DATE: January 27, 2011  

SUBJECT: Petition No. PLNPCM2010-01338 - Proposed changes to the City’s zoning regulations relating to accessory structures for greenhouses, cold frames, hoop houses, small solar and wind energy systems (e.g. solar panels and wind turbines)

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the zoning regulation changes would affect Council Districts citywide.

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst  

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division  
Casey Stewart, Senior Planner

KEY ELEMENTS:

A. An ordinance has been prepared for Council consideration that would change the City’s zoning regulations relating to accessory structures for greenhouses, cold frames, hoop houses, small solar and wind energy systems (e.g. solar panels and wind turbines). Key elements are summarized below. (Please see the proposed ordinance for details.)

1. New definitions are provided for – greenhouse, cold frame, hoop house, small solar and wind energy collection systems and urban agriculture.

2. Greenhouses, hoop houses, and cold frames associated with growing food and/or plants:
   a. Setbacks and Location - exempt from general yard area, building size and height regulations; must be setback 1 ft. from property line; prohibited in front yard and allowed in side and rear yards
   b. Lot coverage
      • 10% when located on vacant lot
      • 15% when located on a lot with a principal building
   c. Building coverage - 35% of the principal building’s footprint
   d. Height - Subject to zoning district height limit
   e. Materials - molded or thin sheet transparent plastic over a frame of wood, metal, or PVC piping

3. Accessory structures associated with keeping animals, bees, livestock and poultry are not included in this proposal but are subject to the provisions of the City Code Chapter 8 Animals.

4. Small Wind Energy Systems:
   a. Setbacks and Location – setback from lot lines a distance equal to the total height plus five feet.
   c. Sound – Cannot exceed 55dBA measured at adjacent property line. Sound level may be exceeded during short-term events out of owner’s control, such as severe storms for battery-charging systems or utility outages for systems connected to the power grid.
d. Appearance, color and finish – grays, browns, greens, tans and other earth tones permitted.
e. Signage prohibited.
f. Lighting – prohibited unless required by Federal Aviation Administration regulations.
g. Abandonment – removal of inoperable equipment required within 6 months of City notification.
h. If there is a conflict between this section and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

5. Small Solar Energy Collection Systems
   a. Size, Area and Location- allowed on both primary and/or accessory buildings or as a separate structure, minimum 6 ft. setback from all property lines and other structures, 90% maximum roof area coverage permitted.
   b. Height - not to exceed more than three feet the maximum height permitted in the zoning district or not extend more than 12 feet above the roofline of the structure, whichever is less.
   c. Solar easements - property owner responsible for negotiating with other property owners any desired solar easement to protect solar access and shall record the easement with the Salt Lake County Recorder.
   d. If there are conflicts between this section and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

   a. Installation required in a location on the building or lot that is least visible and obtrusive and that causes the least impact/damage to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device.
   b. Small Solar Collection System Location Priorities
      • Administrative review and decision is allowed for:
        o Rear yard, side yard or on the principal building or accessory structures in a location not readily visible from a public right-of-way.
      • Historic Landmark review and decision is required for:
        o Any location on the principal building in that may be visible from a public right-of-way, but not on the structure’s front façade.
        o Any location on the front façade of the principal building to ensure compatibility with the character-defining features of the structure.

B. The Administration’s paperwork provides detailed information relating to the proposed zoning regulations. Key points are summarized below. (Please see the Administration’s transmittal letter and Planning staff report for details.)
   1. The proposed zoning regulations are part of the Mayor’s Sustainability Code Initiative to encourage sustainable living practices throughout the City.
   2. Promoting sustainability by encouraging local food production and renewable energy systems is intended to reduce the need for imported foods, create new sources of affordable energy and reduce environmental impacts from transportation and air pollution.
   3. The proposed regulations include standards to mitigate adverse impacts on neighboring property owners and clarify regulations that were not clear or concise.

C. The purpose of the zoning rules relating to accessory uses is “to provide general regulations, applicable to all zoning districts, for accessory uses, buildings and structures which are customarily incidental and subordinate to the principal use and which are located on the same lot. It is further intended to provide specific standards for certain accessory uses, buildings and structures.” (Chapter 21A.40.010)
D. The purpose of the zoning regulations is to “promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. In addition, regulations are intended to:
   1. Lessen congestion in the streets or roads;
   2. Secure safety from fire and other dangers;
   3. Provide adequate light and air;
   4. Classify land uses and distribute land development and utilization;
   5. Protect the tax base;
   6. Secure economy in governmental expenditures;
   7. Foster the city's industrial, business and residential development; and
   8. Protect the environment.”

E. The Planning Staff report provides findings for the Zoning Ordinance Section 21 A.50.050 – Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found on pages 18-19 of the Planning Staff report.)

F. The City’s Departments and Divisions have reviewed the request. Recommended changes have been included in the proposal.

G. The public process included:
   1. Planning Division sponsored Open Houses
   2. Discussion with the Business Advisory Board
   3. Notification of the Historic Landmark Commission and Planning Commission briefings/hearings to Community Council Chairs and the Planning Division electronic list serve. Notice was also posted on the City’s website
   4. A majority of the issues raised through the public process have been addressed in the proposed zoning regulations.

H. On October 6, 2010 the Historic Landmark Commission provided a final recommendation to the Planning Commission.

I. On October 27, 2010, the Planning Commission unanimously passed a motion to forward a favorable recommendation to the City Council.

**MASTER PLAN AND POLICY CONSIDERATIONS:**

A. The Administration’s paperwork and Planning staff report note the following related to Master Plan and Policy considerations:
   1. The proposed regulations are not site specific and do not pertain to any single master plan.
   2. The proposed text amendments are a priority for policy makers as they mirror current trends in community sustainability by providing alternates for renewable energy and food production systems.
   3. The proposed amendments are consistent with current planning practices in that they create and maintain efficient infrastructure, foster close-knit neighborhoods, provide a sense of community and preserve natural habitat.
   4. The executive summary section of the City’s Futures Commission Report of 1998 states, “Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.”
Promoting sustainability by encouraging local food production and renewable energy systems is a priority in Salt Lake City. The proposed amendments related to urban agriculture accessory structures and small renewable energy systems offer opportunities to improve and sustain the health of citizens and neighborhoods.

- Additional citywide Master Plan and Policy considerations are provided below.

B. The City’s Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality.

C. The Council’s growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
   1. Is aesthetically pleasing;
   2. Contributes to a livable community environment;
   3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
   4. Forestalls negative impacts associated with inactivity.

D. The City’s 1990 Urban Design Element includes statements that emphasize preserving the City’s image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Policy concepts include:
   1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
   2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
   3. Ensure that building restoration and new construction enhance district character.
   4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
   5. Treat building height, scale and character as significant features of a district’s image.
   6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

**CHRONOLOGY:**

The Administration’s transmittal provides a chronology of events relating to the proposed zoning regulation changes. Key dates are listed below. Please refer to the Administration’s chronology for details.

- Petition initiated and assigned to planner
  - November 18, 2009
- Planning Division Open Houses
  - December 17, 2009
  - March 18, 2010
  - April 12, 2010
- Historic Landmark Commission
  - January 6 & April 12, 2010 briefings
  - Sept. 1 & Oct. 6, 2010 hearings
  - Sept. 14, 2010 subcommittee meeting
- Planning Commission
  - July 14 & Oct. 27, 2010 hearings
- Ordinance requested from Attorney’s office
  - Oct. 29, 2010
cc: David Everitt, Bianca Shreeve, Karen Hale, Lisa Harrison-Smith, Art Raymond, Holly Hilton, Ed Rutan, Lynn Pace, Paul Nielson, Jeff Niermeyer, Tom Ward, Rick Graham, Vicki Bennett, Emy Maloutos, Frank Gray, Mary De La Mare-Schafer, Orion Goff, Les Koch, Larry Butcher, Craig Spangenberg, Wilf Sommerkorn, Cheri Coffey, Joel Paterson, Casey Stewart, City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Zoning Text change – urban agricultural accessory structures (greenhouses) and small renewable energy systems (solar and wind)
TO: Salt Lake City Council
JT Martin, Chair

FROM: Frank Gray, CED Director

SUBJECT: Sustainability Code Project PLNPCM2010-01338 for accessory structures associated with urban agriculture uses (e.g. greenhouses) and small renewable energy systems including solar and wind.

STAFF CONTACT: Casey Stewart, Planning Division, 801-535-6260

DOCUMENT TYPE: Zoning Text Amendment

RECOMMENDATION: The City Council hold a briefing and schedule a public hearing.

BACKGROUND/DISCUSSION:

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

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

Analysis
The executive summary section of the City’s Futures Commission Report of 1998 states, “Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens.”
business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.” Promoting sustainability by encouraging local food production and renewable energy systems is a priority in Salt Lake City. The proposed amendments related to urban agriculture accessory structures and small renewable energy systems offer opportunities to improve and sustain the health of citizens and neighborhoods.

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

The qualifying provisions for the accessory structures are designed to encourage their use yet uphold the general health, safety, and welfare of citizens by reducing or eliminating harmful impacts. These modifications create qualifying provisions that will facilitate mitigation of adverse impacts on neighboring property owners and will clarify sections of the ordinance that were not clear or concise.

Master Plan Considerations
These amendments are not site specific and therefore do not pertain to any single master plan. Nonetheless, the proposed text amendments are a priority for policy makers as they mirror current trends in community sustainability, by providing alternatives for renewable energy and food production systems. These amendments are consistent with current planning practices in that they create and maintain efficient infrastructure, foster close-knit neighborhoods, a sense of community, and preserve natural habitat.

Further, these amendments are consistent with the stated purpose of the Zoning Ordinance, which is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City.

The proposed changes to the ordinance will enable urban agriculture and alternative energy systems in various zones throughout the City. The uses will empower individuals seeking to work more efficiently in community gardens and sell locally grown foods and products. This will lessen the need for imported foods and reduce the environmental impacts from transportation, air pollution etc. Amendments allowing renewable energy sources will enable citizens to create new sources of energy while lessening overall dependence on fossil fuels, which also decreases air pollution.

Public Participation
The proposed amendments were presented and available for review at open houses on December 17, 2009, March 18, 2010, and April 15, 2010. The Historic Landmark Commission received a briefing by planning staff on January 6, 2010; conducted a subcommittee meeting on September 14, 2010; and held two public hearings (September 1 and October 6, 2010) prior to providing a final recommendation to the Planning Commission.
The Planning Commission held public hearings on July 14, 2010 and October 27, 2010. The Planning Commission tabled the proposed amendments at the July hearing after receiving public comments. They recommended some changes and additions to the proposed amendments. At the October hearing, with the recommended changes made, the Planning Commission passed a motion to transmit a favorable recommendation to the City Council. The vote was unanimous.

Between January and May of 2010, staff sought comments from numerous City departments and met with representatives from the Business Advisory Board, and the Historic Landmark Commission to discuss the amendments. They have provided technical input regarding appropriate practice to regulate the proposed structures while attempting to mitigate undesired impacts on residents, local businesses, and historic structures.

