



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Maryann Pickering, Principal Planner
(801) 535-7660

Date: February 11, 2015

Re: Solar Panels in Local Historic Districts Zoning Text Amendment (PLNPCM2014-00883)

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Citywide

PARCEL ID: Not Applicable

MASTER PLAN: Not Applicable

ZONING DISTRICT: All H Historic Preservation Overlay Districts

REQUEST: A request by Mayor Ralph Becker, at the recommendation of the Historic Landmark Commission, to revise the ordinance relating to the approval process for installation of solar panels in local historic districts. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane directly adjacent to the public right-of-way. The proposed changes would apply Citywide within all local historic districts.

RECOMMENDATION: Based on the findings in the staff report, Planning Staff finds the proposed amendment adequately meets the standards for general text amendments and therefore recommends the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning ordinance text amendment related to review of small solar energy collections system within all local historic districts.

ATTACHMENTS:

- A. Petition to Initiate
- B. Proposed Ordinance Changes
- C. Analysis of Standards
- D. Public Process and Comments
- E. Motions

PROJECT DESCRIPTION:

The Zoning Ordinance currently requires review and a decision by the Historic Landmark Commission for installation of a small solar energy collection system or solar panels located on a principal structure or a Landmark Site when the solar panels are readily visible from the public right-of-way. This requirement that the Historic Landmark Commission must review the application was included in the ordinance in order to encourage property owners to locate the solar panels in other locations on the property. However, the rear or side yards are not always

the best location to generate solar energy and in all cases reviewed by the Historic Landmark Commission, the applicants have proposed placing the solar panels towards the front of the principal structure on a side roof plane.

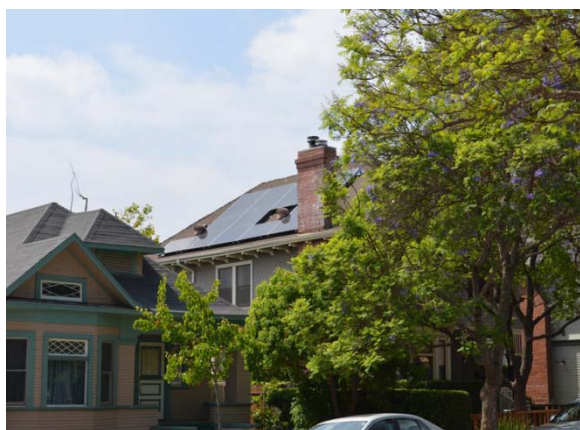
The Historic Landmark Commission passed a motion in November 2014 asking that the Mayor initiate a petition to modify the ordinance so that Planning staff can administratively review all requests for solar panels except when they are proposed on the front roof plane directly facing the public right-of-way. The reasoning for this requested change by the Historic Landmark Commission was because solar panels typically have the life span of the roof they are located on and are somewhat temporary in nature and could be removed or reversed if needed. The Mayor agreed with this request and initiated a petition for the change in December 2014.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

Issue 1: Administrative Approval

Since the Zoning Ordinance was amended in 2011, the Historic Landmark Commission has reviewed multiple requests for the installation at the front of a principal structure that are visible from the right-of-way. At most of the public hearings, it was noted that the main concern of the Historic Landmark Commission was solar panels on roof planes that are directly visible or adjacent from the public right-of-way, not those that might be on a side roof plane. In order to provide better customer service, the Historic Landmark Commission made the request to allow installations that might occur on a side roof plane to be administratively review and a decision made by Planning Staff. Below are visual examples of what could be approved administratively and what would still need a review by the Historic Landmark Commission.



Administratively approvable location



Location requiring HLC review

DISCUSSION:

The proposal complies with the standards for zoning text amendments. After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that a positive recommendation should be forwarded to the City Council for this request.

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: PETITION TO INITATE



Petition Initiation Request

Planning Division

Community & Economic Development Department



SCANNED TO: *Hayw*
SCANNED BY: *Pauline*
DATE: 12/12/14

To: Mayor Becker

From: Cheri Coffey, Acting Planning Director

Date: December 12, 2014

CC: David Everitt, Chief of Staff; Mary DeLaMare-Schaefer, Community and Economic Development Acting Director; file

Re: Amending the Zoning Ordinance relating to solar panel installations in local historic districts

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Zoning Ordinance to allow administrative approval of Certificates of Appropriateness relating to the installation of solar panels on principal structures in local historic districts and on Landmark Sites where they are proposed for secondary elevations on principal structures.

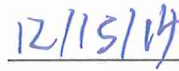
At the November 2014 Historic Landmark Commission, the Commission passed a motion requesting that the ordinance be revised to give staff the authority to approve solar panels on the secondary facades of buildings. As the ordinance currently stands, any solar panel on the principal structure that is readily visible from the public right of way is required to be reviewed by and a decision made by the Historic Landmark Commission. For all other minor alterations in local historic districts, staff has the authority to approve the changes that meet the standards. Originally, this hierarchy of approval for solar panels was included in the ordinance in order to incentivize owners to look for alternative locations for solar panels on their property. However, in some instances, rear yards and rear elevations are not conducive to solar generation. In addition, the Historic Landmark Commission noted that a solar panel had the life span equivalent to a roof; and therefore, those that were installed on the sides of the roof, even if visible, are somewhat temporary in nature and are reversible.

