, shall be made pursuant to the provisions of section [21A.10.030](#) of this title.~~

8i. ~~Appeal of Historic Landmark Commission~~ Decisions: Any person adversely affected by a final decision of the Historic Landmark Commission, or in the case of administrative decisions, the planning director or designee, may file an appeal in accordance with the provisions of [chapter 21A.16](#) of this title.

G. Standards ~~f~~For Certificate ~~o~~f Appropriateness ~~f~~For Alteration ~~o~~f ~~a~~ Landmark Site ~~o~~r Contributing Structure Including New Construction ~~o~~f ~~a~~n Accessory 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 ~~P~~Planning ~~d~~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 building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
9. Additions or alterations to 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 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;
10. Certain building materials are prohibited including the following:
 - a. Aluminum, asbestos, or vinyl cladding ~~when applied directly to an original or historic material.~~

b. Vinyl fencing

11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in chapter 21A.46 of this title.

H. Standards for Certificate of Appropriateness Involving New Construction of a Principal Building or Alteration of a Noncontributing Structure: In considering an application for a certificate of appropriateness involving new construction of a principal building, or alterations of noncontributing structures, the Historic Landmark Commission, or Planning Director when the application involves the alteration of a noncontributing structure shall, using the adopted design guidelines as a key basis for evaluation, determine whether the project substantially complies with each of the following standards that pertain to the application to ensure that the proposed project fits into the established context in ways that respect and contribute to the evolution of Salt Lake City's architectural and cultural traditions:

1. Settlement Patterns and Neighborhood Character:
 - a. Block and Street Patterns: The design of the project preserves and reflects the historic block, street, and alley patterns that give the district its unique character. Changes to the block and street pattern may be considered when advocated by an adopted City plan.
 - b. Lot and Site Patterns: The design of the project preserves the pattern of lot and building site sizes that create the urban character of the historic context and the block face. Changes to the lot and site pattern may be considered when advocated by an adopted City plan.
 - c. The Public Realm: The project relates to adjacent streets and engages with sidewalks in a manner that reflects the character of the historic context and the block face. Projects should maintain the depth of yard and height of principal elevation of those existing on the block face in order to support consistency in the definition of public and semi-public spaces.
 - d. Building Placement: Buildings are placed such that the project maintains and reflects the historic pattern of setbacks and building depth established within the historic context and the block face. Buildings should maintain the setback demonstrated by existing buildings of that type constructed in the district or site's period of significance.
 - e. Building Orientation: The building is designed such that principal entrances and pathways are oriented such that they address the street in the pattern established in the historic context and the block face.
2. Site Access, Parking, and Services:
 - a. Site Access: The design of the project allows for site access that is similar, in form and function, with patterns common in the historic context and the block face.

- (1) Pedestrian: Safe pedestrian access is provided through architecturally highlighted entrances and walkways, consistent with patterns common in the historic context and the block face.
 - (2) Vehicular: Vehicular access is located in the least obtrusive manner possible. Where possible, garage doors and parking should be located to the rear or to the side of the building.
 - b. Site aAnd Building Services aAnd Utilities: Utilities and site/building services (such as HVAC systems, venting fans, and dumpsters) are located such that they are to the rear of the building or on the roof and screened from public spaces and public properties.
3. Landscape aAnd Lighting:
- a. Grading of Land: The site's landscape, such as grading and retaining walls, addresses the public way in a manner that reflects the character of the historic context and the block face.
 - b. Landscape Structures: Landscape structures, such as arbors, walls, fences, address the public way in a manner that reflects the character of the historic context and the block face.
 - c. Lighting: Where appropriate lighting is used to enhance significant elements of the design and reflects the character of the historic context and the block face.
4. Building Form aAnd Scale:
- a. Character of The Street Block: The design of the building reflects the historic character of the street facade in terms of scale, composition, and modeling.
 - (1) Height: The height of the project reflects the character of the historic context and the block face. Projects taller than those existing on the block face step back their upper floors to present a base that is in scale with the historic context and the block face.
 - (2) Width: The width of the project reflects the character of the historic context and the block face. Projects wider than those existing on the block face modulate the facade to express a series of volumes in scale with the historic context and the block face.
 - (3) Massing: The shape, form, and proportion of buildings, reflects the character of the historic context and the block face.
 - (4) Roof Forms: The building incorporates roof shapes that reflect forms found in the historic context and the block face.
5. Building Character:
- a. Facade Articulation aAnd Proportion: The design of the project reflects patterns of articulation and proportion established in the historic context and the block face. As

appropriate, facade articulations reflect those typical of other buildings on the block face. These articulations are of similar dimension to those found elsewhere in the context, but have a depth of not less than twelve inches (12").

- (1) Rhythm of Openings: The facades are designed to reflect the rhythm of openings (doors, windows, recessed balconies, etc.) established in the historic context and the block face.
- (2) Proportion and Scale of Openings: The facades are designed using openings (doors, windows, recessed balconies, etc.) of similar proportion and scale to that established in the historic context and the block face.
- (3) Ratio of Wall to Openings: Facades are designed to reflect the ratio of wall to openings (doors, windows, recessed balconies, etc.) established in the historic context and the block face.
- (4) Balconies, Porches, and External Stairs: The project, as appropriate, incorporates entrances, balconies, porches, stairways, and other projections that reflect patterns established in the historic context and the block face.

6. Building Materials, Elements and Detailing:

- a. Materials: Building facades, other than windows and doors, incorporate no less than eighty percent (80%) durable material such as, but not limited to, wood, brick, masonry, textured or patterned concrete and/or cut stone. These materials reflect those found elsewhere in the district and/or setting in terms of scale and character.
- b. Materials on Street-Facing Facades: The following materials are not considered to be appropriate and are prohibited for use on facades which face a public street: vinyl siding and aluminum siding.
- c. Windows: Windows and other openings are incorporated in a manner that reflects patterns, materials, profile, and detailing established in the district and/or setting.
- d. Architectural Elements and Details: The design of the building features architectural elements and details that reflect those characteristic of the district and/or setting.