**Relevant Ordinances**

Amendments to the Zoning Ordinance are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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." It does, however, list four factors that should be considered concerning a proposed text amendment (Section 21A.50.050 A.1-4). The four standards are discussed in detail starting on page 13 of the October 27, 2010 Planning Commission Staff Report (Attachment 5B of the Transmittal document).
TABLE OF CONTENTS

1. PROJECT CHRONOLOGY

2. ORDINANCE

3. NOTICE OF CITY COUNCIL HEARING

4. MAILING LABELS

5. PLANNING COMMISSION
   A) ORIGINAL HEARING NOTICES AND POSTMARK
   B) STAFF REPORT
      Attachment A: Salt Lake City Department comments
      Attachment B: Public Comments
      Attachment C: Historic Landmark Commission minutes/comments
   C) MINUTES
      July 14, 2010 – Planning Commission
      October 27, 2010 – Planning Commission

6. ORIGINAL PETITION
1. PROJECT CHRONOLOGY
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 18, 2009</td>
<td>Petition initiated and assigned to Casey Stewart, Principal Planner for staff analysis and processing.</td>
</tr>
<tr>
<td>December 17, 2009</td>
<td>Planning staff conducted first open house to present project and gather public input.</td>
</tr>
<tr>
<td>January 6, 2010</td>
<td>Planning staff briefed the Historic Landmark Commission on the proposed Sustainability Code.</td>
</tr>
<tr>
<td>March 18, 2010</td>
<td>Planning staff conducted second open house to present project and gather public input.</td>
</tr>
<tr>
<td>April 12, 2010</td>
<td>Planning staff briefed the Historic Landmark Commission on the proposed amendments and gathered commissioner comments.</td>
</tr>
<tr>
<td>April 15, 2010</td>
<td>Planning staff conducted a third and final open house to present project and gather public input.</td>
</tr>
<tr>
<td>July 14, 2010</td>
<td>Planning Commission held public hearing then tabled a decision pending more staff research on specific items.</td>
</tr>
<tr>
<td>September 1, 2010</td>
<td>Historic Landmark Commission held public hearing and voted to form a subcommittee to formulate comments on the proposed amendments.</td>
</tr>
<tr>
<td>September 8, 2010</td>
<td>Planning Commission ratified minutes of the July 14, 2010 meeting and finalized a motion to table the amendments pending clarification on specific items.</td>
</tr>
<tr>
<td>September 14, 2010</td>
<td>Historic Landmark Commission held subcommittee meeting.</td>
</tr>
<tr>
<td>October 6, 2010</td>
<td>Historic Landmark Commission held a public hearing and voted unanimously to forward a favorable recommendation on to the Planning Commission.</td>
</tr>
<tr>
<td>October 27, 2010</td>
<td>Planning Commission held a public hearing and voted to forward a favorable recommendation to the City Council.</td>
</tr>
<tr>
<td>October 29, 2010</td>
<td>Ordinance requested from City Attorney’s office.</td>
</tr>
<tr>
<td>November 10, 2010</td>
<td>Planning Commission ratified minutes of October 27, 2010 meeting.</td>
</tr>
</tbody>
</table>
2. ORDINANCE
SALT LAKE CITY ORDINANCE -
No. _____ of 2010

(An ordinance amending portions of Title 21A of the Salt Lake City Code
concerning certain accessory structures intended to promote sustainable urban living)

An ordinance amending sections 21A.24 (Zoning: Residential Districts), 21A.34 (Zoning:
Overlay Districts), 21A.40 (Zoning: Accessory Uses, Buildings and Structures), and 21A.62
(Zoning: Definitions) of the Salt Lake City Code pursuant to Petition No. PLNPCM2009-01338

to recognize and allow certain accessory structures intended to promote sustainable urban living,
namely accessory structures associated with urban agriculture uses and equipment relating to
small renewable energy systems including solar and wind.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held
public hearings on July 14, 2010 and October 27, 2010 to consider a request made by Salt Lake
City Mayor, Ralph Becker (petition no. PLNPCM2009-01338), to amend certain sections of
Title 21A of the Salt Lake City Code to recognize and allow accessory structures associated with
urban agriculture uses and equipment relating to small renewable energy systems including solar
and wind; and

WHEREAS, the Salt Lake City Historic Landmark Commission (“HLC”) held public
hearings on September 1, 2010 and October 6, 2010 to discuss application of the proposed
ordinance amendments to the City’s Historic Preservation Overlay District; and

WHEREAS, at its October 27, 2010 meeting, the Planning Commission considered
recommendations of the HLC and voted in favor of transmitting a positive recommendation to
the Salt Lake City Council (“City Council”) on said application; and

WHEREAS, after a public hearing on this matter the City Council has determined that
adopting this ordinance is in the City’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:
SECTION 1. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Zoning: Definitions), shall be, and hereby is, amended, in pertinent part, such that each of the following definitions shall be added and inserted alphabetically into that section:

COLD FRAME: "Cold frame" means an unheated outdoor structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

GREENHOUSE: "Greenhouse" means a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

HOOP HOUSE: "Hoop house" means a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of growing plants. A hoop house is considered more temporary than a greenhouse.

SMALL SOLAR ENERGY COLLECTION SYSTEM: "Small solar energy collection system" shall mean an accessory structure that is roof-mounted, wall-mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property. A small solar energy collection system shall not exceed a capacity of 100 kilowatts (kW).

SMALL WIND ENERGY SYSTEM: "Small wind energy system" means an accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on-site consumption of utility power.

URBAN AGRICULTURE: "Urban agriculture" is a general term meaning the growing of plants, including food products, and the raising of animals in and around cities. Urban farms and community gardens with their accessory buildings, farm stands, farmers markets, and garden stands are components of urban agriculture.

SECTION 2. Amending text of Salt Lake City Code section 21A.40.030. That section 21A.40.030 of the Salt Lake City Code (Zoning: Accessory Uses, Buildings and Structures: Zoning Compliance Required), shall be, and hereby is, amended to read as follows:
21A.40.030: ZONING COMPLIANCE REQUIRED:

No accessory use, building or structure shall be established or constructed unless it complies with the zoning ordinance and proper building permits, if required, have been obtained. Accessory buildings associated with keeping animals, bees, livestock and poultry are not subject to this chapter or the building coverage limits of the respective zoning district but are subject to the provisions of the City Code Chapter 8 Animals.

SECTION 3. Amending text of Salt Lake City Code section 21A.24.010.P.3.d. That section 21A.24.010.P.3.d of the Salt Lake City Code (Zoning: Residential Districts: General Provisions: Special Foothills Regulations), shall be, and hereby is, amended to read as follows:

Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment, excluding solar panels which are subject to section 21A.040.180, shall not extend above the highest roof ridgeline.

SECTION 4. Amending text of Salt Lake City Code section 21A.34.020.F.1.a. That section 21A.34.020.F.1.a of the Salt Lake City Code (Zoning: Historic Preservation Overlay District: Procedure for Issuance of Certificate of Appropriateness), shall be, and hereby is, amended add the following paragraph:

(6) Installation of solar energy collection systems that are not readily visible from a public right-of-way, as described in and pursuant to Section 21A.40.180.2 of this title.

SECTION 5. Amending text of Salt Lake City Code section 21A.34.020.F.2.a. That section 21A.34.020.F.2.a of the Salt Lake City Code (Zoning: Historic Preservation Overlay District: Procedure for Issuance of Certificate of Appropriateness), shall be, and hereby is, amended add the following paragraph:

(7) Installation of solar energy collection systems that may be readily visible from a public right-of-way, as described in and pursuant to Section 21A.40.180.2 of this title.
SECTION 6. Amending text of Salt Lake City Code section 21A.40.050. That section 21A.40.050 of the Salt Lake City Code (Zoning: Accessory Uses, Buildings and Structures: General Yard, Bulk and Height Limitations), shall be, and hereby is, amended to read as follows:

21A.40.050: GENERAL YARD, BULK AND HEIGHT LIMITATIONS:

All accessory buildings permitted by this chapter shall be subject to the following general requirements:

A. Location Of Accessory Buildings In Required Yards:

1. Front Yards: Accessory buildings are prohibited in any required front yard and shall be setback at least as far as the principal building when the principal building exceeds the required front yard setback.

2. Corner Lots: No accessory building on a corner lot shall be closer to the street than the distance required for corner side yards. At no time, however, shall an accessory building be closer than twenty feet (20') to a public sidewalk or public pedestrian way and the accessory building shall be set back at least as far as the principal building.

3. Side Yards: Accessory buildings are prohibited in any required interior side yard; however, hoop houses, greenhouses, and cold frame structures associated solely with growing food and/or plants are allowed in an interior side yard but no closer than one foot (1') to the corresponding lot line. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A3b of this section.

4. Rear Yards: Location of accessory buildings in a rear yard shall be as follows:

   a. In residential districts, no accessory building shall be closer than one foot (1') to a side or rear lot line except when sharing a common wall with an accessory building on an adjacent lot. In nonresidential districts, buildings may be built to side or rear lot lines in rear yards, provided the building complies with all applicable requirements of the adopted building code.

   b. No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building; excluding cold frames associated solely with growing food and/or plants.

   c. Garages on two (2) or more properties that are intended to provide accessory building use for the primary occupants of the properties, in which the garage is located, may be constructed in the rear yards, as a single structure subject to compliance with adopted building code regulations and the size limits for accessory buildings on each property as indicated herein.
d. In the R-1 districts, R-2 district and SR districts accessory structures shall be located a maximum of five feet (5') from the rear property line subject to the following exceptions:

(1) The building or structure is a hoop house, greenhouse, or cold frame associated solely with growing food and/or plants.

(2) The maximum setback from the rear property line may be increased to meet the transportation division minimum required turning radius and other maneuvering standards.

(3) The planning director or designee may authorize the issuance of building permits for an accessory structure with a maximum setback of more than five feet (5') from the rear property line if the property owner demonstrates that fifty percent (50%) or more of the properties on the block face have accessory structures located more than five feet (5') from the rear property line. In this case, the accessory structure may be set back from the rear property line a distance equal to the average setback of the other accessory structures on the block face. An appeal of this administrative decision shall be heard by an administrative hearing officer subject to the provision of chapter 21A.52 of this title.

(4) The board of adjustment may approve an alternate location for an accessory structure as a special exception based on hardships created by topography or the location of mature vegetation.

5. Accessory Or Principal Lot: No portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district; excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants.

B. Maximum Coverage:

1. Yard Coverage:

a. In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall occupy not more than fifty percent (50%) of the total area located between the rear facade of the principal building and the rear lot line.

b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed ten percent (10%) when located on vacant lots or, when located on a lot with a principal building, shall not exceed fifteen percent (15%) of the total area located between the rear facade of the principal building and the rear lot line plus the side yard area between the front and rear facades of the principal building.

2. Building Coverage:

a. In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, and cold frames
associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. The maximum footprint for a primary accessory structure within the SR-1A is limited to four hundred eighty (480) square feet with an additional one hundred twenty (120) square feet allowed for a secondary accessory structure. Notwithstanding the size of the footprint of the principal building, at least four hundred eighty (480) square feet of accessory building coverage shall be allowed subject to the compliance with subsection B1 of this section.

b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed thirty-five percent (35%) of the building footprint of the principal structure.

C. Maximum Height Of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, And The RO District: The height of accessory buildings/structures in residential districts shall conform to the following:
   a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12');
   b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and
   c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.

2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 district, R-2 district and SR districts shall conform to the following:
   a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') in the SR-1A;
   b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured as the vertical distance between the top of the roof and the finished grade at any given point of building coverage. In the SR-1A the height of accessory buildings with pitched roofs shall not exceed fourteen feet (14'); and
   c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title, if the proposed accessory building is in keeping with other accessory buildings on the block face.

SECTION 7. Amending text of Salt Lake City Code section 21A.40 to adopt section 21A.40.170. That the Salt Lake City Code shall be, and hereby is, amended to adopt section 21A.40.170 (Zoning: Accessory Uses, Buildings and Structures: Small Wind Energy Systems), which shall read as follows:
21A.40.170: SMALL WIND ENERGY SYSTEMS:

1. Standards.
All small wind energy systems shall comply with the following requirements. If there is any conflict between the provisions of this section and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

a. Setback.
The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height plus five feet. If the small wind energy system is on a roof, the total extended height is equal to the roof height and tower height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights-of-way. Guy wires and other support devices shall be setback at least five (5) feet from all property lines.

b. Tower Height.
Where the total extended height meets the sound and setback requirements of this section (See 1a above.), there shall be no specific height limitation, except as imposed by Federal Aviation Administration (FAA) regulations per subsection (i), below.

c. Sound.
Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dBA for any period of time. The 55 dBA sound level may be exceeded during short-term events out of the owner’s control such as utility outages and/or severe wind storms.

d. Appearance, Color, and Finish.
Colors permitted include grays, browns, greens, tans and other earth tones. Bright, luminescent, or neon colors are prohibited.

e. Clearance.
The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades. Blades on small wind energy systems in residential districts shall not exceed twenty (20) percent of tower height. All portions of the system shall maintain a clearance from power utility lines as required by the Utah High Voltage Line Safety Act.

f. Signage Prohibited.
All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the
g. **Lighting.**
No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

h. **Access.**
No foot pegs, rungs, or other climbing aids shall be allowed below 12 feet on a freestanding tower. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

i. **Requirement for Engineered Drawings.**
Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings (by an engineer licensed by the State of Utah) of the tower, base, footings, and/or foundation as provided by the manufacturer.

j. **Compliance with FAA Regulations.**
No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection or other current FAA regulations governing airspace protection.

k. **Compliance with Building and Electrical Codes.**
Small wind energy systems and all associated components shall comply with all applicable building and electrical codes adopted by Salt Lake City and the State of Utah.

l. **Utility Notification.**
No small wind energy system shall be installed until evidence has been submitted to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

m. **Abandonment.**
If a wind turbine is inoperable for six consecutive months the owner shall be notified by Salt Lake City that they must, within six months of receiving the notice, restore their system to operating condition or remove the wind turbine from the tower. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons.

