



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Amy Thompson, Planning Manager, amy.thompson@slcgov.com or 801-535-7281

Date: May 24, 2023

Re: (PLNPCM2023-00123) – Text Amendment Related to the (H) Historic Preservation Overlay District

Zoning Text Amendment

MASTER PLAN: [Community Preservation Plan](#) & [Plan Salt Lake](#)

ZONING DISTRICT: Citywide, affecting the (H) Historic Preservation Overlay District

REQUEST

Mayor Erin Mendenhall has initiated a petition for a text amendment that would generally impact the H Historic Preservation Overlay District which applies to properties within a local historic or landmark site and also outlines process and standards for local historic designations, boundary adjustments, and revocation of local historic designation. The purpose of the proposed text amendments is to make the ordinance easier to use for applicants, property owners, staff, and the Historic Landmark Commission in its administration, as well as create new processes for adopting and updating historic resource surveys. The proposed amendments involve multiple chapters of the zoning ordinance related to the H Historic Preservation Overlay District and changes would apply citywide.

RECOMMENDATION

Based on the information in this staff report and the factors to consider for zoning text amendments, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal.

ATTACHMENTS:

- A. [Draft Ordinance](#)
- B. [Zoning Text Amendment Considerations](#)
- C. [Public Process & Comments](#)

REQUEST DETAILS:

The proposed text amendment impacts properties subject to the H Historic Preservation Overlay which includes properties within local historic districts and landmark sites. Salt Lake City currently has 14 local historic districts and approximately 150 Landmark Sites. The proposed changes reorganize and add clarity to existing processes, as well as create new processes to strengthen confirmation of historic districts and buildings within Salt Lake City. The following summarizes the proposed ordinance changes:

Reorganization:

- Clarify and reorganize chapter 21A.34.020 (the H Historic Preservation Overlay) so repetition is removed, and process steps are clear.
- Moves definitions from 21A.34.020 to the Definition chapter of the zoning ordinance – 21A.62.
- Moves local historic designation, boundary adjustments, revocation of the designation of a landmark site, which are all technically an amendment process from 21A.34.020 to a new chapter – *21A.51 Local Historic Designation and Amendments*. Processing steps, requirements, and standards for designations and amendments are not changing from what currently exists in the code.

Proposed Changes/Additions:

- Adds an applicability section to 21A.34.020 so it is clear what properties are subject to the overlay and what standards are applicable.
- Exempts certain work from obtaining a Certificate of Appropriateness (CoA) such as installation of storm windows, small plaques or mailboxes, and utility meters/charging stations and solar panels not visible from the right of way.
- Authorizes review and approval of all solar panels at a staff level. Currently the Historic Landmark Commission (HLC) is required to review solar panels on the front façade of a building.
- Adds in the ability to deny a CoA request at a staff level when standards are not met as a streamlining measure for the HLC's time.
- Jurisdiction & authority language for the HLC has been added to reflect duties that aren't currently listed such as reviewing National Register Nominations and making recommendations to the Board of State History and making recommendations to the City Council on the development of incentive programs to encourage the preservation of the City's historic resources.

HELPFUL PRESERVATION TERMS

- **Certificate of Appropriateness (CoA):** Historic approval
- **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. There are two different types of surveys that Salt Lake City deals with, those are reconnaissance level surveys and intensive level surveys.
- **Historic Integrity:** The ability of a property to convey its historical associations or attributes. As defined by the National Park Service, the following aspects or qualities, in various combinations, define historic integrity: location, design, setting, materials, workmanship, feeling, association.
- **Period of Significance:** The period when the historic events associated with a local historic district, thematic designation, or landmark site occurred. This period must reflect the dates associated with the property or site, or in the case of a district, the collection of properties within the district. A period of significance may be thousands of years (in the case of an archeological property), several years, or even a few days, depending on the duration of the event. There may be multiple periods of significance associated with a local historic district, thematic designation, or landmark site.
- **Contributing:** A structure or site within a historic district that retains historic integrity. A contributing structure generally has its major character defining features intact and although minor alterations may have occurred, they are generally reversible.
- **Noncontributing:** A structure or site within a historic district that does not retain historic integrity. 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 50 years old or not within a period of significance associated with the historic district.

- Adds requirements for contents of the mailing notice for demolition of a noncontributing building.
- Requires an application fee for determination of economic hardship, local historic district boundary reductions, and revocation of a landmark site.
- Adds new definitions - period of significance and historic integrity.
- Adds in language to have City Council adopt historic resource surveys and associated reports that accompany local historic designations.
- Fine tuning language.

New Processes (further discussed in Key Considerations section of the report):

- Creates a new process and factors to consider for updates to historic resource surveys.
- Creates a new process and factors to consider for historic status determinations (ie. contributing or noncontributing status) for individual properties in certain circumstances.

HISTORIC LANDMARK COMMISSION RECOMMENDATION

On May 4, 2023, the Historic Landmark Commission reviewed the proposed text amendment at a public hearing and forwarded a recommendation of approval to the City Council. The commission had one request for planning staff to look at better defining what constitutes “maintenance” to be exempt from obtaining a certificate of appropriateness (CoA-historic approval). Staff has incorporated this recommended clarification into the proposed draft.

BACKGROUND: H OVERLAY DISTRICT REGULATIONS & HLC AUTHORITY

21A.34.10

An Overlay District is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an Overlay District, the Overlay District regulations shall control.

Salt Lake City adopted its first preservation ordinance in 1976. The Historic Landmark Commission is one of Salt Lake City’s four land use authorities and their jurisdiction relates to making decisions, or in the case of legislative decisions, making recommendations to the City Council related to properties within the (H) Historic Preservation Overlay District. The H Overlay District regulates exterior changes to properties and requires approval related to exterior alterations to existing structures, new construction, demolition and relocation.

The Historic Landmark Commission also has the authority to make lot and bulk modifications to the base zoning district when it’s found that the proposal complies with the applicable standards for historic approval and is compatible with surrounding historic structures. This means the commission may grant additional height, allow modifications to setbacks, lot coverage, etc. through the HLC process, as opposed to an applicant having to go through a planned development or design review for those types of requests. The Historic Landmark Commission does not have authority to create lots without frontage or to regulate use; applications for those items involving an H overlay district property require approval from the Planning Commission.

Additionally, the Historic Landmark Commission reviews proposed local historic designations, boundary adjustments, and revocations of landmark site designation and provides a recommendation to the City Council on these matters.

KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, and neighbor and community input.