7. Signage Location: Locations for signage are provided such that they are an integral part of the site and architectural design and are complementary to the principal structure.

I. Standards for Certificate of Appropriateness for Relocation of Landmark Site or Contributing Structure: In considering an application for a certificate of appropriateness for relocation of a landmark site or a contributing 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 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 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 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 structure as approved by the Historic Landmark Commission and restore the grade and landscape the property from which the structure was removed in the event the land is to be left vacant once the relocation of the structure occurs.
- J. Standards For Certificate of Appropriateness for Demolition of Landmark Site: In considering an application for a certificate of appropriateness for demolition of a landmark site, the Historic Landmark Commission shall only approve the application upon finding that the project fully complies with one of the following standards:
1. The demolition is required to alleviate a threat to public health and safety pursuant to subsection O of this section; or
 2. A determination of economic hardship has been granted by the Historic Landmark Commission pursuant to the provisions of subsection L of this section.
- K. Standards for Certificate of Appropriateness for Demolition of a Contributing Principal Building in an H Historic Preservation Overlay District: When considering a request for approval of a certificate of appropriateness for demolition of a contributing principal building, the Historic Landmark Commission shall determine whether the request substantially complies with the following standards:
- ~~1. Standards For Approval Of A Certificate Of Appropriateness For Demolition:~~
- ~~1a.~~ The integrity of the site as defined in subsection ~~D6d C15b~~ of this ~~chapter section~~ is no longer evident;
 - ~~2b.~~ The streetscape within the context of the H Historic Preservation Overlay District would not be negatively materially affected if the contributing principal building were to be demolished;
 - ~~3e.~~ The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district;
 - ~~4d.~~ The base zoning of the site does not permit land uses that would allow the adaptive reuse of the contributing principal building;
 - ~~5e.~~ The contributing principal building has not suffered from willful ~~willful~~ neglect, as evidenced by the following:

- a. ~~(1)~~ Willful or negligent acts that have caused significant deterioration of the structural integrity of the contributing principal building to the point that the building fails to substantially conform to applicable standards of the State Construction Code,
- b. ~~(2)~~ Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or
- c. ~~(3)~~ Failure to secure and board the contributing principal building, if vacant, per section [18.64.045](#) of this Code.

~~2. Historic Landmark Commission Determination Of Compliance With Standards Of Approval: If the Historic Landmark Commission finds that the request for a certificate of appropriateness for demolition substantially complies with the standards in subsection K1 of this section, then the Historic Landmark Commission shall approve the request for a certificate of appropriateness for demolition. If the Historic Landmark Commission does not find that the request for a certificate of appropriateness for demolition substantially complies with the standards in subsection K1 of this section, then the Historic Landmark Commission shall deny the request for a certificate of appropriateness for demolition.~~

L. Economic Hardship Determination: Upon denial of a certificate of appropriateness for demolition of a contributing principal building by the Historic Landmark Commission, the owner and/or owner's representative will have one year from the end of the appeal period as described in [chapter 21A.16](#) of this title, to submit an application for determination of economic hardship. In the case of a landmark site, an application for determination of economic hardship ~~shall can~~ be submitted at ~~any the same~~ time as an application for demolition of a landmark site necessary to meet the standard of subsection J2 of this section.

1. Application ~~f~~For Determination ~~o~~Of Economic Hardship: An application for a determination of economic hardship shall be made on a form provided by the zoning administrator and accompanied by applicable fees. ~~Planning Director and shall be submitted to the Planning Division.~~
2. Evidence ~~f~~For Determination ~~o~~Of Economic Hardship: The burden of proof is on the owner or owner's representative to provide sufficient evidence to demonstrate an economic hardship. Any finding in support of economic hardship shall be based solely on the hardship of the property. Evidence may include, but is not limited to:
 - a. Condition of the property at time of purchase and the applicant's plans for the property at time of purchase.
 - b. The current level of economic return on the property as considered in relation to the following:
 - (1) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between applicant, and the person from whom the property was purchased,
 - (2) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years,

- (3) Real Estate Taxes for the previous three (3) years by the Salt Lake County Assessor,
 - (4) An appraisal, no older than six (6) months at the time of application for determination of economic hardship conducted by an MAI certified appraiser licensed within the State of Utah. Also all appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing or ownership of the property,
 - (5) The fair market value of the property taking into consideration the H Historic Preservation Overlay District,
 - (6) For non-residential or multifamily properties, any State or Federal Income Tax returns on or relating to the property for the previous three (3) years.
- c. The marketability of the property for sale or lease, as determined by any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
- (1) Any real estate broker or firm engaged to sell or lease the property,
 - (2) Reasonableness of the price in terms of fair market value or rent sought by the applicant, and
 - (3) Any advertisements placed for the sale or rental of the property.
- d. The feasibility of alternative uses for the property as considered in relation to the following:
- (1) Report from a licensed engineer or architect with experience in rehabilitation of older buildings as to the structural soundness of any building on the property,
 - (2) An estimate of the cost of the proposed construction or alteration, including the cost of demolition and removal, and potential cost savings for reuse of materials,
 - (3) The estimated market values of the property in current condition, after completion of the demolition; and after renovation of the existing property for continued use, and
 - (4) The testimony of an experienced professional as to the economic feasibility of rehabilitation or reuse of the existing building on the property. An experienced professional may include, but is not limited to, an architect, developer, real estate consultant, appraiser, or any other professional experienced in preservation or rehabilitation of older buildings and licensed within the State of Utah.
- e. Economic incentives and/or funding available to the applicant through Federal, State, City, or private programs.