n. **Off-Street Parking Or Loading Requirements.**
A small wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.
SECTION 8. Amending text of Salt Lake City Code section 21A.40 to adopt section 21A.40.180. That the Salt Lake City Code shall be, and hereby is, amended to adopt section 21A.40.170 (Zoning: Accessory Uses, Buildings and Structures: Small Solar Energy Collection Systems), which shall read as follows:

21A.40.180: SMALL SOLAR ENERGY COLLECTION SYSTEMS:

1. Standards
   All small solar energy collection systems shall comply with the following requirements except as provided in Section 2 relating to small solar energy collection systems in the Historic Preservation Overlay Districts. Per chapter 21A.34.020 the historic landmark commission or staff have authority to modify the setbacks, location and height to ensure compliance with the overlay district regulations. Excluding Section 2, if there is any conflict between the provisions of Section 1 Standards, and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.
   
a. Setbacks, Location, and Height
   (1) A small solar energy collection system shall be located a minimum of six feet from all property lines and other structures, except the structure on which it is mounted.
   (2) A small solar energy collection system may be located on an accessory structure, including legal accessory structures located less than six feet from a property line.
   (3) A small solar energy collection system shall not exceed by more than three feet 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 12 feet above the roofline of the structure upon which it is mounted, whichever is less.
   (4) A development proposed to have a small solar energy collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.
   
b. Coverage
   A small solar energy collection system mounted to the roof 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.
c. Code Compliance
Small solar energy collection systems shall comply with all applicable building and electrical codes contained in the International Building Code adopted by Salt Lake City.

d. Solar Easements
A property owner who has installed or intends to install a small solar energy collection system shall be responsible for negotiating with other property owners in the vicinity for any desired solar easement to protect solar access for the system and shall record the easement with the Salt Lake County Recorder.

e. Off-Street Parking And Loading Requirements
Small solar energy collection systems shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

2. Small Solar Collection Systems And Historic Preservation Overlay Districts or Landmark Sites

a. General
In addition to meeting the standards set forth in this ordinance, Section 21A.040.180, all applications to install a small solar collection system within the Historic Preservation Overlay District shall obtain a Certificate of Appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection 21A.40.180.2.c that follows. If there is any conflict between the provisions of this subsection, 21A.40.180.2, and any other requirements of Section 21A.40.180, Small Solar Energy Collection System, the provisions of this subsection shall take precedence.

b. Installation Standards
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.

c. Small Solar Collection System Location Priorities
In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation approved shall be the least visible from a public right-of-way, not including alleys, and most compatible with the character-defining features of the historic building, structure, or site. Systems proposed for locations 1 – 4, which are not readily visible from a public right-of-way may be reviewed administratively as set forth in Chapter
21A.34.020.F.1 Administrative Decision.- Systems proposed for locations 5 – 6, which may be visible from a public right-of-way shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in Chapter 21A.34.020.F.2 Historic Landmark Commission.

(1) Rear yard in a location not readily visible from a public right-of-way.
(2) On accessory buildings or structures in a location not readily visible from a public right-of-way.
(3) In a side yard in a location not readily visible from a public right-of-way.
(4) On the principal building in a location not readily visible from a public right-of-way.
(5) On the principal building in a location that may be visible from a public right-of-way, but not on the structure's front façade.
(6) On the front façade of the principal building in a location most compatible with the character-defining features of the structure.

SECTION 9. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____________.

2010.

____________________________
CHAIRPERSON

ATTEST AND COUNTERSIGN:

____________________________
CITY RECORDER

Transmitted to Mayor on ____________________.

Mayor's Action: _______Approved. _______Vetoed.

____________________________
MAYOR

____________________________
CITY RECORDER
(SEAL)
Bill No. _______ of 2010.
Published: ____________.

HB_ATTY-#15511-v2-Ordinance_Sustainability_accessory_structures.DOC
3. NOTICE OF CITY COUNCIL HEARING
NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petition PLNPCM2009-01338 to promote sustainable living by creating regulations specifically for accessory structures associated with urban agriculture uses (e.g. greenhouses) and equipment relating to small renewable energy systems including solar and wind. The amendments would apply city-wide.

As part of its study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

Date:
Time: 7:00 p.m.
Place: Room 315 (City Council Chambers)*
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please contact Casey Stewart, Senior Planner, at 535-6260 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at casey.stewart@slcgov.com.

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the City Council Office at 535-7600, or TDD 535-6021.
4. MAILING LABELS
<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan Meadows Community Council Chair</td>
<td>1988 Sir James Dr</td>
<td>Angie Vorher</td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84116</td>
<td></td>
</tr>
<tr>
<td>The Downtown Alliance</td>
<td>175 East 400 South #600</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84111</td>
<td></td>
</tr>
<tr>
<td>Local First Utah</td>
<td>154 East Ford Avenue</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84115-4935</td>
<td></td>
</tr>
<tr>
<td>Sugar House Merchants Association</td>
<td>c/o Duncan Williamson</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 520356</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84152-0356</td>
<td></td>
</tr>
<tr>
<td>SLC Planning – Casey Stewart</td>
<td>P.O. Box 145480</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84114-5480</td>
<td></td>
</tr>
<tr>
<td>Salt Lake City Business Advisory Board</td>
<td>c/o Mike Akerlow</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P.O. Box 145484</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84114-5484</td>
<td></td>
</tr>
<tr>
<td>Downtown Merchants Association</td>
<td>10 W Broadway # 430</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84101-2165</td>
<td></td>
</tr>
<tr>
<td>Utah Hispanic Chamber of Commerce</td>
<td>1635 South Redwood Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84104-5108</td>
<td></td>
</tr>
<tr>
<td>Salt Lake City Chamber of Commerce</td>
<td>175 East 400 South</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84111-2329</td>
<td></td>
</tr>
<tr>
<td>Vest Pocket Business Coalition</td>
<td>859 East 900 South</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT 84105-1362</td>
<td></td>
</tr>
<tr>
<td>Westside Alliance</td>
<td>622 West 500 North</td>
<td></td>
</tr>
</tbody>
</table>
KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DRIVE
SALT LAKE CITY, UT 84108

July Taylor
SUNNYSIDE EAST
933 SOUTH 2300 EAST
SALT LAKE CITY, UT 84108

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

GORDON STORRS
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVENUE
SALT LAKE CITY UT 84108

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SLAT LAKE CITY UT 84104

PHILIP CARLSON
SUGAR HOUSE CHAIR
1917 EAST 2700 SOUTH
SALT LAKE CITY, UT 84106

ESTHER HUNTER
UNIVERSITY NEIGHBORHOOD
1049 NORRIS PLACE
SALT LAKE CITY, UT 84102

BILL DAVIS
BALL PARK CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

TERRY THOMAS
WESTPOINT CHAIR
1840 STALLION LANE
SALT LAKE CITY, UT 84116

VACANT
FOOTHILL/SUNNYSIDE CHAIR
SALT LAKE CITY UT

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY, UT 84101

JIM JENKIN
GREATER AVENUES CHAIR
PO BOX 1679
SALT LAKE CITY, UT 84110

GARY FELT
EAST CENTRAL CHAIR
P.O. BOX 521809
SALT LAKE CITY, UT 84152

LISETTE GIBBONS
YALECREST CHAIR
1764 HUBBARD AVE
SALT LAKE CITY, UT 84108

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

BEVERLY NELSON
FEDERAL HEIGHTS
26 SOUTH WOLCOTT STREET
SALT LAKE CITY, UT 84102

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DRIVE
SALT LAKE CITY, UT 84116

PAMELA PEDERSEN
EAST LIBERTY PARK
SALT LAKE CITY SCHOOL DIST.
440 EAST100 SOUTH
SALT LAKE CITY, UT 84111

KATHERINE GARDNER
CAPITOL HILL CHAIR
606 DE SOTO STREET
SALT LAKE CITY, UT. 84103

MARK BRINTON
WASATCH HOLLOW
1868 LOGAN AVE
SALT LAKE CITY, UT 84108

THOMAS MUTTER
CENTRAL CITY NEIGHBORHOOD
COUNCIL CHAIR
228 EAST 500 SOUTH #100
SALT LAKE CITY, UT 84111
Roi Maufas
1165 E Princeton Ave
Salt Lake City UT 84105

Jordan Gates
Harris-Dudley Co.
339 Specialty Circle
SLC UT 84115

Gina Zivkovic
868 W 300 North
SLC UT 84116

Sustainability Projects

Rod & Jeri Olsen
744 W Jackson Ave
SLC UT 84116

Jonathon Krausert
1444 Dupont Ave
SLC UT 84116

Claire Uno
Wasatch Community Gardens
345 E 400 South, STE 204
SLC UT 84111

Travis Snyder & Katie Wagner
1209 Gilmer Dr
SLC UT 84105

Amy Barry
1178 Ramona Ave
SLC UT 84105

Erin Silva
115 S 1100 E #505
SLC UT 84102

Chris Harris
149 N St.
SLC UT 84103

Aurora E. Shuen
4187 S Neptune Dr
SLC UT 84124

Jeff Williams
125 S State St, Ste 4402
SLC UT 84138

Mike Hathorne
5 Triad Center, Suite 450
SLC UT 84180

Carolyn Kenyon
2750 S McClelland St
SLC UT 84106

Paula Sargetakls
2254 Parleys Terrace
SLC UT 84109

Lisette & David Gibson
1764 E. Hubbard Ave
SLC UT 84108

Myron Willson
350 S 200 East #406
SLC UT 84111

Mike Polacek
318 W 700 N
SLC UT 84103

Patrick De Freitas
1117 E 600 South
SLC UT 84102

Ben Mates
2879 Filmore St
SLC UT 84106

Anne Cannon
1647 Kensington Ave
SLC UT 84105

Amy Spendlove
1366 Stewart ST
SLC UT 84104

Benjamin Rivkind
333 Goshen St
SLC UT 84104

Warren Lloyd
573 E 600 South
SLC UT 84102

Camron Carpenter
2816 E 2100 South
SLC UT 84109

Stuart Silloway
1231 Chandler Circle
SLC UT 84103

Matt Johnson
1548 West California Avenue
SLC UT 84104
Members:

Amy Barry
Amy Spendlove
Andrew Riggle
Aurora Shuen
Ben Mates
Benjamin Rivkind
Bennett, Vicki
Bentley, Alene
Bergenthal, Dan
Brandon Garcia
Camron Carpenter
Carolyn Kenyon
Chad Mullins
Chris Duerkson
Chrissy Oberfell
Christopher Harris
Cindy Cromer
Claire Uno
Dan Oberfell
Daniel Salmon
David L. Jessen
Devaki Murch
Duer, Stephanie
Erin Silva
George Sturzeneger
Gina Zivkovic
djalgaier@clarionassociates.com
Jeff Williams
Jeremy Larson
Jim French
Joe Mikacevich
John Norborg
Jonathan Krausert
Jordan Gates
Julie Peck-Dabling
Kate Whitbeck
Kathy Lombardi
Katie Wagner
Kent R. Williams
Kyle LaMalfa
Langan, Helen
Lisette Gibson
Lyons, Debbie
Mathew Tison
Mike Hatorne
Mike Polacek
Milliner, Ray
Myron Willson
Naomi Franklin
Patrick De Freitas
Paula Sargetakis
Richard Parsoto
Rod & Jeri Olsen
Rod Olsen
Roi Maufas
Roof, Becka
Sarah Wright
Scott mendoza
Shane Smith
Sophie Hayes
Steve Mumford
Stewart, Brad

i missizzy@yahoo.com
amyspendlove@q.com
ariggle@disabilitylawcenter.org
lotuspixie@gmail.com
benjmates@att.net
Bananac@gmail.com
vicki.bennett@slcgov.com
Alene.Bentley@PacifiCorp.com
Dan.Bergenthal@slcgov.com
saltiego@yahoo.com
camron@energy.gov.com
kenyonorganics@comcast.net
chadmulling1@gmail.com
cduerksen@clarionassociates.com
chrissyoborgfell@gmail.com
mr.christopher.harris@gmail.com
3cinslc@live.com
director@wasatchgardens.org
dobergfell@gmail.com
dansalmon@comcast.net
peoley@hotmail.com
devaki@parknpedal.com
stephanie.duer@slcgov.com
erinrsilva@comcast.net
georgest@xmission.com
urban.growth@yahoo.com
jallgaier@clarionassociates.com
jeff.williams@ut.usda.gov
jeremy.larson2010@yahoo.com
jfrench@dwellteek.com
topgatorslc@comcast.net
pickinweeks123@yahoo.com
j.krausert@hotmail.com
jordan@harrisdudley.com
JPeck-Dabling@slco.org
kate@momentumrecycling.com
Klombardi@entrix.com
kniwagn1@hotmail.com
KentWilliams47@gmail.com
slcpoplesmarket@gmail.com
Helen.Langan@slcgov.com
dmgib@xmission.com
debbie.lyons@slcgov.com
tlsonnm@pella.com
Hathornemj@zsc.com
michaelpolacek@msn.com
Ray.Milliner@slcgov.com
myron.willon@sustainability.utah.edu
Franklin@biology.utah.edu
pdefreitas@earlink.net
paulasarge@comcast.net
reparsoto@gmail.com
olsjer@gmail.com
olsrod@wfrmis.com
Roi@gorilladesign.org
Becka.Roof@slcgov.com
sarah@utahcleanenergy.org
smendoza@co.weber.ut.us
shane.smith@wvc-ut.gov
sophie@utahdequenergy.org
smumford@emcity.org
Brad.Stewart@slcgov.com
Stewart, Casey  
Storheim, Emy  
Stuchly, Bridget  
Suzanne Wagner  
Thayne and Carl Tagge  
Travis Snyder  
Tyler Poulson  
Wallace Wright  
Warren Lloyd  
Zollinger, Renee  