- 1. Updates to Historic Resource Surveys**
- 2. Historic Status Determinations**
- 3. Compliance with City Goals, Policies, and Master Plans**

Consideration 1: Historic Resource Survey Updates

All of the city's local historic districts have associated historic resource surveys. As a best practice and consistent with policies outlined in the Community Preservation Plan, Salt Lake City has an RFP going out in the next couple of months to contract with consultants to conduct several historic resource survey updates for local historic districts; this text amendment essentially puts this process into our zoning ordinance.

Historic resource surveys provide an understanding of which properties should be protected and how to incorporate preservation goals into community planning efforts. A survey generally consists of a written report summarizing the history, development patterns, and physical character of the study area and an inventory of all properties included in the survey and a historic status rating for each property (whether contributing or noncontributing) accompanied by maps, photographs and recommendations. The survey will also identify periods of significance for the district – anything outside of the identified period of significance is rated as out of period which is noncontributing to the district.

Surveys are only as useful as they are current. As time passes, surveys become less and less accurate representations of conditions on the ground. The boundaries of historic areas may expand or shrink, and individual properties may lose or gain their historic integrity. Current survey information is needed to capture these changes and allow for the continuing evaluation (and modification if necessary) of district boundaries and lists of contributing structures over time. Accurate information on properties and districts helps ensure that the time and resources of the historic preservation program are efficiently and appropriately directed to the correct locations. Once a survey is completed, it should be updated periodically to address the ongoing impacts of two dynamic forces: time and maintenance.

Time: One standard for determining eligibility for historic designation is age. Therefore, surveys must be updated periodically to address new properties that may now be considered contributing due to their age (generally 50 years or older). Further, surveys should be updated periodically to acknowledge that the resources that are perceived as “historic” and worth preserving may evolve and change over time. Broadly speaking, the older the survey, the less likely it presents an accurate and complete picture of an area's current historic significance.

Maintenance: Over time, property maintenance can impact the status of an historic property. A property owner may defer maintenance of their property which leads to a deteriorating condition where the structure no longer qualifies as a contributing structure, or inappropriate alterations to a structure could render it no longer contributing. Alternately, alterations to a structure could be made that rectifies a past modification and enables the structure to now qualify as a contributing structure. Survey updates can also capture a structure listed in an older survey that may have been demolished.

Updates to historic resource surveys could also expand the period of significance, and therefore, it's possible that some properties that were rated out of period could become contributing if their construction date falls within the expanded period of significance, the structure retains historic integrity, and an update to the survey is adopted. In the proposed text amendment, updates to historic resource surveys would be a city council level decision and would have a public process leading up to

the hearings with the planning commission and historic landmark commission. It's important to note that updates to a historic survey cannot change the existing boundaries of a local historic district –that can only be done with an amendment; but a survey update could inform future proposed boundary changes.

Consideration 2: Historic Status Determinations

The proposed text amendment also includes a process and standards for historic status determinations. The zoning administrator is authorized to make interpretations of zoning code standards. The zoning administrator has issued historic status determinations for individual properties when the historic status of the property has been in question; this text amendment essentially puts this process into our zoning ordinance. The purpose of historic status determinations is to ensure the correct standards apply to each property within a local historic district.

The historic status of a property is referring to whether the property is identified as contributing or noncontributing to the historic district in the most recent historic resource survey adopted by the city. There are certain circumstances that arise where a timely determination of a property's historic status is needed. These include properties that were inadvertently missed in the survey or for whatever reason, not given a historic status rating, and properties that may have been incorrectly rated and warrant reconsideration. Historic status determinations may be initiated by a property owner or the planning director. The proposed ordinance lists several considerations for making historic status determinations:

- **Updated Survey:** Review of a recent intensive level survey of the subject building conducted in accordance with the Utah State Preservation Office standards for historic building surveys;
- **Alterations:** If alterations have occurred, whether or not they're generally reversible;
- **Contextual Understanding:** Whether the building contributes to the understanding of the contextual significance of the district; and
- **Historic Integrity:** An analysis of historic integrity based on the National Park Service definition of historic integrity. When analyzing integrity of a building as part of a local historic district, 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.

Location: Location is the place where the historic property was constructed.

Design: Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Setting: Setting is the physical environment of a historic property.

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.

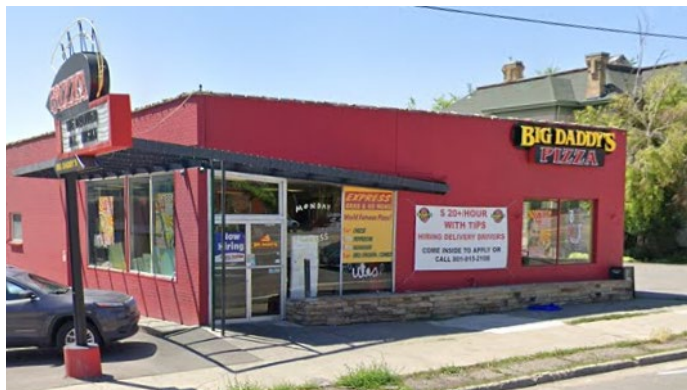
Workmanship: Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

Feeling: Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

Association: Association is the direct link between an important historic event or person and a historic property.

The zoning administrator will issue a historic status determination based on the above considerations. The determination would be posted and available to the public on the planning division's website and also sent to the Historic Landmark Commission.

The following are some examples of past historic status determinations, analysis based on the considerations noted above, as well as the decision that was made. Staff also coordinates with the State Historic Preservation Office (SHPO) on historic status determinations. Although SHPO's program and the city's preservation program are separate because the city's program is regulatory and SHPO's is not, we want to ensure we're maintaining consistency with any historic status determinations noted in SHPO records so properties tax credit eligibility is accurate.