- f. Description of past and current use.
 - g. An itemized report that identifies what is deficient if the building does not meet minimum City Building Code standards or violations of this Code.
 - h. Consideration of map amendment, conditional use, ~~special exception~~ or other land use processes to alleviate hardship.
3. Procedure ~~f~~For Determination ~~o~~Of Economic Hardship: The Planning Director shall appoint a qualified expert to evaluate the application and provide advice and/or testimony to the Historic Landmark Commission concerning the value of the property and whether or not the denial of demolition could result in an economic hardship. The extent of the authority of the Planning Director's appointed qualified expert is limited to rendering advice and testimony to the Historic Landmark Commission. The Planning Director's appointed qualified expert has no decision-making capacity. The Planning Director's appointed qualified expert should have considerable and demonstrated experience in appraising, renovating, or restoring historic properties, real estate development, economics, accounting, finance and/or law. The Historic Landmark Commission may also consider other expert testimony upon reviewing the evidence presented by the applicant or receiving the advice/testimony of the Planning Director's appointed qualified expert as necessary.
- a. Review ~~o~~Of Evidence: The Historic Landmark Commission shall consider an application and the advice/testimony of the Planning Director's appointed qualified expert for determination of economic hardship after receipt of a complete application. The Historic Landmark Commission shall hold a public hearing in accordance with the standards and procedures set forth in chapter 21A.10 of this title.
 - b. Finding ~~o~~Of Economic Hardship: If after reviewing all of the evidence presented by the applicant and the advice/testimony of the Planning Director's appointed qualified expert, the Historic Landmark Commission finds that the applicant has presented sufficient information supporting a determination of economic hardship, then the Historic Landmark Commission shall issue a certificate of appropriateness for demolition in accordance with subsections M and N of this section. In order to show that all beneficial or economically viable use cannot be obtained, the Historic Landmark Commission must find that:
 - (1) For demolition of non-residential or multifamily property:
 - (A) The contributing principal building or landmark site ~~currently~~ cannot be economically used or rented at a reasonable rate of return in its present condition.
 - (2) For demolition of a residential property (single or two family):
 - (A) The contributing principal building or landmark site cannot be put to any beneficial use in its present condition.

c. Certificate Of Appropriateness For Demolition: If the Historic Landmark Commission finds an economic hardship, a certificate of appropriateness for demolition shall be valid for one year. Extensions of time for an approved certificate of appropriateness for demolition shall be subject to subsection [21A.10.010D](#) of this title.

d. Denial of Economic Hardship: If the Historic Landmark Commission does not find an economic hardship, then the application for a certificate of appropriateness for demolition shall be denied. No further economic hardship determination applications may be considered for the subject property for three (3) years from the date of the final decision of the Historic Landmark Commission. The Historic Landmark Commission may waive this restriction if the Historic Landmark Commission finds there are circumstances sufficient to warrant a new hearing other than the re-sale of the property or those caused by the negligence or intentional acts of the owner.

~~e. Appeal: Any owner adversely affected by a final decision of the Historic Landmark Commission may appeal the decision in accordance with the provisions of [chapter 21A.16](#) of this title.~~

M. Requirements For Certificate of Appropriateness For Demolition: No certificate of appropriateness for demolition shall be issued unless the landmark site or contributing principal building to be demolished is to be replaced with a new building that meets the following criteria below. The requirement for the replacing the contributing principal building or landmark site with a new building may be waived by the historic landmark commission if a new development meeting the purpose statement of the H Historic Preservation Overlay District.

1. The replacement building satisfies all applicable zoning and H Historic Preservation Overlay District standards for new construction.
2. The certificate of appropriateness for demolition is issued simultaneously with the certificate of appropriateness ~~appropriate approvals and permits~~ for the replacement building.
3. Submittal of documentation to the Planning Division of the landmark site or contributing principal building in a historic district. Documentation shall include photos of the subject property and a site plan. Documentation may also include drawings and/or written data if available.
 - a. Photographs. Digital or print photographs. Views should include:
 - (1) Exterior views;
 - (2) Close-ups of significant exterior features;
 - (3) Views that show the relationship of the primary building to the overall site, accessory structures and/or site features.
 - b. Site plan showing the location of the building and site features.

N. Revocation of the Designation of a Landmark Site: If a landmark site is approved for demolition, the property shall not be removed from the ~~Salt Lake City Register of Cultural~~

Resources H Historic Preservation Overlay District until the building has been demolished and revocation of the designation of a landmark site has been approved in accordance with section 21A.51.050, Local Historic Amendments Process. (see subsection D of this section).

- O. Exceptions ~~o~~Of Certificate ~~o~~Of Appropriateness ~~f~~For Demolition ~~o~~Of Hazardous Buildings: A hazardous building shall be exempt from the provisions governing demolition if the building official determines, in writing, that the building currently is an imminent hazard to public safety. Prior to the issuance of a demolition permit, the building official shall notify the Planning Director of the decision.

- P. Expiration ~~o~~Of Approvals: ~~Subject to an extension of time granted by the Historic Landmark Commission, or in the case of an administratively approved certificate of appropriateness, by the p~~Planning ~~d~~Director or designee, No certificate of appropriateness shall be valid for a period of longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion, or unless a longer time is requested and granted by the Historic Landmark Commission, or in the case of an administrative approval, by the Planning Director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period.

21A.40.190: SMALL SOLAR ENERGY COLLECTION SYSTEMS:

- A. Standards: All small solar energy collection systems shall comply with the following requirements except as provided in subsection B of this section relating to small solar energy collection systems in the historic preservation overlay districts. Per section [21A.34.020](#) of this title the historic landmark commission or staff have authority to modify the setbacks, location and height to ensure compliance with the overlay district regulations. Excluding subsection B of this section, if there is any conflict between the provisions of this subsection and any other requirements of the zoning, site development, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.
 - 1. Setbacks, Location, And Height:
 - a. A freestanding small solar energy collection system shall be located a minimum of six feet (6') from all property lines and other structures, except the structure on which it is mounted.
 - b. A small solar energy collection system may be located on a principal or accessory structure, including legal principal or accessory structures located less than the required minimum setback for the zoning districts.
 - c. A small solar energy collection system shall not exceed by more than three feet (3') the maximum building height (based on the type of building - principal or accessory - the system is located on) permitted in the zoning district in which it is located or shall not extend more than twelve feet (12') above the roofline of the structure upon which it is mounted, whichever is less.