Casey.Stewart@slc.gov.com  
emy.storheim@slc.gov.com  
Bridget.Stuchly@slc.gov.com  
swagner@myriad.com  
tagge@xmission.com  
tgsnydermd@yahoo.com  
tyler.poulson@parkcity.org  
triwan@aol.com  
warren@lloyd-arch.com  
renee.zollinger@slc.gov.com
5.A PLANNING COMMISSION
ORIGINAL HEARING NOTICES AND POSTMARK
Salt Lake City Master Plan Amendment On July (06/25/2010 - 06/25/2010)

Salt Lake City Master Plan Amendment On July 14, 2010, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions: Petition PLNPCM2009-01338: Sustainability Ordinances for accessory structures related to urban farming and renewable energy. Mayor Ralph Becker initiated a request to amend the Salt Lake City Zoning Ordinance to facilitate accessory structures used for urban farming and small scale renewable energy generation. Types of structures contemplated include greenhouses... READ MORE

Posted: June 25, 2010 25:26 am
• The field trip is scheduled to leave at 4:00 p.m.
• Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126.
• **Work Session: 5:30 in Room 326.** The Planning Commission will hold a work session from approximately 5:30-6:15. During the Work Session the Planning Staff will brief the Planning Commission on pending projects, discuss project updates and minor administrative matters. This portion of the meeting is open to the public for observation.
  - **PLNPCM2010-00322: Water Efficient Landscaping/Tree Protection** - A request by Mayor Becker for a zoning text amendment relating to requiring water efficient landscaping and tree protection. This request is part of the Sustainability Code Amendment Project. (Staff contact: Doug Dansie at 801-535-6182 or doug.dansie@slcgov.com)

• Approval of Minutes
• Report of the Chair and Vice Chair
• Report of the Director

• Unfinished Business

  1. **Apollo Burger, 143 N. Redwood Road (Tabled from October 13, 2010)** – A proposal by Brandon Lundeen for the new construction of an Apollo Burger drive-thru restaurant at approximately 143 N. Redwood Road. At the time the application was deemed complete, the property was zoned TC-75 Transit Corridor District and the application is therefore processed under the zone applicable standards. The property is located in Council District 1 represented by Carlton Christensen. The proposal requires the review of the following petitions:
     a. **PLNPCM2010-00516** Conditional Use for a restaurant with a drive thru; and
     b. **PLNPCM2010-00488** – Building and Site Design Review requesting a modification of the 25 foot maximum building setback along Redwood Road and Gertie Avenue. (Staff contact: Ana Valdemoros at (801) 535-7236 or ana.valdemoros@slcgov.com)

• Public Hearings

  1. **PLNPCM2009-01338: Sustainability Development Code Changes (Tabled from July 14, 2010):** a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City. (Staff contact: Casey Stewart at 801.535.6260 or casey.stewart@slcgov.com).
  2. **PLNPCM2010-00549 Zoning Map Amendment for Residential Mixed Use (RMU)** - A petition initiated by Sattar Tabriz to rezone property located at approximately 1370 and 1380 South West Temple Street from Residential Business (RB) to Residential Mixed Use (RMU). The property is located within City Council District 5, represented by Jill Remington Love. (Staff contact: Elizabeth Reining at 801-535-6313 or elizabeth.reining@slcgov.com)

_The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, visit the Planning Division’s website at www.slcgov.com/CEP/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com._
MEETING GUIDELINES

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to staff and the Hearing Officer in advance of the meeting if they are submitted prior to noon the day before the meeting. Written comments should be sent to:

   Salt Lake City Planning Commission
   451 South State Street, Room 406
   Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should focus their comments on the agenda item. ExTRANeous and repetitive comments should be avoided.
7. Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.
SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building at 451 South State Street
Wednesday, July 14, 2010 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. Work Session—Clarion Associates will present an overview of sustainability topics for “Bundle 2” of the Code Amendment Project. The Commission may also receive an update regarding the temporary land use regulation affecting the Yalecrest National Register Historic District and Westmoreland Place Subdivision.

This portion of the meeting is open to the public for observation.

Approval of Minutes from June 23
Report of the Chair and Vice Chair
Report of the Director
Public Hearings

1. **PLNPCM2010-00243 - Burton Professional Office Conditional Use**: A request by Brad Ashworth for conditional use approval of a professional office at 1433 South 1100 East in the RB (Residential Business) zoning district and in Council District 5, represented by Jill Remington Love. (Staff contact: Nick Britton at 801-535-6107 or nick.britton@slcgov.com)

2. **PLNPCM2010-00231 - Korean Presbyterian Church Conditional Use & Planned Development**: A request by Richard Chong for conditional use and planned development approval of a church expansion at 425 East 700 South in the RMF-35 (Moderate Density Multi-Family Residential) zoning district and in Council District 4, represented by Luke Garrott. (Staff contact: Nick Britton at 801-535-6107 or nick.britton@slcgov.com)

3. **PLNPCM2009-01338: Sustainability Development Code Changes**: Amendment related to accessory buildings—a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City. (Staff contact: Casey Stewart at 801.535.6260 or casey.stewart@slcgov.com).

4. **PLNSUB2010-00112 Chick-fil-A Restaurant Planned Development Amendment**: A request by Deborah Kerr, in behalf of Chick-fil-A Restaurant, to demolish an existing restaurant and construct a new restaurant at approximately 1206 E 2100 South Street. The property is zoned CSHBD-1 Sugar House Commercial Business District. The property is located in City Council District Seven, represented by Søren Simonsen. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com.)

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information. Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.
MEETING GUIDELINES

1. Fill out registration card and indicate if you wish to speak for the agenda item you will address.
2. After the staff and petitioner presentations, hearings or public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, all comments are limited to two (2) minutes per person, per item. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:
   Salt Lake City Planning Commission
   PO Box 145480
   Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.
5.B PLANNING COMMISSION
STAFF REPORTS
**Planning Commission Staff Report**

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

**PLNPCM2009-01338**

Re-Hearing date: October 27, 2010

<table>
<thead>
<tr>
<th>Applicant</th>
<th>SLC Corp., Mayor Ralph Becker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Casey Stewart 535-6260</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:casey.stewart@slcgov.com">casey.stewart@slcgov.com</a></td>
</tr>
<tr>
<td>Current zone</td>
<td>N/A</td>
</tr>
<tr>
<td>Current master plan designation</td>
<td>City-wide</td>
</tr>
<tr>
<td>Council District</td>
<td>City-wide</td>
</tr>
<tr>
<td>Community Council</td>
<td>City-wide</td>
</tr>
<tr>
<td>Affected Ordinance Sections</td>
<td>• 21A.40 Accessory Uses, Buildings and Structures</td>
</tr>
<tr>
<td></td>
<td>• 21A.62 Definitions</td>
</tr>
<tr>
<td>Notification</td>
<td>• Notice mailed October 15, 2010</td>
</tr>
<tr>
<td></td>
<td>• Posted to Planning Dept and Utah State Public Meeting websites October 27, 2010.</td>
</tr>
<tr>
<td>Attachments</td>
<td>A. Department Comments</td>
</tr>
<tr>
<td></td>
<td>B. Public Comments</td>
</tr>
<tr>
<td></td>
<td>C. Historic Landmark</td>
</tr>
<tr>
<td></td>
<td>Commission Minutes</td>
</tr>
</tbody>
</table>

**Request**

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

**Recommendation**

**PLNPCM2009-01338 – Sustainability Ordinance for Accessory Structures**

Based on the findings in the staff report, it is the Planning Staff’s opinion that the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed sustainability ordinance text amendments related to accessory structures.
Updates
On July 14, 2010, Planning Staff presented these proposed amendments to the Planning Commission. The Planning Commission initially discussed the amendments then tabled the item so the Commission members would have more time to consider the amendments and to allow staff the opportunity to research some questions raised at that first meeting. The issues raised were:
- Further explanation of when wind turbines are exempt from the 55 dBA noise level.
- Exempt “row covers” from building coverage limits
- Address proposed urban farming accessory structure size on vacant lots
- More discussion on height limits for small solar collection systems

The above issues are discussed below:

Wind Turbines
Wind turbines manufactured today have greatly reduced sound generation than even those manufactured a few years ago. A number of studies have shown that the turbine noise could not be separated from the background noise. That being said, there are two scenarios in which turbine noise increases above normal operating conditions; those are power outages and severe storms that involve high wind. (1) Turbines that are connected to the power “grid” increase noise output during outages because the turbine loses its power load, causing the blades to freewheel until power is restored and the “load” slows the blades. This situation is easily remedied by simply shutting the wind generator off. (2) Turbines that are designed for charging batteries may increase noise output when the batteries cannot accept more energy. This most often occurs during storms of prolonged periods of high wind. The remedy for this scenario is to transfer the excess energy to a resistive load which should be designed into the system. That will keep a “load” on the turbine preventing the blades from freewheeling. A requirement could be placed on battery-charging systems in residential zones that the design include a resistive load for these high wind events.

Row Covers
Staff noted Mr. Kyle LaMalfa’s suggestion to exclude row covers from the coverage calculations for urban farming accessory structures. Row covers are typically a layer of plastic or fabric stretched over a row to retain some warmth in cold temperatures. They may involve a simple support structure (arches) that supports the material. These are very common in gardening and are not considered accessory structures for the purpose of calculating building coverages. Staff did not deem it necessary to mention row covers specifically in the amendments given their common use, simple deployment, very temporary nature, and to avoid over-regulating.

Structure size
Mr. Kyle Lamalfa also raised the question of urban farming accessory structures on vacant lots and how large they could be. Staff revised the amendments to specifically address these accessory structures on vacant lots, allowing a footprint of up to ten percent (10%) of the total lot area. Staff also revised the building coverage limits for urban farming accessory structures on developed lots based on a recommendation of the Historic Landmark Commission. The allowable building coverage area was reduced slightly from the July 14th version.

Height limits for small solar energy collection systems
The absolute height limit would be no taller than three feet (3’) beyond the allowable building height limit (for the type of building, either principal or accessory) of the zoning district. No solar collection system could exceed that height. A secondary height limit would be equal to no higher than twelve feet
(12”) above the roof line of the structure upon which it is mounted. This would be in the case of buildings that are lower than the allowable building height limit for the zoning district. Staff did not modify the height limits from the original proposal because they determined the proposed limits were adequate, but language was added to clarify that the height limit is based on the type of building, principal or accessory, on which the system is located.

**Historic Overlay Districts**

After the first hearing, staff and the project consultants had concerns with some of the proposed regulations for solar energy systems in Historic Overlay Districts. Staff decided to have further discussions with the Historic Landmark Commission. Since the Planning Commission’s first public hearing to consider these amendments, The Historic Landmark Commission conducted a subcommittee meeting on September 14, 2010 and two public hearings (September 1 and October 6, 2010) prior to providing a final recommendation for approval focusing on solar energy collection systems in Historic Overlay Districts. The proposed amendments have been updated based on their recommendation and include clarification on when installations in the Historic Overlay can be approved administratively and the removal of the limitation of reasonable restrictions. Aside from revising the regulations for installation of small solar energy collection systems, other changes resulted in further limiting the size of accessory structures typically used in urban farming.

**Background**

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

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

**Initial Summary**

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

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

“Cold frame” means an unheated outdoor structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

“Greenhouse” means a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

“Hoop house” means a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of growing plants. A hoop house is considered more temporary than a greenhouse.
Issues:
1. **Size:** Not subject to the usual coverage limits as most accessory buildings, yet still limited.
2. **Height:** Subject to zoning district height limit
3. **Location:** Prohibited in front yard; allowed in side and rear yards
4. **Materials:** Commonly made of either molded or thin sheet transparent plastic over a frame of wood, metal, or PVC piping.