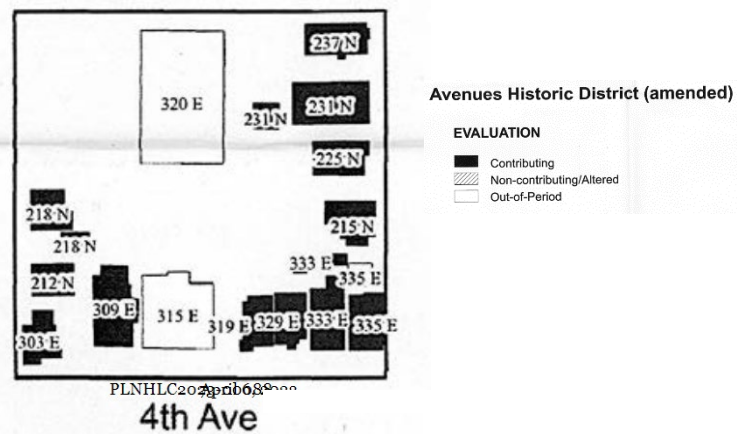
470 S 700 East – Changed from Contributing to Non-Contributing: Big Daddy's Pizza was listed as a contributing building in a 2013 Reconnaissance Level Survey for Central City. The property owner disputed the historic status arguing the building should be noncontributing and submitted an application for a determination. Evidence was submitted by the applicant to support their claim including an Intensive Level Survey conducted by SWCA Environmental Consultants. The zoning administrator found this property's historic status should be changed from contributing to noncontributing because of alterations made to the structure that have negatively impacted the historic integrity of the building. Alterations include an addition widening the front façade of the building, side addition, vinyl replacement windows in the primary portions of the north and south elevations, removal of cladding.



602 E 300 South – Remains Non-Contributing (No Change): The structure above was listed as a noncontributing building in a 2013 Reconnaissance Level Survey for Central City. Questions regarding the historic status were brought up by the property owner and staff believed the historic status warranted further consideration and an application for a determination was initiated. Based on extensive research, the zoning administrator found this property's historic status should remain noncontributing and should not be changed because of alterations made to the structure that have made the historic integrity of the building no longer evident. Alterations include the application of stucco, the installation of vinyl siding on the third floor, replacement windows on the secondary facades, the enclosure of the front porch with wrapped columns and glass, and replacement of the entry stairs. Many of these changes can be reversed. However, the application of the stucco is not considered a reversible change.



244 N Canyon Road – Changed from Contributing to Non-Contributing: The structure above was listed as a contributing building in a 2013 Reconnaissance Level Survey for the Avenues. Questions regarding the historic status were brought up by the property owner and staff believed the historic status warranted further consideration and an application for a determination was initiated. The zoning administrator found this property’s historic status should be changed from contributing to noncontributing because of alterations made to the structure that have negatively impacted the historic integrity of the building. Alterations include a shed roof addition, porch addition, gabled dormers along the front facing roof plane, and alterations to a front window.



319 E 4th Avenue - Contributing (inadvertently missed in most recent survey): The structure above was constructed in 1898 and listed as a contributing building in some of our older surveys, however, in the 2013 Reconnaissance Level Survey for the Avenues, the structure was missed. In the clipping of the historic status map for the Avenues, you can see the address is included on the map, but the structure footprint is just missing from the map and is also not included in survey and data sheets. This was brought to the staff’s attention when an application was submitted for the property and staff determined the building to be a contributing structure because it retains historic integrity.

Consideration 3: Compliance with City Goals, Policies, and Master Plans

Preservation Philosophy: In November, 2011, the Salt Lake City Council adopted a *Preservation Philosophy* (Resolution 53 of 2011) to guide the City’s Preservation Program. Some of the policy directives from this document relate directly to the current project, namely:

Achieve a successful city-wide historic preservation program by clearly conveying historic preservation objectives, opportunities, and benefits while consistently interpreting and applying the City's adopted standards and efficiently administering the process.

Ensure the boundaries of new local historic districts focus on protecting the best examples of an element of the City's history, development patterns and architecture. Local historic districts should have logical boundaries based on subdivision plats, physical and or cultural features and significant character defining features where possible.

The Historic Preservation Overlay District standards are to be used as the basis for decision making when considering applications for Certificates of Appropriateness. Apply standards in a reasonable manner, taking into consideration economic and technical feasibility.

A large portion of the proposed changes are reorganization and clarification. The new organization aims to make process steps and standards clear and predictable to improve applicants' understanding of the requirements and decision makers' ability to efficiently administer the zoning ordinance.

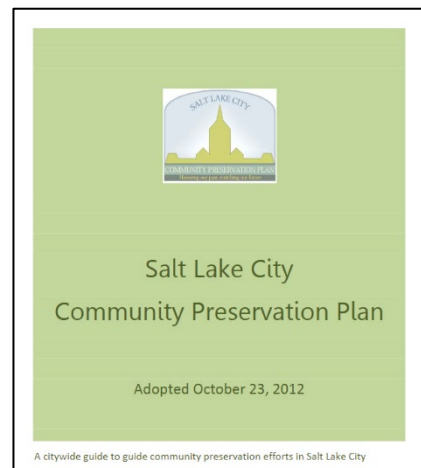
Community Preservation Plan: Another significant guiding document for Salt Lake City's historic preservation program is the *Community Preservation Plan* (2012). This document adds context, detail, and direction in implementing the broad outlines of the city's adopted preservation philosophy.

Policy 3.1a: Identify historic resources in the City through the use of surveys that are consistent with the adopted State Historic Preservation Office survey criteria.

Policy 3.1b: Reconnaissance and Intensive level surveys that meet the adopted State Historic Preservation Office survey criteria, should be well-maintained and accurately portray the location and integrity of the City's historic resources.

Policy 3.1d: Designated resources should be resurveyed approximately every 10 years or earlier where necessary.

Action 1: Identify Areas where resurveys are appropriate. Using the recommendations in Appendix A as a starting list, develop a list of areas where updates or complete revisions to existing surveys are needed, because of the age of the survey and/or changed conditions in the locally designated areas.



Policy 3.1e: Ensure that adequate and complete surveys are used to determine appropriate action relating to implementing policies of the Community Preservation Plan.

Policy 3.1h: Prior to finalizing professional historic survey work, public review and input should be provided. Any historic survey work should include an element of public involvement to provide information about specific properties and neighborhood history. The public should also have an opportunity to review the survey and provide feedback to the City to help ensure accuracy of its findings and classification of properties.

Policy 3.1i: Historic Surveys should be thoroughly reviewed to ensure accuracy of the classification of properties. Prior to the Historic Landmark Commission's adoption of historic surveys, each survey should be thoroughly reviewed to ensure accuracy of such work and the classification of properties.

Policy 3.2f: The boundaries of local historic districts should be examined periodically to determine their appropriateness and identify whether the district boundaries should be revised.

Policy 3.3a: Align preservation-related City regulations with the goals and policies of this plan.

Policy 3.4j: Streamline the approval process for renovation or restoration projects that meet the standards for approval.

Action 1: Amend the zoning ordinance to include an administrative approval option for renovation or restoration projects, regardless of size, where the Planning Director makes findings that the project meets the standards for approval.