- d. 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.
2. Coverage: A small solar energy collection system mounted to the roof of a building shall not exceed ninety percent (90%) of the total roof area of the building upon which it is installed. A system constructed as a separate accessory structure on the ground shall count toward the total building and yard coverage limits for the lot on which it is located.
 3. 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.
 4. 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.
 5. Off Street Parking ~~a~~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.
- B. Small Solar Energy Collection Systems ~~a~~And Historic Preservation Overlay Districts ~~Or~~ Landmark Sites:
1. General: In addition to meeting the standards set forth in this section, all applications to install a small solar energy collection system within the Historic Preservation Overlay District shall obtain a certificate of appropriateness in accordance with chapter 21A.34.020 prior to installation. Small solar energy collection systems shall be allowed in accordance with the location priorities detailed in subsection B3 of this section. If there is any conflict between the provisions of this subsection B, and any other requirements of this section, the provisions of this subsection B shall take precedence.
 2. Installation Standards: The small solar energy collection system shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device. The system must be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.
 3. Small Solar Energy Collection System Location Priorities: In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation ~~approved~~ shall be the least visible from a public right-of-way, not including alleys, and most compatible with the character defining features of the historic building, structure, or site. ~~Systems proposed for locations in subsections B3a through B3c of this section, may be reviewed administratively as set forth in subsection 21A.34.020F1, "Administrative Decision", of this title. Systems proposed for locations in subsection B3f of this section, shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in subsection 21A.34.020F2, "Historic Landmark Commission", of this title.~~

- a. Rear yard in a location not readily visible from a public right-of-way.
- b. On accessory buildings or structures in a location not readily visible from a public right-of-way.
- c. In a side yard in a location not readily visible from a public right-of-way.
- d. On the principal building in a location not readily visible from a public right-of-way.
- e. On the principal building in a location that may be visible from a public right-of-way, but not on the structure's front facade.
- f. On the front facade of the principal building in a location most compatible with the character defining features of the structure.

Chapter 21A.50 AMENDMENTS

21A.50.010: PURPOSE STATEMENT:

21A.50.020: AUTHORITY:

21A.50.030: INITIATION:

21A.50.040: PROCEDURE:

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

21A.50.060: LIMITATION ON AMENDMENTS:

21A.50.070: APPEAL OF DECISION:

21A.50.010: PURPOSE STATEMENT:

The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. (Ord. 56-14, 2014)

21A.50.020: AUTHORITY:

The text of this title and the zoning map may be amended by the passage of an ordinance adopted by the city council in accordance with the procedures set forth in this chapter. (Ord. 56-14, 2014)

21A.50.030: INITIATION:

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, the city council, the planning commission, or the owner of the property included in the application, or the property owner's authorized agent. ~~Applications related to H historic preservation overlay districts or landmark sites shall be initiated as provided in chapter 21A.34 of this title. (Ord. 56-14, 2014)~~

21A.50.040: PROCEDURE:

An amendment to the text of this title or to the zoning map initiated by any of the methods described in section [21A.50.030](#) of this chapter shall be processed in accordance with the following procedures:

- A. Application: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:
 - 1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;
 - 2. Street address and legal description of the property;
 - 3. A complete description of the proposed use of the property where appropriate;
 - 4. Site plans drawn to scale (where applicable); and
 - 5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator.
- B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title. Application and noticing fees filed by the city council, planning commission or the mayor shall not be required. Application and noticing fees filed ~~for designation within an H historic preservation overlay district or to establish a character conservation district~~ shall not be required.
- C. Determination Of Completeness: Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010, "General Application Procedures", of this title.
- D. Staff Report: A staff report evaluating the amendment application shall be prepared by the planning director.
- E. Planning Commission Public Hearing: The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.
- F. Planning Commission Decision: Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the City Council.
- G. City Council Hearing: The City Council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.
- H. City Council Decision: Following the hearing, the City Council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed

amendment. However, no additional land may be zoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restricted classification, without new notice and hearing. (Ord. 56-14, 2014)

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

A decision to amend the text of this title 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.

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;
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.

B. In making a decision to amend the zoning map, the City Council should consider the following:

1. Whether a proposed map 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 map amendment furthers the specific purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect adjacent properties;
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 56-14, 2014)

21A.50.060: LIMITATION ON AMENDMENTS:

A. No application for an amendment to this title shall be considered by the City Council or the Planning Commission within one year of the withdrawal by the applicant or final decision of

the City Council upon a prior application covering substantially the same subject or substantially the same property.

MOVING TO CHAPTER 21A.51

~~B. In the case of a proposed local historic district or thematic designation per section 21A.50.060 of this chapter, if a local historic district or area proposal fails in accordance with the voting procedures set forth in section 21A.50.060.A11, a resident may not initiate the creation of a local historic district, area, or thematic designation that includes more than fifty percent (50%) of the same property as the failed local historic district, area, or thematic designation proposal for four (4) years after the day on which the property owner opinion ballots for the vote were due.~~

~~BE.~~ This determination shall be made by the Zoning Administrator upon receipt of an application pursuant to section [21A.50.030](#) of this chapter. This provision shall not restrict the Mayor, the City Council or the Planning Commission from proposing any text amendment or change in the boundaries of any of the districts in this title at any time. (Ord. 9-18, 2018; Ord. 67-16, 2016)

21A.50.070: APPEAL OF DECISION:

Any party adversely affected by the decision of the City Council may, within thirty (30) days after such decision, file an appeal to the District Court pursuant to the Municipal Land Use Development and Management Act, section 10-9a-801, of the Utah Code Annotated.