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

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

"Small wind energy system" means an accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on-site consumption of utility power.

"Small solar energy collection system" shall mean an accessory structure that is roof-mounted, wall-mounted, or ground-mounted panel the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property. A small solar energy collection system shall not exceed a capacity of 100 kilowatts (kW).

**Issues (Wind):**
1. **Setback:** Shall be setback from lot lines a distance equal to the total height plus five feet.
2. **Height:** Required setback will regulate; must also comply with Federal Aviation Administration height limits.
3. **Location:** Subject to compliance with setback provisions.
4. **Sound:** Cannot exceed 55dBA for any period of time and measured at adjacent property line. The sound level may be exceeded during short-term events out of owner’s control, such as severe storms for battery-charging systems or utility outages for systems connected to the power grid.

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

**Issues (Solar):**
1. **Size/Area:** No more than 90% of roof area.
2. **Height:** Shall not exceed by more than three feet the maximum height permitted in the zoning district in which it is located or shall not extend more than 12 feet above the roofline of the structure upon which it is mounted, whichever is less.
3. **Location**: Can be located on both the primary and/or accessory buildings, or as a separate structure. More specific location requirements are proposed for systems in the Historic Preservation Overlay district.

**Public Participation**

The proposed amendments were presented and available for review at an open house on December 17, 2009 and again on April 15, 2010. The Historic Landmark Commission conducted a subcommittee meeting on September 14, 2010 and two public hearings (September 1 and October 6, 2010) prior to providing a final recommendation. Public comments received are included as *Attachment B*.

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

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

**Analysis**

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

Add following new definitions to Section 62 Definitions:

"Urban agriculture" is a general term meaning the growing of plants, including food products, and the raising of animals in and around cities. Urban farms and community gardens with their accessory buildings, farm stands, farmers markets, and garden stands are components of urban agriculture.

"Cold frame" means an unheated outdoor structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

"Greenhouse" means a temporary or permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

"Hoop house" means a temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of growing plants. A hoop house is considered more temporary than a greenhouse.

"Small wind energy system" means an accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 100 kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on-site consumption of utility power.

"Small solar energy collection system" shall mean an accessory structure that is roof-mounted, wall-mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property. A small solar energy collection system shall not exceed a capacity of 100 kilowatts (kW).

Chapter 21A.40 - ACCESSORY USES, BUILDINGS AND STRUCTURES

21A.40.010: PURPOSE STATEMENT: (No change)

21A.40.020: GENERAL AUTHORIZATION: (No change)

21A.40.030: ZONING COMPLIANCE REQUIRED:
No accessory use, building or structure shall be established or constructed unless a zoning certificate has been issued, it complies with the zoning ordinance and proper building permits, if required, have been obtained. Accessory buildings associated with keeping animals, bees, livestock and poultry are not subject to this chapter or the building coverage limits of the respective zoning district but are subject to the provisions of the City Code Chapter 8 Animals. (Ord. 26-95 § 2(20-2), 1995)

21A.40.040: USE LIMITATIONS: (No change)

21A.40.050: GENERAL YARD, BULK AND HEIGHT LIMITATIONS:

All accessory buildings permitted by this chapter shall be subject to the following general requirements:

A. Location Of Accessory Buildings In Required Yards:

1. Front Yards: Accessory buildings are prohibited in any required front, side or corner side yard and shall be setback at least as far as the principal building when the principal building exceeds the required front yard setback. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot
separating from the side of the accessory building to the side of the residential building, as required in subsection A3b of this section. (This section was moved to the new “side yards” section below.)

2. Corner Lots: No accessory building on a corner lot shall be closer to the street than the distance required for corner side yards. At no time, however, shall an accessory building be closer than twenty feet (20') to a public sidewalk or public pedestrian way and the accessory building shall be set back at least as far as the principal building.

3. Side Yards: Accessory buildings are prohibited in any required interior side yard; however, hoop houses, greenhouses, and cold frame structures associated solely with growing food and/or plants are allowed in an interior side yard but no closer than one foot (1') to the corresponding lot line. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A3b of this section.

43. Rear Yards: Location of accessory buildings in a rear yard shall be as follows:

a. In residential districts, no accessory building shall be closer than one foot (1') to a side or rear lot line except when sharing a common wall with an accessory building on an adjacent lot. In nonresidential districts, buildings may be built to side or rear lot lines in rear yards, provided the building complies with all applicable requirements of the adopted building code.

b. No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building; excluding cold frames associated solely with growing food and/or plants.

c. Garages on two (2) or more properties that are intended to provide accessory building use for the primary occupants of the properties, in which the garage is located, may be constructed in the rear yards, as a single structure subject to compliance with adopted building code regulations and the size limits for accessory buildings on each property as indicated herein.

d. In the R-1 districts, R-2 district and SR districts accessory structures shall be located a maximum of five feet (5') from the rear property line subject to the following exceptions:

1. The building or structure is a hoop house, greenhouse, or cold frame associated solely with growing food and/or plants.

2. The maximum setback from the rear property line may be increased to meet the transportation division minimum required turning radius and other maneuvering standards.

3. The planning director or designee may authorize the issuance of building permits for an accessory structure with a maximum setback of more than five feet (5') from the rear property line if the property owner demonstrates that fifty percent (50%) or more of the properties on the block face have accessory structures located more than five feet (5') from the rear property line. In this case, the accessory structure may be set back from the rear property line a distance equal to the average setback of the other accessory structures on the block face. An appeal of this administrative decision shall be heard by an administrative hearing officer subject to the provision of chapter 21A.52 of this title.

4. The board of adjustment may approve an alternate location for an accessory structure as a special exception based on hardships created by topography or the location of mature vegetation.

5. Accessory Or Principal Lot: No portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district; excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants.

B. Maximum Coverage:

1. Yard Coverage:

PLNPCM2009-01388 Sustainability – Accessory Structures Published Date: 10/21/2010 - 7 -
a. In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall occupy not more than fifty percent (50%) of the total area located between the rear facade of the principal building and the rear lot line.

b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed ten percent (10%) when located on vacant lots or, when located on a lot with a principal building, shall not exceed fifteen percent (15%) of the total area located between the rear facade of the principal building and the rear lot line plus the side yard area between the front and rear facades of the principal building.

2. Building Coverage:

a. In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. The maximum footprint for a primary accessory structure within the SR-1A is limited to four hundred eighty (480) square feet with an additional one hundred twenty (120) square feet allowed for a secondary accessory structure. Notwithstanding the size of the footprint of the principal building, at least four hundred eighty (480) square feet of accessory building coverage shall be allowed subject to the compliance with subsection B 1 of this section.

b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed thirty-five percent (35%) of the building footprint of the principal structure.

C. Maximum Height Of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, And The RO District: The height of accessory buildings/structures in residential districts shall conform to the following:

a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12');

b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and

c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.

2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 district, R-2 district and SR districts shall conform to the following:

a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') in the SR-1A;

b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured as the vertical distance between the top of the roof and the finished grade at any given point of building coverage. In the SR-1A the height of accessory buildings with pitched roofs shall not exceed fourteen feet (14'); and


21A.40.052: ACCESSORY USES ON ACCESSORY LOTS: (No change)
The following sections are new and will be added at the end of Chapter 21A.40.

21A.40.170: SMALL WIND ENERGY SYSTEMS:

1. Standards
   All small wind energy systems shall comply with the following requirements. If there is any conflict between the provisions of this section and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

   a. Setback
      The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height plus five feet. If the small wind energy system is on a roof, the total extended height is equal to the roof height and tower height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights-of-way. Guy wires and other support devices shall be setback at least five (5) feet from all property lines.

   b. Tower Height
      Where the total extended height meets the sound and setback requirements of this section (See 1a above), there shall be no specific height limitation, except as imposed by Federal Aviation Administration (FAA) regulations per subsection (j), below.

   c. Sound
      Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 55 dBA for any period of time. The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.

   d. Appearance, Color, and Finish
      Colors permitted include grays, browns, greens, tans and other earth tones. Bright, luminescent, or neon colors are prohibited.

   e. Clearance
      The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 1.5 feet as measured at the lowest point of the arc of the blades. Blades on small wind energy systems in residential districts shall not exceed twenty (20) percent of tower height. All portions of the system shall maintain a clearance from power utility lines as required by the Utah High Voltage Line Safety Act.

   f. Signage Prohibited
      All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

   g. Lighting
      No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

   h. Access
      No footholds, rungs, or other climbing aids shall be allowed below 12 feet on a freestanding tower. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.
i. **Requirement for Engineered Drawings**
   Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings (by an engineer licensed by the State of Utah) of the tower, base, footings, and/or foundation as provided by the manufacturer.

j. **Compliance with FAA Regulations**
   No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection or other current FAA regulations governing airspace protection.

k. **Compliance with Building and Electrical Codes**
   Small wind energy systems and all associated components shall comply with all applicable building and electrical codes adopted by Salt Lake City and the State of Utah.

l. **Utility Notification**
   No small wind energy system shall be installed until evidence has been submitted to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

m. **Abandonment**
   If a wind turbine is inoperable for six consecutive months the owner shall be notified by Salt Lake City that they must, within six months of receiving the notice, restore their system to operating condition or remove the wind turbine from the tower. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons.

n. **Off-Street Parking Or Loading Requirements**
   A small wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.
To avoid conflict with the only current ordinance for solar panels, the section below (general regulations for the foothills residential districts) is being modified as indicated:

Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment, excluding solar panels which are subject to section 21A.040.180, shall not extend above the highest roof ridgeline. Roof mounted solar collection panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do not project above the ridgeline of the roof segment upon which they are mounted. Except as provided in the foregoing sentence, solar collection panels shall not be mounted upon any roof.

The proposed regulations:

1. Standards
All small solar energy collection systems shall comply with the following requirements except as provided in Section 2 relating to small solar energy collection systems in the Historic Preservation Overlay Districts. Per chapter 21A.34.020 the historic landmark commission or staff have authority to modify the setbacks, location and height to ensure compliance with the overlay district regulations. Excluding Section 2, if there is any conflict between the provisions of Section 1 Standards, and any other requirements of the zoning, site plan, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

a. Setbacks, Location, and Height
   (1) A small solar energy collection system shall be located a minimum of six feet from all property lines and other structures, except the structure on which it is mounted.
   (2) A small solar energy collection system may be located on an accessory structure, including legal accessory structures located less than six feet from a property line.
   (3) A small solar energy collection system shall not exceed by more than three feet 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 12 feet above the roofline of the structure upon which it is mounted, whichever is less.
   (4) A development proposed to have a small solar energy collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.

b. Coverage
A small solar energy collection system mounted to the roof 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.

c. Code Compliance
Small solar energy collection systems shall comply with all applicable building and electrical codes contained in the International Building Code adopted by Salt Lake City.

d. Solar Easements
A property owner who has installed or intends to install a small solar energy collection system shall be responsible for negotiating with other property owners in the vicinity for any desired solar easement to protect solar access for the system and shall record the easement with the Salt Lake County Recorder.
e. Off-Street Parking And Loading Requirements

Small solar energy collection systems shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

2. Small Solar Collection Systems And Historic Preservation Overlay Districts or Landmark Sites

a. General

In addition to meeting the standards set forth in this ordinance, Section 21A.40.180, all applications to install a small solar collection system within the Historic Preservation Overlay District shall obtain a Certificate of Appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection 21A.40.180.2.c that follows. If there is any conflict between the provisions of this subsection, 21A.40.180.2, and any other requirements of Section 21A.40.180, Small Solar Energy Collection System, the provisions of this subsection shall take precedence.

b. Installation Standards

(1) The small solar energy collection system shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the 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.

c. Small Solar Collection System Location Priorities

In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation approved shall be the least visible from a public right-of-way, not including alleys, and most compatible with the character-defining features of the historic building, structure, or site. Systems proposed for locations 1 - 4, which are not readily visible from a public right-of-way may be reviewed administratively as set forth in Chapter 21A.34.020.F.1 Administrative Decision. Systems proposed for locations 5 - 6, which may be visible from a public right-of-way shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in Chapter 21A.34.020.F.2 Historic Landmark Commission.

(1) Rear yard in a location not readily visible from a public right-of-way.
(2) On accessory buildings or structures in a location not readily visible from a public right-of-way.
(3) In a side yard in a location not readily visible from a public right-of-way.
(4) On the principal building in a location not readily visible from a public right-of-way.
(5) 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.
(6) On the front facade of the principal building in a location most compatible with the character-defining features of the structure.