Policy 4.1e: In order to streamline the process for property owners and make the caseload of the Historic Landmark Commission manageable, as much as possible decisions relating to all minor projects and major projects that meet the standards for preservation should be handled administratively.

Policy 4.2b: Improve user-friendliness of the decision-making process. The City will work to make participation in the preservation program as clear, predictable, and as easy as possible. This will be achieved through developing informational resources and making necessary procedural changes.

Policy 4.2c: Ensure informational resources are available to assist applicants in knowing the requirements, and timeframes for each step to help them successfully navigate the process.

Policy 6.1c: 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 6.1d: Ensure adopted guidelines and regulations allow for the appropriate use of green building practices as they emerge.

Policy 6.1e: The incorporation of green building practices is encouraged whenever they are compatible with best historic preservation practices

Policy 6.2h: The review of landscaping relating to historic preservation should be focused on site design, grading and site features and not on the type of landscape materials.

The *Community Preservation Plan* has a number of policies related to historic surveys. Accurate surveys are vital to a well-functioning historic preservation program in a number of ways. For example, surveys help inform development decisions. At the local level, land use decisions should be informed by the best available information about the presence or condition of historic resources so staff can ensure the correct regulations are applied to each property. It is vital to have up-to-date survey information to ensure that historic resources are protected as development activity moves forward. The proposed ordinance includes new language outlining the processing steps and considerations for updates to historic surveys – a concrete step toward the implementation of the policies and action items mentioned above.

The *Community Preservation Plan* also speaks to streamlining the approval process for applications that meet the standards of review. There is new language in the proposed ordinance to exempt some types of exterior work from obtaining a CoA, this includes maintenance, landscaping that doesn't include a retaining wall, fence or grade change, and utility meters and solar panels not visible from the public right of way. These changes are meant to eliminate an approval process for straightforward exterior changes as well as support working towards Salt Lake City's sustainability goals for renewable

energy by allowing for a staff level review (and eliminating in some cases) of solar panels and EV charging stations.

Neighborhood Plans: Additionally, preservation objectives are an element of a number of Salt Lake City’s neighborhood master plans. What follows is a sample of pertinent passages, policies and objectives from some of these documents related to preservation.

Central Community Master Plan:

- “Central Community gives high priority to the preservation of historic structures and development patterns.”
- “Use building codes and regulations to support preservation.”

Avenues Master Plan:

- “Encourage preservation of historically and architecturally significant sites and the established character of the avenues and South Temple Historic Districts.”
- Recommendation & Guidelines: Residents need to more clearly understand historic district requirements and expectations.

Capitol Hill Master Plan:

- “Provide for the preservation and protection of the historically and architecturally important districts.”

Downtown Master Plan:

- “Preserving the character of many of our older buildings is an important component of downtown’s image.”

Plan Salt Lake: Finally, preservation is mentioned as a specific objective of Plan Salt Lake (2015), Salt Lake City’s citywide master plan with the guiding principle of “maintaining places that provide a foundation for the City to affirm our past.” Additional context and guidance are given to this citywide objective through a series of initiatives, many of which directly relate to and support the proposed changes.



- Preserve and enhance neighborhood and district character.
- Retain areas and structures of historic and architectural value.
- Integrate preservation into City regulation, policy, and decision making.
- Balance preservation with flexibility for change and growth.
- Improve education and outreach about the value of historic preservation.

The purpose statement for the H – Historic Preservation Overlay District is as follows:

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, redevelopment and the subdivision of 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.

The proposed amendments, in clarifying and updating language to incorporate new processes that are critical to the implementation of the city's Historic Preservation Program are fully consistent with these purposes.

NEXT STEPS:

The city council has the final decision-making authority on all zoning amendments. The zoning ordinance authorizes the Planning Commission to make recommendations to the city council on zoning amendments. The Planning Commission may make modifications to the proposed amendments, direct staff to make changes, or forward a recommendation to the city council on the proposal as is.

The recommendations of the Historic Landmark Commission and Planning Commission and any requested changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed changes.

If ultimately approved by the City Council, the changes would be incorporated into the zoning ordinance.

ATTACHMENT A – DRAFT ORDINANCE

This proposed ordinance makes the following amendments to Title 21A Zoning:

Underline text is new; text with strikethrough is proposed to be deleted. All other text is existing with no proposed change.

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.
 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 ~~Θ~~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 Aa 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 aAnd 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 aAnd 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 oOf 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 aAnd 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 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 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 ~~f~~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.

B. Special Noticing Requirements ~~f~~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 a 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 nonecontributing status of the property to all owners of the land and tenants of abutting properties and those properties across the street from the subject property 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 Notice of Application: The mailing notice shall generally describe the subject property, include a vicinity map, include a photograph of the noncontributing structure, date of construction, historic status from the most recent historic survey on file or from a historic status determination, where the application can be inspected by the public, and the date when the Planning Director will issue a certificate of appropriateness for demolition.~~
- ~~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 oOf tThe Mailing Notice oOf 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. Local Historic Designation, Amendments or Revocation**
- 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**

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. Provide the means to manage alterations to historic structures to encourage beneficial use and viability of the building while protecting an individual building's contributing status.
- ~~3.2-Encourage new development, 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;~~
- ~~4.3-Abate the destruction and demolition of historic structures;~~
- ~~5.4-Implement adopted plans of the City related to historic preservation;~~
- ~~6.5-Foster civic pride in the history of Salt Lake City;~~
- ~~7.6-Protect and enhance the attraction of the City's historic landmarks and districts for tourists and visitors;~~
- ~~8.7-Foster economic development consistent with historic preservation; and~~

9.8. Encourage social, economic and environmental sustainability.

~~—B. Definitions:~~

~~—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 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.62.040

(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.