THIS IS A NEW CHAPTER

Chapter 21A.51
LOCAL HISTORIC DESIGNATION & AMENDMENTS

21A.51.010: PURPOSE STATEMENT:

21A.51.020: AUTHORITY

21A.51.030: LOCAL HISTORIC DESIGNATION PROCESS

21A.51.040: LOCAL HISTORIC DESIGNATION CRITERIA

21A.51.050: LOCAL HISTORIC AMENDMENTS

21A.51.060: LOCAL HISTORIC AMENDMENT CRITERIA

21A.51.070: LIMITATIONS

21A.51.080: HISTORIC RESOURCE SURVEYS

21A.51.090: APPEAL OF DECISION:

21A.51.010: PURPOSE STATEMENT:

The purpose of this chapter is to provide standards and procedures for making amendments to the zoning map related to the H Historic Preservation Overlay District. The H Historic Preservation Overlay District applies to all properties within the boundaries of a local historic district, part of a thematic designation, or a landmark site.

21A.51.020: AUTHORITY:

A. Authority: Pursuant to the procedures and standards in this chapter and the standards for general amendments in section [21A.50.050](#), the zoning map related to the H Historic

Preservation Overlay District may be amended by the passage of an ordinance adopted by the city council and:

1. Designate as a landmark site an individual building, structure or feature or an integrated group of buildings, structures or features on a single lot or site having 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;
2. Designate as a local historic district a contiguous area with a minimum district size of one "block face", as defined in section 21A.62.040 of this title, containing a number of sites, buildings, structures or features that contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value and constituting a distinct section of the City;
3. Designate as a thematic designation a collection of sites, buildings, structures, or features which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value;
4. Amend designations to add or remove features or property to or from a landmark site, local historic district or thematic designation.
5. Revoke designation of a landmark site;
6. Adopt historic resource surveys and associated reports for new landmark sites, local historic districts or thematic designations; and
7. Adopt updates to historic resource surveys and associated reports for existing local historic districts or thematic designations in accordance with the provisions in 21A.51.080.

DESIGNATION PROCESS BELOW MOVED FROM 21A.34.020. DESIGNATION STANDARDS AND PROCESS ARE NOT CHANGING FROM WHAT IS CURRENTLY REQUIRED.

21A.51.030: LOCAL HISTORIC DESIGNATION PROCESS:

Salt Lake City will consider the local designation of a landmark site, local historic district or thematic designation in order to protect the best examples of historic resources which represent significant elements of the City's prehistory, history, development patterns or architecture. Local designation must be in the best interest of the City and achieve a reasonable balance between private property rights and the public interest in preserving the City's cultural, historic, and architectural heritage. The City Council shall determine that designation of a landmark site, local historic district or thematic designation is the best method of preserving a unique element of history important to understanding the prehistory or history of the area encompassed by the current Salt Lake City corporate boundaries.

A. Process for Designation of a Local Historic District or Thematic Designation:

1. Procedures Required Before an Application Can be Submitted: Prior to the submittal of an application for the designation or amendment local historic district or thematic designation, and prior to gathering any signatures in support of such an application, the following steps must be completed:

- a. Preapplication Conference: A potential applicant shall attend a preapplication conference with the Planning Director or designee. The purpose of this meeting is to discuss the merits of the proposed designation and the amendment processes as outlined in this section.
 - b. Notification to Affected Property Owners: Following the preapplication conference outlined in subsection A.1.a of this section, the City shall send by first class mail a neutral informational pamphlet to owners of record for each property potentially affected by a forthcoming application. The informational pamphlet shall be mailed after a potential applicant submits to the City a finalized proposed boundary of an area to be included in the H Historic Preservation Overlay District. The informational pamphlet shall contain, at a minimum, a description of the process to create a local historic district or thematic designation and will also list the pros and cons of a local historic district or thematic designation. Once the City sends the informational pamphlet, gathering of property owner signatures may begin per subsection A2 of this section. The informational pamphlet sent shall remain valid for ninety (90) days. If an application is not filed with the City within ninety (90) days after the date that the informational pamphlet was mailed, the City shall close its file on the matter. Any subsequent proposal must begin the application process again.
2. Application for Designation of a Local Historic District or Thematic Designation: The Mayor or the City Council, by a majority vote, may initiate a petition to consider designation of a local historic district or thematic designation. A property owner submitting such application shall demonstrate, in writing, support of more than thirty three percent (33%) of the property owners of lots or parcels within the proposed boundaries of an area to be included in the H Historic Preservation Overlay District.
 - a. For purposes of this subsection, a lot or parcel of real property may not be included in the calculation of the required percentage unless the application is signed by property owners representing at least fifty percent (50%) of the interest in that lot or parcel.
 - b. Each lot or parcel of real property may only be counted once toward the thirty three percent (33%), regardless of the number of owner signatures obtained for that lot or parcel.
 - c. Signatures obtained to demonstrate support of more than thirty three percent (33%) of the property owners within the boundary of the proposed local historic district or thematic designation must be gathered within a period of ninety (90) days as counted between the date that the informational pamphlet was mailed as required per 21A.51.030.A.3 and the date of the last required signature.
3. Notice of Designation Application Letter: Following the receipt by the City of an application for the designation or amendment to a local historic district or thematic designation, the City shall send a notice of designation application letter to owner(s) of record for each property affected by said application along with a second copy of

- the informational pamphlet described in subsection 21A.51.030.A.1.b. In the event that no application is received following the ninety (90) day period of property owner signature gathering, the City will send a letter to property owner(s) of record stating that no application has been filed, and that the City has closed its file on the matter.
4. Planning Director Report to the City Council: Following the receipt by the City of an application for the designation to a local historic district or thematic designation and following mailing of the notice of designation application letter described in 21A.51.030.A.3, the Planning Director shall submit a report based on the following considerations to the City Council:
 - a. Whether a current historic survey meeting the standards prescribed by the State Historic Preservation Office is available for the landmark site or the area proposed for a local historic district or thematic designation. If a suitable survey is not available, the report shall propose a strategy to gather the needed survey data.
 - b. The City administration will determine the priority of the petition and determine whether there is sufficient funding and staff resources available to allow the Planning Division to complete a community outreach process, historic resource analysis and to provide ongoing administration of the new landmark site, local historic district or thematic designation if the designation is approved by the City Council. If sufficient funding is not available, the report shall include a proposed budget.
 - c. Whether the proposed designation is generally consistent with the purposes, goals, objectives and policies of the City as stated through its various adopted planning documents.
 - d. Whether the proposed designation would generally be in the public interest.
 - e. Whether there is probable cause to believe that the proposed landmark site, local historic district or thematic designation may be eligible for designation consistent with the purposes and designation criteria in 21A.51.040.A and the zoning map amendment criteria in section 21A.50.050, "Standards For General Amendments", of this title.
 - f. Verification that a neutral informational pamphlet was sent per subsection 21A.51.030.A.3 of this section to all property owners within a proposed local historic district following the preapplication process outlined in 21A.51.030.A.5.a and 21A.51.030.A.5.b.
 5. Property Owner Meeting: Following the submission of the Planning Director's report and acceptance of the report by the City Council, the Planning Division will conduct a community outreach process to inform the owners of property within the proposed boundaries of the proposed local historic district or thematic designation about the following:
 - a. The designation process, including determining the level of property owner support, the public hearing process, and final decision-making process by the City Council; and