Chapter 21A.34.020.F.1.a (Historic Overlay Districts) Types Of Construction Allowed Which May Be Approved By Administrative Decision shall be amended to include:

(6) Installation of solar energy collection systems that are not readily visible from a public right-of-way, as described in and pursuant to Section 21A.40.180.2 of this title.

Chapter 21A.34.020.F.2.a (Historic Overlay Districts) Types Of Construction To Be Reviewed By The Historic Landmark Commission shall be amended to include:

(7) Installation of solar energy collection systems that may be readily visible from a public right-of-way, as described in and pursuant to Section 21A.40.180.2 of this title.
STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

   Analysis: The executive summary section of the City’s Futures Commission Report of 1998 states, “Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.” Promoting sustainability by encouraging local food production and renewable energy systems is a priority in Salt Lake City. The proposed amendments related to urban agriculture accessory structures and small renewable energy systems offer opportunities to improve and sustain the health of citizens and neighborhoods.

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

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

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

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

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

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

   The qualifying provisions for the accessory structures are designed to encourage their use yet uphold the general health, safety, and welfare of citizens by reducing or eliminating harmful impacts. These
modifications create qualifying provisions that will facilitate mitigation of adverse impacts on neighboring property owners and will clarify sections of the ordinance that were not clear or concise.

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

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

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

**Finding:** The proposed text amendment meets this standard.

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

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

**Finding:** The proposed text amendment implements the best current practices in urban planning and design.
Casey,
The set back requirement for wind power systems says there should be no interference with public utilities. Rocky Mountain Power suggests you include a stronger statement about clearance and specifically reference the Utah High Voltage Line Safety Act, which requires a working clearance of 10 feet.

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

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

Alene
<table>
<thead>
<tr>
<th>Title</th>
<th>Paragraph Number</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Agriculture</td>
<td>D.2. a. and D.2. b.</td>
<td>No zoning district was provided, however the A Airport district would not be an appropriate zone for Urban Agriculture activities due to potential bird attractants and safety concerns. <strong>Recommend:</strong> Do not allow Urban Agriculture in the A Airport district.</td>
</tr>
<tr>
<td>Alternative Energy Systems, Small Wind Energy Systems</td>
<td>D.3. j.</td>
<td>Text should be added to cover other FAA airspace regulations as follows: Recommend to add: “. . . Part 77 of the FAA guidance on airspace protection, or other current FAA regulations governing airspace protection.” The airport could install a large solar array in the future as part of the terminal and concourse expansions. The array may be ground mounted, roof mounted or a variety of installations. The ordinance, as written would not allow the airport to install any solar array between the main terminal and public right of way. <strong>Recommend:</strong> Exempt the airport from Solar Array ordinance.</td>
</tr>
<tr>
<td>Alternative Energy Systems, Solar Array</td>
<td>E.3. a. 1.</td>
<td>The square footage and height of an airport solar array could exceed these restrictions. As written, the ordinance would not allow any large solar array and would restrict the height. <strong>Recommend:</strong> Exempt the airport from Solar Array ordinance.</td>
</tr>
<tr>
<td>Alternative Energy Systems, Solar Array</td>
<td>E.3. a. 3, 4, and 5.</td>
<td>If solar collectors are installed on terminals, or concourses or other airport buildings, the systems could exceed 12 feet maximum height. <strong>Recommend:</strong> Exempt the airport from Solar Collection System ordinance.</td>
</tr>
<tr>
<td>Accessory Dwelling Units</td>
<td>(No Airport-related comments)</td>
<td>We are concerned that this draft ordinance was written for subdivisions, and streets within commercial and residential developments. The airport environment has many conflicts with this zone as</td>
</tr>
</tbody>
</table>
From: Bennett, Vicki
Sent: Tuesday, February 23, 2010 1:44 PM
To: Becker, Ralph; Gale, Amy
Cc: Mickelson, Kaye; Chris Duerksen; Coffey, Cheri
Subject: RE: Need a Shade Control Act to encourage residential solar

Here is the State code that is current:

57-13-1. Definitions.

As used in this act:

(1) "Solar easement" means a right, whether or not stated in the form of restriction, easement, covenant, or conditions in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined herein.

(2) "Solar energy system" means a system of apparatus and equipment capable of collecting and converting incident solar radiation into heat, or mechanical or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation or mechanical energy generation.

(3) "Passive solar system" means a system which uses structural elements of the building, to provide for collection, storage, and distribution of solar energy for heating or cooling.

(4) "Solar skyspace" means the space between a solar energy collector and the sun which must remain unobstructed such that on any given clear day of the year, not more than 10 percent of the collectable insolation shall be blocked.


(1) Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an interest in real property. The easements shall be created in writing and shall be filed, duly recorded and indexed in the office of the recorder of the county in which the easement is granted. Such easements shall run with the land or lands benefited and-burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated herein.

(2) Any deed, will, or other instrument that creates a solar easement shall include, but the contents need not be limited to:

(a) a description of the real property subject to the solar easement and a description of the real property benefiting from the solar easement;

(b) a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;
(c) any terms or conditions under which the solar easement is granted or may be terminated;  
(d) any provisions for compensation of the owner of the real property benefiting from the solar 
easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of 
the real property subject to the solar easement, or compensation of the owner of the real property subject to the 
solar easement for maintaining the solar easement; and  
(e) any other provisions necessary or desirable to execute the instrument.  
(3) A solar easement may be enforced by injunction or proceedings in injunction or other civil action.

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

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

Vicki

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

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

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

Howdy Mayor Ralph,  

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

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

Thanks and best,  

BJ

BJ Nicholls  
1149 Douglas St
SUSTAINABILITY – Accessory Structures
COMMENT SHEET
PLNPCM2009-01338

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

Name          Tom Irwin
Address (include zip code)
Phone
Email

Written comments:

Except coops, beehives, etc (Chap 8) structures from compliance with 21A.40 Acc. Building Locations, etc.

21A.40.030 - zoning certs are not currently being issued for accessory structures. - change that?
Mr. Silloway,

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

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

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

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

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

Wilf Sommerkorn
Director
Salt Lake City Planning Division

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

Dear Mr. Sommerkorn;

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

What do you think?

Stuart Silloway.
Stewart, Casey

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

Casey,

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

Have fun.

Cheri

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

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

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

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

Hi, Orion,

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

Renee Zollinger  
Environmental Manager  
Salt Lake City Corporation  
451 S. State St. Room 145  
PO Box 145467  
Salt Lake City, UT 84114-5467  
(801) 535-7215 (office)  
(801) 750-4390 (cell)
Thanks Renee. You are right about the urgency of the awareness and training for our safety. These solar systems pose unique and unfamiliar challenges to our firefighters considering the conditions we typically encounter during structure fire situations. I have forwarded the webinar link to all of my senior staff and Training Division for review and dissemination.

Thanks again for keeping us in mind.

-Kurt

Renee Zollinger
Environmental Manager
Salt Lake City Corporation
451 S. State St. Room 145
PO Box 145467
Salt Lake City, UT 84114-5467
From: Muller, Hannah [mailto:Hannah.Muller@ee.doe.gov]
Sent: Monday, March 08, 2010 9:31 AM
To: 'Larry Sherwood'; ttleads@sandia.gov
Subject: PV Safety for Firefighters, April 1 Webinar - Invite your local Fire Department!

Solar America City partners,

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

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

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

Register here:
https://www2.gotomeeting.com/register/233737995

Best,
Hannah

Hannah Muller
Solar America Cities Program Lead
U.S. Department of Energy
Ph: 202-586-4883
Fax: 202-586-5148
hannah.muller@ee.doe.gov

DOE is partnering with 25 cities to build sustainable local solar markets. Learn more at www.solaramericacities.energy.gov
2009 Zoning Text Amendment
November 9, 2009
Task Force Meeting

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

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

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

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

How do you address incremental expansion?

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

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

The use is not the issue. The standards are the issue.
The expansion of the use has been abused over the years.
Is there a way to use historic landmark process to address this? Perhaps you could expand if the property is in an historic district where they have commercial guidelines.
The HLC could review the project if you want to expand. Those outside the historic district have to wait to expand until at some future date when the Small Neighborhood Commercial Project has been adopted and new zoning is in place.

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

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

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

Community Supported Agriculture
1. Don’t allow CSA’s in residential. It will lead to increased traffic in the neighborhoods.

Accessory Structures for Urban Agriculture.
1. Greenhouse, hoop house is ok as long as it meets the accessory structure regulations.
Comments on Urban Agriculture portion of Sustainability Code Revision Project

Purpose statement:

Item 9: suggest that you define "organic" soil amendment and "natural" pest control. Both are open to misrepresentation.

General Questions

1. Zoning District –
   a) Allow in all areas. Market forces should be sufficient to determine siting.
   b) Public property. I do not support use of street medians – they will most probably have very significant accumulation of heavy metals in the soil. Even with remediation, passing autos will constantly reintroduce them. Otherwise, Yes, OK on public property, subject to
      i) Discussion w. local community council,
      ii) long-term lease (5 years minimum, preferably with 5 renewal)
   c) Institutional spaces: Why not?

2. Sales from community gardens:
   a) Appropriate city sales licenses required
   b) on-site farm stands only if non-permanent structures, only if produce is from the specific garden and is not highly processed. (Goal is to allow e.g. honey sales but not apple pies.) This avoids the temptation to import produce from elsewhere and falsely sell as local produce.
   c) sales at farmers markets OK

3. Sales from private gardens:
   a. Seasonal stands OK, as 2(b) above.

4. Impacts:
   a. Attempt to minimize requirement for off-street parking. (No new parking lots if possible.)
   b. Require mowing, rototilling, mechanical shredding, chainsaw activities etc. be during normal working hours. (i.e. not before 8 a.m.)

5. Accessory Structures: suggest that the language be written loosely enough that there is some room for adaptation. Example: it may be that hoophouses become an economically significant way to grow produce in the City. In which case, needlessly restricting a Community Garden or a CSA from fully using their lot may not make much sense.

Patrick de Freitas  pdefreitas@earthlink.net
801-582-1496
Solar Collectors or Panels refers to equipment capable of collecting and converting incident solar radiation into thermal, mechanical, or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to the point of use; and

(i) includes water heating, space heating or cooling, and electrical or mechanical energy generation.
Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail to cheri.coffey@slc.gov.com or via mail at the following address: Cheri Coffey, Planning Manager, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by Thursday December 31, 2009. Cheri Coffey 801-535-6188.

Responses to questions:

- a. What zoning districts? Everywhere
- b. broad application or only in specific? A: Residential areas are most important to reexamine these restrictions

Definitions:

1. “Community garden” should also mention that community gardens can include domestic livestock, can be used for public events, for educational purposes, and for sales of produce or other related items.
“cold frame” can also be made of metal or plastic

“Greenhouse” can also be made of wood, metal, straw bale, or masonry. They can be heated by passive or active solar or with electricity (or with indoor compost or worm bins).

Should coldframes, greenhouses, and hoophouses be exempt from Accessory Structure regulations?

1. Location of structure on lot:
   - all three should be allowed to be 1’ from rear property line
   - all three should be allowed to be 1’ from principal structure

2. Structure size: all cold frames, all hoop houses, and greenhouses that are under 10’x10’ with no electricity or plumbing should be allowed to cover more than 50% of yard.
OPEN HOUSE
PUBLIC COMMENT FORM
December 17, 2009

Sustainability Code Revision Project

Name: Travis Snyder
Address: 1209 Gilmore Dr
Salt Lake City Zip Code 84103
Phone: 801-391-8686 E-mail tjsnydermd@yahoo.com

Please circle all that apply
City Resident/Owner Practitioner Special Interest

Please circle topics you are interested in
Accessory Dwellings Urban Agriculture Connectivity Alternative Energy Systems

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail to cheri.coffey@slcgov.com or via mail at the following address: Cheri Coffey, Planning Manager, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by Thursday December 31, 2009. Cheri Coffey 801-535-6188

Comments: I strongly support development of solar/wind energy. However, I think it is important to not be too aggressive when it comes to General Proposed Regulation 5. No feature that blocks access of neighbors (fences, vegetation) trees and plants that are horticultural specimen need strong protection. Also, trees grow. Having a regulation that pit neighbor against neighbor wrecks the neighbor hood and regulations that force us to cut down our trees/vegetation leads to increased desertification of Utah. We need more shade
Trees not fewer. This measure is one I encourage you to craft carefully.