C. Local Historic Designation, Amendments, or Revocation:

Local Historic 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 Designation and Amendments; H Historic Preservation Overlay District:

—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.~~
- ~~— c. 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:

1. Purpose: Historic status determinations are to address the historic status of individual structures within a local historic district on a case-by-case basis through robust review of documentation in order to render a timely decision on the historic status for circumstances outlined below.
2. Applicability: Historic status determinations may be rendered for properties within an existing local historic district using the considerations in 21A.34.020.D.7 to determine whether they are contributing or noncontributing to the local historic district for the following:
 - a. Unrated Properties: Properties that were inadvertently missed in a survey or not given a historic status rating;
 - b. Incorrectly Rated Properties: Properties that may have been incorrectly rated in a survey;
3. Authority: Historic status determinations shall be made by the Zoning Administrator in the form of an administrative interpretation.
4. 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.
5. Limitations: A historic status determination shall not:
 - a. Change the boundaries of the local historic district;
 - b. Be issued for Landmark Sites;
 - c. Be issued for structures that are not within period of significance in an adopted historic resource survey.
6. 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. When the request is to change the historic status rating, the applicant shall state in the application the reason(s) the existing historic rating is incorrect and why it should be changed based on the considerations in section 21A.34.020.D.7, or provide an intensive level historic resource survey conducted in accordance with the Utah State Preservation Office standards for building surveys addressing the considerations in 21A.34.020.D.7 for analysis by the Zoning Administrator.
 - g. Any other information the Zoning Administrator deems necessary for a full and proper consideration of the particular application.
7. Considerations for Historic Status Determinations – A historic status determination may include the following considerations:
- a. Whether alterations that have occurred are generally reversible.
 - b. Whether the building contributes to an understanding of a period of significance of a neighborhood, community, or area.
 - c. Whether or not the building retains historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined in section 21A.62.040. The analysis shall 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 historic integrity of a building as part of a local historic district, 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.
8. Decision: Written findings documenting the historic status determination shall be sent to the applicant and members of the historic landmark commission and kept on file in city records.
9. 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.

10. 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, or 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 or any structure on 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. Installation of storm windows;

b. Landscaping that:

(1) Complies with the standards of this Title;

(2) Does not include a wall fence or grade changes;

(3) Is not an attribute that is a character defining feature of the property or streetscape.

- c. Painting of surfaces that does not include unpainted stone, brick or cement;
- d. Plaques, boxes, and other similar objects that measure 18 inches or less 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;
- f. Heating, ventilation and air conditioning systems that do not require new conduit and are not visible from the public right of way; and
- g. Solar energy collection systems meeting the priority locations outlined in section 21A.40.190.B.3.a-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)~~ 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;

e. Economic Hardship Determination; and

f. ~~(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.

3.b. ~~Submission oOf 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 as noted in the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all mailing fees established for required public noticing. 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)~~ Renderings 3D models that show the new construction in relation to neighboring buildings; and
- (4) ~~(12)~~ Renderings 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 the notification requirements of chapter 2.60 of this code. shall require notice pursuant to [chapter 21A.10](#) of this title. An application for a certificate of appropriateness for demolition of a noncontributing building or structure shall require notice 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 2.60 and [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 fFor Approval: The Applications for a certificate of appropriateness shall be reviewed according to the standards set forth in subsections G through KL of this section, whichever are applicable.

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 except for demolition of contributing principal buildings and landmark sites as outlined in section 21A.34.020.F.8.

8. Requirements for Certificate of Appropriateness for Demolition: The certificate of appropriateness for demolition of a contributing principal building or landmark site shall not be issued until the following criteria is satisfied:
 - a. The appeal period associated with the approval has expired.
 - b. The landmark commission has granted approval for a new building that will replace the landmark site or contributing principal building to be demolished. The requirement for replacing the contributing principal building or landmark site with a new building may be waived by the Historic Landmark Commission if a new development or redevelopment plan that includes the principal building to be demolished is approved by the Historic Landmark Commission.
 - c. The certificate of appropriateness for demolition shall be issued simultaneously with the certificate of appropriateness and building permits for the replacement building.
9. Revocation of the Designation of a Landmark Site: If a landmark site is approved for demolition, the property shall not be removed from the 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.
10. Exceptions of Certificate of Appropriateness for Demolition 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 for consultation and of the final decision.
11. Expiration of Approvals: No certificate of appropriateness shall be valid for a period of longer than one (1) 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 one (1) year time period.

~~——(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.~~

12i. 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 Of Appropriateness For Alteration ~~o~~Of ~~a~~A Landmark Site ~~o~~Or Contributing Structure Including New Construction ~~o~~Of ~~a~~An Accessory Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, or new construction of an accessory structure associated with a landmark site or contributing structure, the Historic Landmark Commission, or the Planning Director, for administrative decisions, shall, using the adopted design guidelines as a key basis for evaluation, 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; ~~and 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 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 and Building Services and 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 and 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 and 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 and 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. ~~On~~ 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 21A.34.020.F.10 ~~of this section~~; or

2. A determination of economic hardship has been granted by the Historic Landmark Commission pursuant to the provisions of subsection 21A.34.020.L ~~of this section.~~

K. Standards ~~f~~For Certificate Of Appropriateness For Demolition ~~o~~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.~~ 1a. The historic integrity of the site as defined in subsection in section 21A.62.040 C15b of this section is no longer evident and the site no longer meets the definition of a contributing building or structure in 21A.62.040;
- ~~2b.~~ 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.~~ 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.~~ 4d. The base zoning of the site does not permit land uses that would allow the adaptive reuse of the contributing principal building;
- ~~5e.~~ 5e. The contributing principal building has not suffered from willful ~~willful~~ neglect, as evidenced by the following:
 - ~~a. (1)~~ a. ~~Willful~~ 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)~~ b. ~~Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or~~
 - ~~c. (3)~~ c. ~~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 [21A.34.020.J.2](#) of this section.

1. Application fFor Determination oOf 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 as noted in the Salt Lake City consolidated fee schedule. ~~Planning Director and shall be submitted to the Planning Division.~~
2. Evidence fFor Determination oOf 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. Physical cCondition 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 demonstrated 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~~ with demonstrated experience in rehabilitation of older buildings 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 and whether any exceptions within Chapter 12 Historic Buildings of the IEBC, or its successor, could be used to resolve those deficiencies.
 - h. Consideration of map amendment, conditional use, ~~special exception~~ or other land use processes to alleviate hardship.
3. Procedure ~~f~~For Determination o~~f~~ 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. Appointment of Qualified Expert: 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.

(1) The extent of the Authority: The Planning Director's appointed qualified expert is limited to rendering advice and testimony to the Historic Landmark Commission and has no decision-making capacity.

(2) The Planning Director's appointed qualified expert shall have considerable and demonstrated experience in appraising, renovating, or restoring historic properties, real estate development, economics, accounting, finance and/or law.

(3) 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.