- b. Zoning ordinance requirements affecting properties located within the H Historic Preservation Overlay District, adopted design guidelines, the design review process for alterations and new construction, the demolition process and the economic hardship process.
- c. Open House: Following the property owner meeting, the Planning Division will conduct an open house for the owners of property within the proposed boundaries of the local historic district or thematic designation to provide the information described in 21A.51.030.A.5.a and 21A.51.030.A.5.b.
- 6. Public Hearings: A public hearing shall be held with both the Historic Landmark Commission and the Planning Commission in accordance with the standards and procedures set forth in chapter 21A.10, "General Application and Public Hearing Procedures", of this title. The Historic Landmark Commission and Planning Commission shall recommend approval or denial of the proposal or the approval of some modification of the proposal and the recommendation will be submitted to the City Council following completion of the property owner opinion balloting in 21A.51.030.A.7 and notification of opinion balloting results in 21A.51.030.A.8.
- 7. Property Owner Opinion Balloting:
 - a. Following the completion of the Historic Landmark Commission and Planning Commission public hearings, the City will deliver property owner opinion ballots via first class mail to property owners of record within the boundary of the proposed local historic district or thematic designation. The property owner opinion ballot is a nonbinding opinion poll to inform the City Council of property owner interest regarding the designation of a local historic district. Each individual property in the proposed designation boundary, regardless of the number of owners having interest in any given property, will receive one property owner opinion ballot.
 - (1) A property owner is eligible to vote regardless of whether or not the property owner is an individual, a private entity, or a public entity;
 - (2) The City shall count no more than one property owner opinion ballot for:
 - (a) Each parcel within the boundaries of the proposed local historic district or area; or
 - (b) If the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and
 - (c) If a parcel or unit has more than one owner of record, the City shall count a property owner opinion ballot for the parcel or unit only if the property owner opinion ballot reflects the vote of the property owners who own at least fifty percent (50%) interest in the parcel or unit.
 - b. Property owners of record will have thirty (30) days from the postmark date of the property owner opinion ballot to submit a response to the City indicating the property owner's support or nonsupport of the proposed designation.

3. City Council Consideration: Following the transmittal of the recommendations of the Historic Landmark Commission and the Planning Commission, the City Council shall hold a public hearing to consider the designation of a landmark site in accordance with the standards and procedures set forth in chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The City Council may, by a majority vote, designate a landmark site.

C. City Council Decision: Following City Council designation of a landmark site, local historic district or thematic designation, all of the properties located within the boundaries of the local historic district, landmark site, or thematic designation will be subject to the H Historic Preservation Overlay District and subject to the provisions of section 21A.34.020. The zoning regulations will go into effect on the date of the publication of the ordinance unless otherwise noted on the adopted ordinance.

NEW - ADDED LANGUAGE TO CLARIFY THAT HISTORIC SURVEYS ARE ADOPTED AS PART OF A LOCAL DESIGNATION

1. Designation Adoption: Designation of a landmark site, local historic district or thematic designation includes adoption of the historic survey and associated report submitted for the designation. Historic resource surveys may be updated pursuant to the provisions in 21A.51.080 and 21A.34.020.D.

2. Notice of Designation: Within thirty (30) days following the designation of a landmark site, local historic district or thematic designation, the City shall provide notice of the action to all owners of property within the boundaries of the H Historic Preservation Overlay District. In addition, a notice shall be recorded in the Office of the County Recorder for all lots or parcels within the area added to the H Historic Preservation Overlay District.

DESIGNATION STANDARDS BELOW MOVED FROM 21A.34.020 AND ARE NOT CHANGING FROM WHAT EXISTS NOW

21A.51.040: LOCAL HISTORIC DESIGNATION STANDARDS:

A. Standards for the Designation of a Landmark Site, Local Historic District or Thematic Designation: The proposed landmark site, local historic district, or thematic designation shall be evaluated according to the following:

1. Significance in local, regional, State or national history, architecture, engineering or culture, associated with at least one of the following:

a. Events that have made significant contribution to the important patterns of history, or

b. Lives of persons significant in the history of the City, region, State, or Nation, or

c. The distinctive characteristics of a type, period of significance, or method of construction; or the work of a notable architect or master craftsman, or

d. Information important in the understanding of the prehistory or history of Salt Lake City; and

2. Historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places. When analyzing integrity, the collective historic value of