As part of the process, the Planning Division will follow the City adoption process for amending the City Code and Zoning Ordinance which includes citizen input and public hearings with the Planning Commission and City Council.

If you have any questions, please contact me.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.



Ralph Becker, Mayor

Date

ATTACHMENT B: PROPOSED ORDINANCE CHANGES

21A.40.190 – Small Solar Collection Systems

B. Small Solar Collection Systems 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 collection system within the historic preservation overlay district shall obtain a Certificate of Appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection B.3 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 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 B.3.a through ~~B.3.d~~ B.3.e of this section, ~~which are not readily visible from a public right of way~~ may be reviewed administratively as set forth in subsection 21A.34.020.F.1, “Administrative Decision”, of this title. Systems proposed for locations in ~~subsections B.3.e and~~ subsection B.3.f of this section, ~~which may be visible from a public right of way~~ shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in subsection 21A.34.020.F.2, “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.

ATTACHMENT C: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENTS

21A.50.050: 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. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
<p>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;</p>	<p>Complies</p>	<p>The adopted Community Preservation Plan encourages incorporating renewable energy practices on historic structures. Specifically, several policies are included as follows:</p> <ul style="list-style-type: none"> - Encourage the use of sustainable building practices that comply with adopted policy, guidelines and regulations relating to historic preservation in the renovation and maintenance of historic structures (Policy 6.1c). - Ensure adopted guidelines and regulations allow for the appropriate use of green building practices as they emerge (Policy 6.1d) - The incorporation of green building practices is encouraged whenever they are compatible with best historic preservation practices (Policy 6.1e) <p>In addition, the executive summary section of the City's Futures Commission Report of 1998 states, "Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods." Promoting sustainability by encouraging renewable energy systems is a priority in Salt Lake City. The proposed amendment related to small renewable energy systems in historic districts offer opportunities to continue to improve and sustain the health of citizens and neighborhoods.</p>
<p>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</p>	<p>Complies</p>	<p>The proposed changes to the ordinance will further the purpose statement of the Zoning Ordinance by continuing to allow renewable energy systems in all historic preservation zoning districts throughout the City, but with a simpler approval process. The amendments allow renewable energy sources to continue creating new sources of energy while lessening overall dependence on fossil fuels, which also decreases air pollution.</p>
<p>3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;</p>	<p>Complies</p>	<p>The proposed text amendment is citywide and will affect properties within the Historic Preservation Overlay District. The proposed amendment is consistent with and balances the purposes of preserving historic buildings, structures and the associated neighborhoods while encouraging individual properties to utilize structures for renewable energy.</p>
<p>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</p>	<p>Complies</p>	<p>The proposed text amendment is consistent with community sustainability and historic preservation practices. These amendments will update planning processes that create and maintain efficient infrastructure and neighborhoods.</p>
<p>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.</p>	<p>Not applicable</p>	<p>The proposed text amendment does not affect the adequacy of any public facilities.</p>

ATTACHMENT D: PUBLIC PROCESS AND COMMENTS

Open House: On January 15, 2015, a community wide Open House was held regarding the proposed text amendment. There was one person who signed in and provided comments regarding the proposal. There were two other people who stopped by the table to ask questions, but did not sign in or provide any comments. The one comment received was positive and that this request is a good idea. In addition to the one comment, one email of support was also received from the Utah Heritage Foundation as a result of the notification for the Open House. That email is attached on the following page.

Public Hearing Notice: A notice of the public hearing for this text amendment includes:
Public hearing notice published in newspaper on January 29, 2015.
Public hearing notice posted on City and State websites on January 29, 2015.
Public hearing notice emailed to the Planning Division listserv on January 29, 2015.

Public Comments: At the time of the publication of this staff report, there had been no additional public comments, other than what was received at the Open House. Any comments received will be forwarded to the Planning Commission.

From: [Kirk Huffaker](#)
To: [Pickering, Maryann](#)
Subject: Open House: Solar panels in historic districts
Date: Wednesday, January 07, 2015 11:05:16 AM

Hi Maryann,

I won't be able to attend the open house on January 15 but I wanted to submit a brief comment on behalf of Utah Heritage Foundation in support of the ordinance change to allow staff to administratively approve solar panel installation in local historic districts and on landmark structures when they are not placed on the front facing roof. I believe this is an adequate change as long as city staff will continue to follow the Historic Landmarks Commission's solar panel policy and guidelines.

Kirk

Kirk Huffaker
Executive Director
Utah Heritage Foundation
(801) 533-0858 ext. 105
www.utahheritagefoundation.org

ATTACHMENT E: MOTIONS

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for zoning text amendments and therefore recommends that the Planning Commission forward a positive recommendation to the City Council.

Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission forward a positive recommendation for PLNPCM2014-00883 to allow Planning Staff to administratively review requests for solar panels located on the side roof plane of principal residences within all local historic districts.

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission forward a negative recommendation for PLNPCM2014-00883 to allow Planning Staff to administratively review requests for solar panels located on the side roof plane of principal residences within all local historic districts. Planning Commission must support this determination with findings.