~~ba. Review Of Evidence: 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 shall to consider the evidence submitted, an application and the advice and /testimony of the Planning Director's appointed qualified expert, for determination of economic hardship after receipt of a complete application.~~

~~cb. Finding 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, and if the Historic Landmark Commission finds that the applicant has presented sufficient information supporting a determination of economic hardship, then the Historic Landmark Commission shall approve the 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 all of the following are met:~~

~~(1) The contributing principal building or landmark site cannot be economically used or rented at a reasonable rate of return in its present condition or if rehabilitated;~~

~~(2) The contributing principal building or landmark site cannot be put to any reasonable beneficial use in its present condition or if rehabilitated; and~~

~~(3) Bona fide efforts during the previous year to sell or lease the contributing principal building or landmark site at a reasonable price have been unsuccessful.~~

~~(4) 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.~~

~~d.~~ de. Certificate of Appropriateness For Demolition: If the Historic Landmark Commission finds an economic hardship, a certificate of appropriateness for demolition shall be issued in accordance with section 21A.34.020.F.8. valid for one year. Extensions of time for an approved certificate of appropriateness for demolition associated with economic hardship shall be subject to subsection ~~21A.10.010D~~ of this title.

~~ed.~~ ed. 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.

~~c.~~ c. 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:~~

- ~~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 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:~~

~~i. 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 (see subsection D of this section).~~

~~O. Exceptions Of Certificate Of Appropriateness For Demolition 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 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 Planning 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.

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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. Applications related to H Historic Preservation Overlay Districts or Landmark Sites are subject to the procedures in Chapter 21A.51, Local Historic Designations and Amendments (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.
- ~~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.

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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: EXISTING LOCAL HISTORIC AMENDMENT PROCESS

21A.51.060: EXISTING 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 city council may amend the zoning map and apply the H Historic Preservation Overlay District by the passage of an ordinance and:

1. Designate a landmark site;
2. Designate as a local historic district;
3. Designate as a thematic designation;
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 comprehensive 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.

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.

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 for an application, the following steps must be completed:

- a. Pre-application Conference: A potential applicant shall attend a pre-application 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:

- a. Parties Entitled to Submit Application: 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.
 - (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.

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 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. Notification to Recognized Community Organizations: Notification to recognized community organizations shall be provided as set forth in section 2.60.050 of this code.
 6. 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.
 7. Open House: The planning division will conduct an open house pursuant to section 2.60.050.
 8. 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.

9. 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.
- 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.

10. 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 or thematic designation.

11. City Council Consideration: Following the transmittal of the recommendations of the Historic Landmark Commission and the Planning Commission and the results of the

property owner opinion ballot process, the City Council shall hold a public hearing to consider the designation of a local historic district or thematic designation in accordance with the standards and procedures set forth in chapter 21A.10, “General Application and Public Hearing Procedures”, of this title and the following:

- a. 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) 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.
- b. If the number of property owner opinion ballots received does not meet the threshold identified in 21A.51.030.A.11.a 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.
- c. 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.

B. Process for Designation of a Landmark Site:

1. Application:
 - a. Parties Entitled to Submit Application: 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. Submittal Requirements: Applications for landmark sites shall provide at least all of the information in 21A.51.030.A.2.b unless deemed unnecessary by the zoning administrator.
 - c. Fees: Application and noticing fees for designation of a landmark site shall not be required.
2. Notification to Community Organizations: Notification to recognized community organizations shall be provided as set forth in section 2.60.050 of this code.
3. 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.

4. 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.

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.

21A.51.040: LOCAL HISTORIC DESIGNATION CRITERIA:

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 in section 21A.62.040. When analyzing historic 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.
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 or thematic designation 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 or thematic designation 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.

21A.51.050: EXISTING LOCAL HISTORIC AMENDMENT PROCESS:

- A. Applicability: Existing Local Historic Amendments applies to the following:
1. Expanding the boundaries of an existing landmark site, local historic district, or adding additional properties to an existing thematic designation;
 2. Reducing the boundaries of an existing landmark site, local historic district, or removing properties from an existing thematic designation;
 3. 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 except that the following shall only apply to the properties being added into the proposed expanded boundary and do not apply to those properties already designated in a local historic district or thematic designation and already subject to the H Historic Preservation Overlay District:
 - a. The notification to affected property owners described in section 21A.51.030.A.1.b
 - b. The application submittal requirements for demonstrating support of 33% of the property owners described in 21A.51.030.A.2.
 - c. The property owner meeting described in 21A.51.030.A.5
 - d. The opinion ballot described in 21A.51.030.A.7
 - e. Notification of Property Owner Opinion Balloting Results in 21A.51.030.A.8
 - f. 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 except that:
 - 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 and do not apply to those properties already designated in a local historic district or thematic designation and already subject to the H Historic Preservation Overlay District.

- 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. Applications filed by the city council, planning commission or the mayor shall not be required.

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 follow the steps outlined in section 21A.51.030.B in addition to:
 - a. Fees: Applications for reducing the boundaries of a landmark site or for the revocation of the designation of a landmark site 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. Applications filed by the city council, planning commission or the mayor shall not be required.

21A.51.060: EXISTING 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 met 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:

- 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.

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 survey will be done by ordinance in accordance with the provisions in this chapter and will supersede previous surveys.

B. Updates to Historic Resource Surveys:

1. Applicability: 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:

- a. 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.
- b. 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.
- c. 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.
- d. Any properties changing status from the most recent historic resource survey shall be specifically identified in the updated survey and their period of significance and historic status listed.

2. Process for Updating Historic Resource Surveys:

- a. 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 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.
- b. 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. 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 extending the period of significance would have on the local district or thematic designation and the city;
 - (2) Any new period of significance in the updated survey 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) Any properties within a new period of significance will be assessed for aspects of integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service Aspects of integrity. 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. If integrity is intact, the property is denoted as contributing in the updated survey;
 - (4) 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 specifically identified for any new periods of significance in the updated survey;
 - (5) 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.60.020 LIST OF DEFINED TERMS

Contributing Structure

Noncontributing Structure

Demolition (as it applies to properties within the H Historic Preservation Overlay District)

Demolition, Partial (as it applies to properties within the H Historic Preservation Overlay District)

Historic Design Guidelines

Historic Integrity

Economic Hardship

Historic Resource Survey

Landmark Site

Local Historic District

Period of Significance

Thematic Designation

Willful Neglect

21A.60.040 DEFINITION OF TERMS

CONTRIBUTING STRUCTURE: A structure or site within the H historic preservation overlay district that has been determined through the process outlined in 21A.51.040, or an adopted historic resource survey, or 21A.34.020.D, to generally retain historic integrity. When analyzing historic integrity of a building as part of a local historic district, 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. A contributing structure generally has its major character defining features intact and although minor alterations may have occurred, they are generally reversible.