- the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district. Only after significance is established should historic integrity be assessed;
3. The proposed landmark site, local historic district or thematic designation is listed, or is eligible to be listed on the National Register of Historic Places;
 4. The proposed designation contains notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City;
 5. The designation is generally consistent with adopted planning policies; and
 6. The designation would be in the overall public interest.
- B. Factors to Consider: The following factors may be considered by the Historic Landmark Commission and the City Council to help determine whether the proposed designation of a landmark site, local historic district or thematic designation meets the criteria listed above:
1. Sites are of an age that allows insight into whether a property is sufficiently important in the overall history of the community as identified in one or more periods of significance in a historic survey report. Typically, this is at least fifty (50) years but could be less if the property has exceptional importance.
 2. Whether the proposed local historic district contains examples of elements of the City's history, development patterns and/or architecture that may not already be protected by other local historic districts within the City.
 3. Whether designation of the proposed local historic district would add important knowledge that advances the understanding of the City's history, development patterns and/or architecture.
 4. Whether approximately seventy five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by the most recent applicable historic survey and those relate to identified significance and periods of significance.
- C. Boundaries of a Proposed Landmark Site: When applying the evaluation criteria in 21A.51.040.A, the boundaries of a landmark site shall be drawn to ensure that historical associations, that best enhance the integrity of the site comprise the boundaries.
- D. Boundaries of a Proposed Local Historic District: When applying the evaluation criteria in 21A.51.040.A, the boundaries shall be drawn to ensure the local historic district:
1. Contains a significant density of documented sites, buildings, structures or features rated as contributing structures in a recent historic survey;
 2. Coincides with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;

3. Coincides with logical physical or manmade features and reflect recognized neighborhood boundaries; and
 4. Contains noncontributing resources or vacant land only where necessary to create appropriate boundaries to meet the criteria in 21A.51.040.A and 21A.51.040.D.
- E. Boundaries of a Proposed Thematic Designation: When applying the evaluation criteria of this section, the boundaries shall be drawn to ensure the thematic designation contains a collection of sites, buildings, structures, or features that are associated by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.

AMENDMENTS SECTION BELOW MOVED FROM 21A.34.020 AND REORGANIZED FOR CLARITY. EXISTING PROCESS AND STANDARDS ARE NOT CHANGING **21A.51.050: LOCAL HISTORIC AMENDMENTS PROCESS:**

- A. Applicability: Local Historic Amendments applies to the following:
- A. Expanding the boundaries of an existing landmark site, local historic district, or adding additional properties to an existing thematic designation;
 - B. Reducing the boundaries of an existing landmark site, local historic district, or removing properties from an existing thematic designation;
 - C. Revocation of the designation of a landmark site
- B. Process for Amendments to Existing Local Historic Districts and Thematic Designations:
1. Boundary Expansion: The process for expanding the boundaries of an existing local historic district or adding properties to a thematic designation shall be the same as outlined in section 21A.51.030.A.
 - a. Exceptions from 21A.51.030.A: The requirements in the following sections shall only apply to those new properties proposed to be added into the expanded boundary and do not apply to those properties already designated in a local historic district or thematic designation and already subject to the Historic Preservation Overlay District:
 - (1) The notification to affected property owners described in section 21A.51.030.A.1.b
 - (2) The application submittal requirements for demonstrating support of 33% of the property owners described in 21A.51.030.A.2.
 - (3) The property owner meeting described in 21A.51.030.A.5
 - (4) The opinion ballot described in 21A.51.030.A.7
 - (5) Notification of Property Owner Opinion Balloting Results in 21A.51.030.A.8

(6) City Council Consideration opinion ballot thresholds described in 21A.51.030.A.9

2. Boundary Reduction: The process for reducing the boundaries of an existing local historic district or removing properties from a thematic designation shall be the same as outlined in section 21A.51.030.A.
 - a. Exceptions from 21A.51.030.A: The requirements described in 21A.51.050.B.1.a through f, shall only apply to those properties proposed to be removed from the local historic district or thematic designation.

C. Amendments to Existing Landmark Sites:

1. Boundary Expansion or Reduction or Revocation: The process for expanding or reducing the boundaries of an existing landmark site or the revocation of the designation of a landmark site shall be the same as outlined in section 21A.51.030.B.

21A.51.060: LOCAL HISTORIC AMENDMENT CRITERIA:

- A. Expansion: A proposed expansion of the boundaries of an existing landmark site, local historic district, or the addition of properties to a thematic designation shall be considered utilizing the provisions of 21A.51.040.A through E and provided that new information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the landmark site, local historic district or thematic designation.
- B. Reduction: A proposed reduction of the boundaries of an existing landmark site, local historic district or the removal of properties from a thematic designation shall demonstrate the properties have no longer meet the criteria in 21A.51.040.A for inclusion within the landmark site, local historic district or thematic designation. The qualities that caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the Historic Landmark Commission recommendation and adoption of the designation.
- C. Revocation of the Designation of a Landmark Site: A proposal for revocation of a landmark site shall demonstrate the property no longer meets the criteria in 21A.51.040.A for which it was originally designated.

21A.51.070: LIMITATIONS: LANGUAGE BELOW MOVED FROM 21A.50

- A. If a local historic district or thematic designation proposal fails in accordance with the voting procedures set forth in section 21A.51.030.A.9, a resident may not initiate the creation of a local historic district or thematic designation that includes more than fifty percent (50%) of the same property as the failed local historic district or thematic designation proposal for four (4) years after the day on which the property owner opinion ballots for the vote were due.

1. This determination shall be made by the Zoning Administrator upon receipt of an application pursuant to section 21A.51.030 of this chapter. This provision shall not restrict the Mayor or the City Council from initiating a petition at any time for a new local historic district or thematic designation, or to amend the boundaries of a local historic district or the removal or addition of properties in a thematic designation.

THIS IS NEW LANGUAGE THAT CODIFIES OUR CURRENT PRACTICE OF UPDATING HISTORIC SURVEYS AND OUTLINES PROCESS AND STANDARDS FOR UPDATES AND IDENTIFIES WHAT CAN BE INCLUDED IN AN UPDATE. UPDATING HISTORIC SURVEYS CANNOT CHANGE THE BOUNDARIES OF AN EXISTING LOCAL HISTORIC DISTRICT.

21A.51.080: HISTORIC RESOURCE SURVEYS

- A. Existing Historic Resource Surveys: Any historic resource survey that was conducted for the city prior to the amendment of this chapter shall be utilized by the Planning Director and the Historic Landmark Commission in applying provisions of 21A.34.020 the H Historic Preservation Overlay District. Any subsequent adoption of a historic resource surveys will be done by ordinance in accordance with the provisions in this chapter and will supersede previous surveys.