Connectivity. I want safe bike lanes. This makes room for happy car drivers who don't get stuck behind bikes, & it makes for happy cyclists who don't fear for life & limb. I propose protected bike lanes on busy streets like State Street. For example, here. I envision two way bike lane protected by a barrier, either a wall or posts.

I support urban gardening. It brings together my neighborhood. Kids love the strawberries, parents love the tomatoes. We must expand this notion. — Sincerely [Signature]
OPEN HOUSE
PUBLIC COMMENT FORM
December 17, 2009

Sustainability Code Revision Project

Name: Amy Barry
Address: 1178 Ramona Ave

City Resident Owner Practitioner Special Interest

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail to cheri.coffey@slcgov.com or via mail at the following address: Cheri Coffey, Planning Manager, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by Thursday December 31, 2009. Cheri Coffey 801-535-6188

Comments: See attached written comments from the Sugar House Community Council - Sustainability Committee
December 17, 2009

RE: Salt Lake City Planning Division Sustainability Code Review

As Salt Lake City works to identify zoning ordinances to work toward sustainability the opportunity to collect public comments is important. Sugar House is one area in Salt Lake City that has immediate needs for more sustainable zoning ordinances. As chair of the Sustainability Committee for the Sugar House Community Council (SHCC) I am excited to take this opportunity to provide the planning division with clear feedback regarding the outlined goals stated by Salt Lake City.

Currently many of Salt Lake City’s zoning and subdivision ordinances hinder efforts to achieve a more sustainable footprint by individuals and businesses. The need to amend standing regulations in relation to the 10 identified areas has been long apparent. In order to work toward achieving a smaller footprint on our environment we welcome the review of current ordinances that hinder those efforts.

The issues we face in Sugar House are not unique to the city, but in many ways the distinctive character of our neighborhoods and businesses lend itself to a magnified impact by the constant development occurring in our borders both on the commercial and residential front. The SHCC Sustainability Committee supports changes in the code to give incentives to development to incorporate greener building practices and long term sustainability goals. One of the primary obstacles for both new and existing structures is the incorporation of alternative energy sources. The city should be encouraging the use of solar energy conversions and we should take advantage of smaller scale electricity grids to lessen our dependence on coal driven energy. Technology is rapidly giving us more choices in terms of energy production, use and conservation. We will not achieve sustainability without a commitment to these principles.

Alternatively urban agriculture has been a long ignored cornerstone of sustainability. In Sugar House we are looking at trying to establish a community garden or farmer’s market to help keep our food more local. The success of the downtown farmer’s market only illustrates the need to refocus our attention to neighborhood localities to reduce the need to travel long distances to take advantage of these markets. One component to urban agriculture that is not mentioned in the outline is the issue of water collection. Using culinary water for all outdoor uses is a waste of a natural resource. Changes to the regulations need to be visited to ensure that opportunities to harvest rain water on small scales are not only legal, but promoted. We are interested in learning about the calculated impact this may have on groundwater tables and other possible impediments to its implementation.

Additionally, the issues of street and pedestrian connectivity take on paramount importance in the Sugar House area. The master plan has long called for a realignment of Wilmington Ave and Sugarmont to promote more walkability and efforts have long been underway to connect the trail from the Jordan River to Parley’s Historic Nature Park. The master plan centers on the premise of being pedestrian friendly and yet we have so many obstacles to overcome. A serious problem we encounter with increased traffic congestion and heightened danger to pedestrians is the role of parking requirements from Salt Lake City on
any new developments. Other cities, such as Portland place a maximum number of parking stalls for new developments and yet we place a minimum. While parking is important for any business district it does nothing to wean us off our vehicles and creates an expectation of parking in front of every store we want to visit. The parking stall regulations have only served to divide the Sugar House business district by encouraging people to drive to each separate location. The Sustainability Committee encourages the planning division to seriously review the relationship between parking and developments to promote sustainability. Clearly the issue of increased traffic creates air pollution issues along with the hindrance to pedestrian activity.

We look forward to being part of a city that is working toward creating a more sustainable future for its residents. While most people may not see the connection the Sustainability Committee of the Sugar House Community Council understands that much of the obstacles we face are centered in the planning and zoning ordinances inherited from a time when sustainability was not on anyone's radar. We hope that you will consider the concerns raised in this letter in addition to what you have outlined as you move forward with creating recommendations for the city council.

Sincerely,

Amy Barry
Sustainability, Chair
Sugar House Community Council
OPEN HOUSE
PUBLIC COMMENT FORM
December 17, 2009
Sustainability Code Revision Project

Name: Katie Wagner
Address: 12016 Towne Drive
SLC, UT 84105
Phone: 801-222-1021
E-mail: k.wagner@hotma. com

Please circle all that apply
City Resident/Owner Practitioner Special Interest

Please circle topics you are interested in
Accessory Dwellings Urban Agriculture Connectivity Alternative Energy Systems

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail to cheri.coffey@slcgov.com or via mail at the following address: Cheri Coffey, Planning Manager, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by Thursday December 31, 2009. Cheri Coffey 801-535-6188

Comments: I would like to see vegetable gardens legally allowed in front yards (where some residents only get since). Perhaps tax break for small farmers leasing or purchasing land for CSAs (land very $$$ have to have incentive to buy/lease). I also like to encourage small shopping areas (9th & 9th) that include businesses that service...
day-to-day necessities (grocery, restaurants, small shops) to encourage local residents to walk to these businesses. (Maybe tax breaks or government-owned buildings that lease to appropriate businesses at reasonable rent?) Gas stations should be excluded from considerations! (Strip malls fund for new trees & parks) parking strips + only appropriate species - I'm told there is no current budget for tree purchases.

Green spaces / Open areas: even if the areas are small - I would like to see more city-owned green spaces forested and left alone to host wildlife & provide urban woodlands for nature lovers. Allow farmers to lease urban lots from city at reasonable rent to grow food. Very important to connect bike & pedestrian paths & make them safe! (Tax?) incentives for installation of solar + wind power. More recycling in public areas (parks) - also increase home recycling of glass too (instead of driving glass to recycle bin).

Get rid of tax incentive that makes it financially better to build a new home than remodel an old one - stupid, stupid, stupid - incentives to update older homes to be more energy efficient - helps preserve character of home + reduce urban sprawl.
Name: Claire Uno, Wasatch Community Gardens
Address: 815 E 400 S, SLC 204
Salt Lake City, UT Zip Code 84111
Phone: (801) 359-2658 E-mail director@wasatchgardens. org

Please circle topics you are interested in

Accessories Dwellings Urban Agriculture
Connectivity Alternative Energy Systems

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail to cheri.coffey@slcgov.com or via mail at the following address: Cheri Coffey, Planning Manager, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by Thursday December 31, 2009. Cheri Coffey 801-535-6188

Comments:

b. broad application or only in specific? A: Residential areas are most important to reexamine these restrictions

Definitions:

1. “Community garden” should also mention that community gardens can include domestic livestock, can be used for public events, for educational purposes, and for sales of produce or other related items.
“cold frame” can also be made of metal or plastic

“Greenhouse” can also be made of wood, metal, straw bale, or masonry. They can be heated by passive or active solar or with electricity (or with indoor compost or worm bins).

Should coldframes, greenhouses, and hoophouses be exempt from Accessory Structure regulations?

1. Location of structure on lot:
   - all three should be allowed to be 1’ from rear property line
   - all three should be allowed to be 1’ from principal structure

2. Structure size: all cold frames, all hoop houses, and greenhouses that are under 10’x10’ with no electricity or plumbing should be allowed to cover more than 50% of yard.
Commissioner Harding noted that the evidence in front of the Commission suggested the use of internal muntins would be supported and felt the Commission should point to evidence to the contrary to bolster their argument.

Commissioner Oliver noted she felt the argument allowing muntins on a building because muntins exist on a streetscape to be fallacious. She noted that muntins were tied to the style of a building and the era which it was intended to reflect. She stated that there was insufficient evidence on the streetscape to evaluate the Trudell home and the Commission therefore needed to expand their definition into the wider neighborhood to find buildings which reflected a similar architectural style to understand if muntins were appropriate. She noted that if the Commission did so, the answer was that they were not.

Commissioner Funk stated there were only two buildings on the block face which had internal muntins.

There was no further discussion of the motion.

Commissioners Bevins, Funk, Hart, Haymond, Vice Chairperson Oliver and Commissioner Richards all voted, “Aye”. Commissioners Davis and Harding voted, “Nay”. The motion carried, 6-2.

Mr. Nielson noted that any appeal to LUAB needed to be submitted within ten days.

PLNPCM2009-01338, Sustainability Development Code Changes for Accessory Buildings — (Unfinished Business) a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City. Discussion will focus on location priorities for new solar collection systems in the Historic Preservation Overlay District. This is a Citywide policy issue which will affect all Council Districts. (Staff contact: Casey Stewart at 801-535-6260, casey.stewart@slcgov.com.)

Mr. Stewart noted he was back before the Commission with revisions to the draft amendments to address the concerns raised by the Commission in their subcommittee. Mr. Stewart noted the subcommittee raised the following issues:

1. Allowed building coverage area for greenhouses, hoop houses, and cold frames was too large.

Mr. Stewart noted that staff had reduced the amount of coverage allowed in the maximum coverage section beginning on page 3 of the staff memo, from twenty to fifteen percent of the total area behind the building.

2. Color of wind turbine towers should be limited to earth tones.

Mr. Stewart noted that the original language had been changed to limit color to browns, grays, greens and other earth tones.

3. Wind turbine tower drawings should be stamped by a Utah certified engineer.
4. Clarify that renewable energy systems must comply with both city and state electrical codes.
5. When wind systems are abandoned, notice to the property owner shall be made by the city.

Mr. Stewart noted that besides these changes, language was also inserted to address concerns regarding pegs or foot holds on turbine towers.
6. Remove the reasonable restrictions' limits relating to solar collection systems where mitigation could result in additional expenses exceeding $2,000 or a reduction in efficiency exceeding 20%.

7. Allow for administrative Certificate of Appropriateness and more installation flexibility when solar panels are proposed in locations not visible from the public way (location priorities 1-4).

Mr. Stewart noted that this prioritization arose from the Commission’s previous discussion.

8. Require full HLC review for solar panels proposed for locations that are readily visible (location priorities 5 and 6).

Mr. Stewart noted that the language had been altered to denote that these items would be reviewed by the Commission.

9. Incorporate existing policy statements for solar panel installation into the amendments.

Mr. Stewart stated staff had inserted the prioritization hierarchy into the Policy Document where the installation of solar panels was concerned as a guideline to tie policy to the code more closely.

Mr. Stewart noted staff sought a positive recommendation to the Planning Commission regarding the proposed amendments for urban agriculture and solar collection systems.

Questions from the Commission 7:23:11 PM

Commissioner Funk noted that in the code amendments, 21A.40.050, General Yard, Bulk and Height Limitations, seemed to indicate that an accessory structure could be placed in a non-required front yard.

Mr. Stewart noted that this was correct.

Commissioner Funk stated that she did not agree with this revision and felt accessory structures should be placed behind the front façade of the building.

Ms. Coffey noted that there was language in the ordinance which accomplished that and a similar requirement could be added to these proposed amendments.

Commissioner Hart noted that on page 11 of the draft document, noted that item 6 in the location priority would allow solar panels on the front façade which she found troubling.

Mr. Stewart noted that new technology was allowing for shingles to be used for solar applications. Mr. Stewart noted the Commission’s thought in the last meeting had been such that with improving technologies, the Commission could review applications for placement of these systems on the front façade and determine if they were allowable on a case by case basis.

Commissioner Richards noted that part of the previous discussion was that technology was advancing quickly; however, not all products would work on the front façade, which is why the Commission had decided during previous discussion that numbers 5 and 6 in the priorities list should go through a full review before the Commission.

Ms. Coffey noted that people were interested in a brief approval process and therefore, hopefully, most people would place these systems in a less visible location.

Commissioner Richards stated he believed the edits to be an improvement.
Mr. Stewart reviewed a sample accessory building calculation for the Commission.

Chairperson Lloyd noted there would be several ways to calculate allowable coverage, including an overall lot coverage limit as well as a percentage of the rear yard and a percentage of the principal structure and the most restrictive limit would be used.

Public Comment 7:36:24 PM

Cindy Cromer, 816 East 100 South, noted that the Commission should note that sustainability should not trump all other ordinances. She stated that due to changing technology, the policy document should note that technology was evolving and the Commission would consider new developments as they arose. She noted that the Commission should request an update after the Planning Commission reviewed the documents.