DEMOLITION (AS IT APPLIES TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY DISTRICT): 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 (AS IT APPLIES TO PROPERTIES WITHIN THE HISTORIC PRESERVATION OVERLAY DISTRICT): 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.

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

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.

HISTORIC INTEGRITY: The ability of a property to convey its historical associations or attributes. As defined by the National Park Service, the following aspects or qualities, in various combinations, define historic integrity:

Location- Location is the place where the historic property was constructed or the place where a historic event occurred.

Design: Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Setting: Setting is the physical environment of a historic property.

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.

Workmanship: Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history.

Feeling: Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

Association: Association is the direct link between an important historic event or person and a historic property.

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 historic site that has been designated in accordance with chapter 21A.51.030.B or any site on the Salt Lake City Register of Cultural Resources. A landmark site includes an individual building, structure or feature or an integrated group of buildings, structures or features on a single site. Such sites are of exceptional importance to the City, State, region or Nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site. Landmark sites are subject to the regulations of chapter 21A.34.020, the H Historic Preservation Overlay District.

LOCAL HISTORIC DISTRICT: A contiguous geographically definable area with a minimum district size of one “block face”, as defined in section 21A.62.040, designated by the City Council pursuant to the provisions in 21A.51.030.A, 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 Historic Preservation Overlay District.

NONCONTRIBUTING STRUCTURE: A structure or site within the H historic preservation overlay district that has been determined noncontributing through the process outlined in 21A.51.040, or an adopted historic resource survey, or 21A.34.020.D, and does not retain historic integrity. The major character defining features have been so altered as to make the historic form, materials or details indistinguishable and such alterations are irreversible. Noncontributing structures may also include those rated out of period, and therefore, they are not representative of a period of significance as identified in an adopted historic resource survey.

PERIOD OF SIGNIFICANCE: The period of significance is the period when the historic events associated with a local historic district, thematic designation, or landmark site occurred. This period must reflect the dates associated with the property or site, or in the case of a district, the collection of properties within the district. A period of significance may be thousands of years (in the case of an archeological property), several years, or even a few days, depending on the duration of the event. There may be multiple periods of significance associated with a local historic district, thematic designation, or landmark site.

THEMATIC DESIGNATION: A collection of individual sites, buildings, structures, or features designated by City Council pursuant to the provisions in 21A.51.030.A, 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. All properties within a thematic designation are subject to the regulations of chapter 21A.34.020 the H Historic Preservation Overlay District.

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

Amending Consolidated Fee Schedule 3.02.010

Historic Landmarks Commission Review			
<u>Major Alterations of a principal building</u>	\$ 100	See also fee for required public notices (21A.10.010.E)	21A.34.020
<u>Economic Hardship</u>	\$2,050	Plus \$200/hour up to \$20,000	21A.34.020
<u>New construction of a principal building</u>	\$ 2,982	See also fee for required public notices (21A.10.010.E)	21A.34.020
<u>Demolition of a contributing principal building</u>	\$ 2,406	See also fee for required public notices (21A.10.010.E)	21A.34.020
<u>Relocation of a contributing principal building</u>	\$303	See also fee for required public notices (21A.10.010.E)	21A.34.020
<u>Reduction to boundaries of the H Historic Pres. Overlay District</u>	\$2,999	See also fee for required public notices (21A.10.010.E)	21A.51.050
<u>Revocation of a Landmark Site</u>	\$2,999	See also fee for required public notices (21A.10.010.E)	21A.51.050

DRAFT

ATTACHMENT B – ZONING TEXT AMENDMENT CONSIDERATIONS

ZONING MAP 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:

<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>Finding: Complies; The proposal is consistent with Preservation Philosophy, the Community Preservation Plan, Plan Salt Lake, various preservation related goals in several community plans, and the purpose of the H Historic Preservation Overlay District.</p>
<p>Discussion: Please see Consideration 3 for discussion on how the proposal complies with purpose, goals, objectives and city policies.</p>
<p>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.</p>
<p>Finding: Complies; The proposal generally furthers the purpose statements of the zoning ordinance.</p>
<p>Discussion: <i>Zoning District Purposes</i> <i>21A.50.010 Zoning Amendment Purpose Statement</i> The zoning amendment section of the ordinance notes the following with regard to its purposes: <i>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.</i> This proposal is consistent with the general purpose of making changes in light of changed conditions related to implementation of the H Historic Preservation Overlay District.</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>Finding: Complies; The proposed amendments impact the H Historic Preservation Overlay District and are consistent with the standards and purpose of that overlay zone.</p>

Discussion:

Please see Consideration 3 for discussion on how the proposal complies with the purpose, goals, and city policies related to the H Historic Preservation Overlay District.

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

Finding: Complies;

Discussion:

The proposed amendments seek to improve the usability of the code by clarifying language and aligning standards and process with other city policy documents. It is beneficial for Salt Lake City to make code revisions that lead to a greater ease of use and understanding for the public and decision makers.

Additionally, it is a best practice as per the National Park Service to update historic resources every 5-10 years.

The proposed amendments are consistent with best practices with regard to public process for decisions regarding properties in the H Historic Preservation Overlay District.

ATTACHMENT C – PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held and other public input opportunities related to the proposed project since the petition was initiated:

- March 13, 2023: All Salt Lake City recognized organizations were sent the required 45-day notice for the proposed text amendment.
- March 20, 2023: An online open house webpage was posted to provide additional information on the request. A link to the virtual open house was provided to all recognized organizations.

Historic Landmark Commission Public hearing:

- April 20, 2023
 - Historic Landmark Commission Public hearing notice posted on City and State websites and Planning Division listserv.
- May 4, 2023
 - Historic Landmark Commission held a public hearing and forwarded a positive recommendation to City Council.

Planning Commission Public hearing:

- May 11, 2023
 - Planning Commission Public hearing notice posted on City and State websites and Planning Division listserv.

Community Council Meetings

At the request of the community council chairs, staff attended the following community council meetings to discuss the proposed text amendment and answer any questions from the community:

- April 17, 2023 – Sugar House Community Council
- May 3, 2023 – Central City Neighborhood Council

Public Input:

As of the publication of this staff report, planning staff has received two public comments on this proposal and they are included within this attachment.

Community Council Comments

At the time of publication of this staff report, none of the community councils submitted a letter or comments related to the proposed text amendment.