- B. Updates to Historic Resource Surveys: The city aims to update historic resource surveys on a periodic basis as recommended by the National Park Service. Updates to surveys are for land use purposes to determine periods of significance, to determine historic status of individual properties, to update the national register, and to keep archival records on historic properties. Updates to a historic resource survey for existing local historic district is subject to the following:
 1. The standards of the H Historic Preservation Overlay apply to those properties within an adopted local historic district. Any other properties evaluated in a historic resource survey outside the boundary of a designated local district or thematic designation will not be subject to the land use regulations associated with historic status designations in the H Historic Preservation Overlay District.
 2. An updated historic resource survey maintains the boundaries of a local historic or the properties within a thematic designation but may update the historic status of properties within the adopted H Historic Preservation Overlay District.
 3. Historic Status Determinations: Instances where the historic status of an individual property within a local historic district is in question, the zoning administrator will use the provisions of 21A.34.020.D to make a timely determination.
 4. Any properties changing status from the last updated or adopted survey shall be specifically identified and their period of significance and historic status listed.

- C. Public Hearings:
 1. Historic Landmark Commission: A public hearing shall be held with the Historic Landmark Commission in accordance with the standards and procedures set forth in chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The Historic Landmark Commission shall recommend approval or denial of the updated historic resource survey or the approval of some modification of the updated historic resource survey and the recommendation will be submitted to the City Council.
 2. City Council: Following the transmittal of the Historic Landmark Commission’s recommendation, the City Council shall hold a public hearing to consider adopting the updated historic survey in accordance with the procedures set forth in chapter

21A.10, “General Application and Public Hearing Procedures”, of this title. The City Council may, by a majority vote, adopt the updated historic resource survey.

a. City Council Consideration: In deciding to adopt an updated historic resource survey, the city council may consider the following in their decision making:

(1) Any benefit or impact that an extended period of significance has on the local district or thematic designation and the city;

(2) Significance within the district is identified: Significance in local, regional, State or national history, architecture, engineering or culture, is identified and associated with at least one of the following:

(a) Events that have made significant contribution to the important patterns of history, or

(b) Lives of persons significant in the history of the City, region, State, or Nation, or

(c) The distinctive characteristics of a type, period of significance or method of construction; or the work of a notable architect or master craftsman, or

(d) Information important in the understanding of the prehistory or history of Salt Lake City; and

(3) Aspects of integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places. Aspects of integrity are assessed and if integrity is intact, a property is denoted as contributing in the survey;

(4) Any properties changing historic status from the last updated or adopted survey are specifically identified and their period of significance and historic status is listed.

(5) Any notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City are identified;

(6) The historic survey update would be in the overall public interest.

D. City Council Action: If an updated historic resource survey is adopted by the city council, the updated historic resource survey including any updated historic status designations shall be used when applying provisions of the H Historic Preservation Overlay 21A.34.020. The decision to update a historic resource survey will go into effect on the date of the publication of the related ordinance unless otherwise noted on the adopted ordinance.

21A.51.090: APPEAL OF DECISION:

Any party adversely affected by the decision of the City Council may, within thirty (30) days

after such decision, file an appeal to the District Court pursuant to the Municipal Land Use Development and Management Act, section 10-9a-801, of the Utah Code Annotated.

21A.62.040 DEFINITION OF TERMS

CONTRIBUTING STRUCTURE: A structure or site within the H historic preservation overlay district that generally meets the criteria outlined in section 21A.51.040.A.2 of this title. A contributing structure generally 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. Contributing structures are generally those that are 50 years old and are representative of a period of significance as identified in an adopted or updated historic resource survey.

NONCONTRIBUTING STRUCTURE: A structure within the H historic preservation overlay district that does not meet the criteria listed in section 21A.51.040.A.2 of this title. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and such alterations are irreversible. Noncontributing structures may also include those which are less than fifty (50) years old or rated out of period and therefore, they are not representative of a period of significance as identified in an adopted or updated historic resource survey.

DEMOLITION: Any act or process which destroys a structure, object or property within the H Historic Preservation Overlay District or a landmark site. (See definition of demolition, partial.)

DEMOLITION, PARTIAL (APPLICABLE TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY): Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the 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 structure and/or restoring a structure to its historical mass and size.

HISTORIC DESIGN GUIDELINES: The historic design guidelines provide guidance in determining the suitability and architectural compatibility of proposed maintenance, repair, alteration or new construction while at the same time, allowing for reasonable changes that meet current needs of properties located within the Historic Preservation Overlay District. For architects, designers, contractors and property owners, they provide guidance in planning and designing future projects. For City staff and the Historic Landmark Commission, they provide guidance for the interpretation of the zoning ordinance standards. Design guidelines are officially adopted by City Council.

ECONOMIC HARDSHIP: Denial of a property owner of all reasonable beneficial or economically viable use of a property without just compensation.

HISTORIC RESOURCE SURVEY: A systematic resource for identifying and evaluating the quantity and quality of historic resources for land use planning purposes following the

guidelines and forms of the Utah State Historic Preservation Office. Historic Resource Surveys shall be prepared by a qualified professional meeting the minimum professional qualifications defined by the National Park Service in the fields of history, archeology, architectural history, architecture, or historic architecture.

LANDMARK SITE: Any site that has been evaluated and determined to meet the criteria outlined in chapter 21A.51.030.A of this title. 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. Landmark Sites include any site on the Salt Lake City Register of Cultural Resources and any site designated by the City Council. Landmark Sites are subject to the regulations of chapter 21A.34.020 the H Preservation Overlay District.

LOCAL HISTORIC DISTRICT: A geographically definable area designated by the City Council which contains buildings, structures, sites, objects, landscape features, archaeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City. All properties within a local historic district are subject to the regulations of chapter 21A.34.020 the H Preservation Overlay District.

NEW CONSTRUCTION: The building of a new principal building within the H Historic Preservation Overlay District or on a landmark site.

THEMATIC DESIGNATION: A collection of individual sites, buildings, structures, or features which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.

WILLFUL NEGLECT: The intentional absence of routine maintenance and repair of a building over time.