From: [LYNN Pershing](#)
To: [Thompson, Amy](#)
Subject: (EXTERNAL) Petition Number: PLNPCM2023-00123 Overlay District: 21A.34.020 H Historic Preservation Overlay District
Date: Thursday, April 27, 2023 5:12:36 PM

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hi Amy

I realized that I need to document my concerns with the proposed text and amendments to the Historic Preservation Overlay in City code

I support

- Reassessment of properties in Local Historic Districts for "historic contributing structures".
- Use of reconnaissance level surveys to document "historically noncontributing status" of structures in current

Local Historic Districts (14 in SLC), followed by areas listed on the National Register of Historic Places (23 in SLC)

My concerns with the text amendments to the Historic Preservation Overlay

-what are the **criteria used, their definitions** and **who makes them** to assess "historic noncontributing status"? Hiring an outside "expert" from a different area of the country to provide the criteria and their definition(s) could be biased and likely subjective. A clear list with their definitions should be available to all property owners within each LHD and NRHP in SLC before commencing with the reassessment. **All assessments** of all properties **must be provided to all property owners** before the new assessments be presented to any City Commission or City Council for approval.

-claiming to use the "federal standard descriptors for assessing "historic noncontributing status" in SLC Local Historic Districts is inappropriate since Federal standards (ex: house color, etc) are much more rigorous than SLC Local Historic District standards which are locally regulated and enforced. A clear list of criteria and their definitions must be provided and posted on the City website.

-While use of Federal standards requiring 75% historic contributing status in an entire neighborhood is used for listing on the NRHP, that level may be inappropriate for establishing LHDs given the current size of 1 street face. Case in point- On some city blocks, there may be 24-26 single family houses on a street face. A 75% "historic contributing status" requirement to establish an LHD on a small street will often be the result of 1 house.

75% contributing status of 20 out of 26 houses = 77% contributing

19/ out of 26 houses = . 73% contributing. This fails to meet the 75% requirement

18/26 houses = 69% contributing. This fails to meet the 75% requirement

Given that state law requires 2/3 ballot support (66%) from 50%+1 return ballots from a street containing 26 houses to create an LHD, it is excessive to require 75% level of historic contributing houses. Further, given that the decision is a LOCAL HISTORIC DISTRICT regulated by the LOCAL government, the level of % historic contributing houses required for an LHD application should be NO greater than 66%. As a city we are in great danger of losing our historic neighborhoods. Future homeowners still favor historic neighborhoods over non historic neighborhoods. Historic neighborhoods continue to hold and exceed their property values in good and poor economic times. These facts provide stable real estate taxes for the city.

There are real and irrevocable potential negative impacts to our City's historic neighborhoods with this re-assessment in regards to the Affordable Housing incentives.

- A "historic noncontributing" status given to a house in a LHD and NRHP are especially prone to demolition. Demolition of a "noncontributing house" in an LHD can be approved "over-the-counter" by Planning. While New construction in a LHD will go to Historic Landmarks Commission for approval, nothing is required in an NRHP. This is unacceptable by the City and has led to immediately approval to problematic mega mansion building, which does not meet AHI but is readily approved over the counter. This practice worsens the city's desire and need for affordable housing.

-Better education of City Planners for more consistent subject assessment of "historic contributing status" is needed.

Criteria that dictates "noncontributing status" of housing in both LHDs and NRHP needs to be discussed during the permitting process and information readily available on the city website. Most importantly, Planning needs to discuss the impacts of demolition or inappropriate alteration of an "historically contributing house" in NRHPs to educate the public about the negative impacts on that street's ability to create a LHD in the future.

-Local governments can choose to set their own standards for educating the public better on how demolition/new construction approvals can impact LHD and NRHP and the loss of those designations

Thank you for the opportunity to make a statement on this proposed amendment. I believe it can be improved with the above information and will serve our city better

Respectfully
Lynn K. Pershing
84108

From: [John Davis](#)
To: [Thompson, Amy](#)
Cc: [Norris, Nick](#)
Subject: (EXTERNAL) Public Comment Re Historic Overlay Text Amendment
Date: Thursday, May 4, 2023 9:24:43 AM

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hi Amy,

Please ensure my comments below find their way into the Dropbox for the Landmark's commission this evening.

Thank you,

Jack Davis

Dear Commissioners,

As a resident of Salt Lake City's Central City Historic District who has been deeply involved in preservation efforts in our City, **I am writing with serious concerns regarding the proposed text amendment to the historic overlay zone proposed by the Planning Division.**

My concerns are grounded specifically in the apparent proposed codification of an entirely inadequate and legally questionable process for changing the contributory status of a building – that is, the process for delisting a building from protections afforded by the historic overlay.

As you know, the current typical process for a building to be designated as contributing as part of a local historic district involves the adoption of a Reconnaissance Level Survey ("RLS"). Adoption of an RLS (which involves a review of every building sited in a local historic district) is subject to a full formal public process, with multiple opportunities for the public to provide comment and input to recommending commissions before it is ultimately voted on by the City Council.

In this manner, adoption of a RLS and listing a building as contributory is subject to a full and robust legislative public process. Moreover, **once adopted RLS becomes part of City ordinance determining which buildings are afforded protection as contributory structures.**

The proposed text amendment you are considering this evening does not afford the same public process for changing the contributory status of a structure – that is, delisting the

building from protections associated with the historic overlay. Indeed, the proposal allows this consequential action to be done administratively by the zoning administrator **without any attendant public process or review (even by the Landmarks Commission)**.

If listing a building as contributory is a legislative action, certainly delisting a building would also be considered a legislative action, and as such should be afforded the same robust public process. Moreover, it is legally questionable whether a legislative action of this nature (that is, changing the contributory status of a building), which would in effect be a modification of adopted City ordinance, can even be delegated to the Planning Staff as proposed. Indeed, the enactment and amendment of zoning ordinances is fundamentally a legislative act under applicable Utah state law, and legislative decisions may not be delegated to other bodies.

Recently, the contributory status of the Fendall's building fronting 700 E was changed administratively by the zoning administrator, without notice of review by the public or the Landmarks Commission, allowing for the eventual demolition of the structure. This one instance was concerning to me, and I remain even more concerned now to see that the Planning Division seemingly intends to codify this completely inadequate process into ordinance.

I urge you to critically review the text amendment proposal with the above in mind, and recommend denial to various policymakers that will be deciding on this proposal unless a more robust public process is introduced in connection with changing the contributory status of a structure.

Thank you,

Jack Davis

John P. Davis