Sandra Hatch, 1141 Michigan Avenue, was present to speak. She noted that her son was soon to be an Environmental Design graduate and felt that these ordinances were very important to bring sustainable technologies to the forefront in neighborhoods like the Avenues. Ms. Hatch inquired if the Commission would regulate hoop structures and row covers.

Mr. Stewart noted that for row covers no permit would be required and yard coverage would not be affected.

Seeing no further public comment, Chairperson Lloyd moved the item to Executive Session.

Executive Session 7:41:36 PM

Ms. Coffey noted that staff had received a comment about row covers, however staff felt regulating row covers was overregulation, as row covers were very temporary.

Commissioner Richards noted that the Commission had been concerned that if coverage limits were not placed on hoop houses, people might use them for storage rather than their intended use. He noted that language regarding the Sustainability Ordinances trumping all other ordinances had also been revised to give the Zoning Administrator authority to decide which ordinances should prevail.

Commissioner Funk noted she was concerned the length of time given before the City acted upon turbine abandonment to be too liberal, as it appeared property owners would be given 18 months to resolve any issue.

Mr. Stewart clarified that the language required resolution within 12 months.

Commissioner Funk noted this was better.

Commissioner Funk noted that under small solar collection systems, numbers 1 and 3 might be clarified by combining the two together. Commissioner Funk noted she believed that landscaping bonds did not work, and the language should be removed from the document. She also identified some grammatical errors in the Policy Document.

Ms. Coffey noted that some sections of the Policy Document had not been reviewed since 1984 and while the bonds section had not been part of the current revision, review of the overall document was forthcoming.
There was further discussion of bonds by the Commission.

Chairperson Lloyd inquired if the Commission found it appropriate to forward a recommendation at this time.

Commissioner Davis noted that he would like to see it after the Planning Commission.

Mr. Nielson noted that this request did not work with state code, as the Planning Commission was required to make a recommendation one way or the other to the City Council.

Commissioner Funk inquired if the Planning Commission would set up a subcommittee to examine the suggested changes.

Mr. Stewart that the Planning Commission had seen the code amendment and had made some suggestions, however, he did not believe they would form a subcommittee on the issue.

Commissioner Richards noted he believed the document would be tweaked at some point in the future, as it involved changing technologies, and it seemed evolved enough at this time to forward a positive recommendation.

Vice Chairperson Oliver inquired if staff could brief the Commission on any further developments with the code amendments.

Ms. Coffey noted that staff could do this in November if the Landmark Commission forwarded a recommendation.

In the case of Petition PLNPCM2009-00138, Vice Chairperson Oliver made a motion to forward a favorable recommendation to the Planning Commission to recommend that City Council adopt the proposed sustainability ordinance text amendments relating to Accessory Structures. Commissioner Harding seconded the motion.

There was no discussion of the motion.

Commissioners Bevins, Davis, Funk, Harding, Hart, Haymond, Vice Chairperson Oliver and Commissioner Richards all voted, “Aye”. The motion carries unanimously.

PLNHLC2010-00530, Gaddis Certificate of Appropriateness for Minor Alterations — a request by Benjamin and Erica Gaddis, for minor alterations to a single-family residence located at approximately 777 East Fifth Avenue in the Avenues Historic District. The request is to: 1) obtain approval to legalize a partially finished wooden shed, and 2) add solar panels to the roof of the wooden shed. The portion of the request for the solar panels could not be approved administratively since the action does not meet the adopted policies of the Historic Landmark Commission regarding installation of solar panels. The property is zoned SR1-A (Special Development Pattern Residential) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Maryann Pickering at 801-535-7660, maryann.pickering@slcgov.com.)

Vice Chairperson Oliver recused herself from the case, citing a conflict of interest in the case as the next door neighbor of the applicant.
Mr. Nielson noted they could change the order of the agenda by vote.

6:42:30 PM Commissioner Funk moved to change the order of the agenda to proceed to the following case, PLNPCM2009-01338, and wait until that item ends to determine whether or not to consider PLNHLC2010-00489 at that time. Commissioner Richards seconded the motion.

There was no discussion of the motion.

All voted “Aye”. The motion carried unanimously.

Mr. Paterson stated that staff was attempting to track down Mr. Stewart to present the next item.

Mr. Leith left the meeting at this time to attempt to contact his applicant.

**PLNPCM2009-01338, Sustainability Development Code Changes for Accessory Buildings** – A request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City. Discussion will focus on location priorities for new solar collection systems in the Historic Preservation Overlay District. This is a Citywide policy issue which will affect all Council Districts. (Staff contact: Casey Stewart at 801.535.6260 or casey.stewart@slcgov.com.)

**Staff Presentation 6:45:07 PM**

Mr. Stewart noted that the Mayor had initiated a petition to develop a Citywide Sustainability Code. Mr. Stewart stated a consultant had been hired to work on the issue and then the code had been broken into smaller portions, and his portion involved agricultural accessory structures relating to urban agriculture as well as renewable energy systems such as small solar and wind energy collection systems. Mr. Stewart stated that the Planning Commission had reviewed the code and tabled the item for further investigation of the wind energy collection ordinances. He noted that questions had arisen at that time as to how the Historic Overlay Zone would affect the regulations on some of those structures. He noted he had included the Clarion Associates Discussion Paper for the Commission regarding their hierarchy of locations produced in 2009. He noted that staff requested direction regarding solar collection systems. Mr. Stewart reviewed the priorities proposed in the Discussion Paper:

1. Solar panels should be installed below the ridgeline of a pitched roof when possible or setback from the edge of a flat roof.
2. Solar panels should be located so as not to change a historic roofline or obscure the relationship of a historic roof to character defining features such as dormers or chimneys.
3. Should be installed in a manner which does not damage or obscure the character defining features.
4. Should be located on the rear or sides of a pitched roof. Locating solar panels on a front pitched roof of the primary façade is inappropriate.
5. Should be mounted parallel to the plane of a pitched roof and have a low profile.
6. Should be installed in a location on the roof so as not to be readily visible from public streets.

Mr. Stewart then reviewed the six priorities laid out in the proposed text amendment language.

1. In a rear yard in a location not readily visible from a public right-of-way (except an alley).
2. On an accessory building or structure (such as a garage), in a location not readily visible from a public right of way (except an alley).
3. In a side yard in a location not readily visible from a public right-of-way (except an alley).
4. On the principal building in a location not readily visible from a public right-of-way (except an alley).

5. On the principle building in a location that may be visible from a public right-of-way, but not on the structure’s front façade.

6. On the front façade of the principal building in a location most compatible with the character defining features of the structure.

Mr. Stewart noted that staff had done some research regarding the Secretary of the Interior’s Standards regarding these types of systems. He stated that items proposed for the front façade of the principal building were traditionally denied. He noted that staff originally proposed that item six be removed from the location priorities and that consideration of systems on the front façade not be allowed.

Mr. Stewart noted that installation standard number two on page eleven of the staff report indicated that additional restrictions put in place by the Historic Overlay should not reduce the effectiveness of the system by more than twenty percent or exceed $2000. He noted that staff was of the opinion this was an overly complicated and hard to measure standard, and staff recommended removal of that language.

Ms. Coffey noted that the Commission might want to recommend meshing their current policy regarding solar panel systems with the proposed hierarchy.

Questions for Staff from the Commission 6:54:48 PM

Chairperson Lloyd inquired of Ms. Coffey if it would make more sense to propose that sections of the Commission’s current guidelines be inserted into the text amendment or to refer to the standards directly.

Ms. Coffey noted that it would be easier for the sake of clarity to insert sections of the current guidelines into the amendment. She noted that staff could make these changes easily.

Commissioner Funk noted she did not appreciate the economic amount in the ordinance as these numbers were subject to change as new developments emerged and it needed to be not quite as specific. She stated that solar technology was evolving so quickly, there might come a time when appropriate materials would become readily available for the front façade of a residential home, such as recently developed shingles.

Commissioner Richards noted that he originally considered dropping standards 5&6 which would allow for panels on the front of the house. He noted that the language also indicated that a panel could be erected at a height of 12 feet above the rooftop.

Chairperson Lloyd inquired if the language distinguished between solar photovoltaic systems and solar thermal collection systems. He stated that many solar thermal collectors were being treated in the same manner as skylights and were not always specifically precluded from the principal façade of a structure.

Mr. Stewart noted that the language did not distinguish between the two.

Chairperson Lloyd noted that performance levels also varied greatly between the two systems. He noted that the Commission might want to further investigate particular systems and their relative appropriateness as suggested by Commissioner Funk.

Commissioner Richards noted that the thermal systems would always require a certain amount of bulk as they required fluid to move through them whereas the photo voltaic systems were essentially batteries and could become very thin over time.
Chairperson Lloyd stated that then it became a question of the appropriateness of the type, appearance and thickness of a system.

Vice Chairperson Oliver noted language could be added to require that a system be flush with the roof or provide less than a 3 inch projection over the roofline.

Commissioner Richards noted it could also be changed to state that requests front façade placement be reviewed on a case by case basis. He stated that they wanted to be positive and embrace the technology, but didn’t want to set a precedent by specifically precluding systems on the front façade when they might be allowable in certain applications in the future. Commissioner Richards noted they might also look at the issue more like a conditional use request.

Ms. Coffey noted that under the proposed General Provisions section, “...If there is any conflict between the provisions of this subsection and any other requirements, the provisions of the subsection shall take precedence.” She stated the Commission might consider removal of that language if wanting to review particular issues on a case by case basis.

Commissioner Bevins inquired if the applicant would have to prove if all other locations were not feasible.

Commissioner Richards noted they could delineate the issue and delegate certain applications to staff; particularly those in the rear, on an accessory structure or at the rear of a principal building and not readily visible from the street.

Chairperson Lloyd noted that the principal building would almost always be the best placement for a collection system as it was normally the tallest and most free of shade or other obstructions.

Ms. Coffey noted that there was a current case where the applicant proposed to place panels on a shed that was somewhat visible from the street. She stated that this case might be a proof for the concept that if a system was placed on a shed or other structure beside the primary building, more latitude might be given as to what could be allowed.

Chairperson Lloyd noted that this seemed reasonable.

Vice Chairperson Oliver noted that section 2(c), items 1-4 read to her that projecting panels would be allowed if not placed on the principal façade or readily visible from the street.

Commissioner Funk noted that section l(a), item 2 would allow a panel to project 12 feet above a roofline, which seemed undesirable and obnoxious in any zone, historic overlay or not.

Chairperson Lloyd noted that this language would only allow that if the roof was 12 feet below the zoning cap.

Mr. Stewart noted that this was intended to allow for a better collection angle on accessory structures such as garages.

Commissioner Funk noted that they could take out numbers and make determinations more by the appropriateness of the application.

Mr. Stewart noted that incorporating the Commission’s current guidelines into the text could eliminate some of those issues with the regulations within the overlay.
Ms. Coffey noted that the issue was part of a public hearing and inquired if the Chair wished to open the meeting to public comment.

Chairperson Lloyd opened the floor to public comment.

Public Comments 7:15:42 PM

Cindy Cromer, 816 East 100 South, noted that aside from everything else, the City’s existing guidelines for solar collection systems were better written than the proposed amendment. She stated that there was a huge amount of force coming from Clarion regarding the Sustainability Ordinance. Ms. Cromer stated that while important, the Sustainability Ordinance should not trump all and there had been no response from Clarion to objections for over a year.

Executive Session 7:18:18 PM

Commissioner Funk inquired if the Wind Collection Systems were up for discussion.

Mr. Stewart noted that anything in the text amendment was open for discussion.

Commissioner Funk noted that page 8, 1(a), indicated, “...if the small wind energy system is on a roof, the total extended height is equal to the roof height and the tower height”, and requested clarification.

Commissioner Richards noted that he believed that regulation was meant to determine how far from the property line the wind tower must be located.

Commissioner Funk stated other concerns, including:

Section D. Appearance, Color and Finish, which stated that a tower had to remain the original applied manufacturer’s finish and added that bright, luminescent or neon colors as determined by the City are prohibited. She noted the second portion seemed unnecessary.

Section H. Access, stated that any climbing foot areas or rungs below 12 feet of a free standing tower shall be removed to prevent unauthorized climbing. She stated that the language regarding unauthorized climbing seemed unnecessary also.

Section M. Abandonment, stated if a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system...She inquired who would enforce this and how would one determine what was inoperable.

Commissioner Davis noted if someone had invested the money to put up a wind turbine, they had a strong economic incentive to keep it operating and didn’t know many people who would let it fall into disrepair.

Chairperson Lloyd noted he felt the language helped to provide the City some control over enforcement of the issue.

Commissioner Funk noted that as technology evolved wind turbines might also become obsolete and remain as monoliths and the owner should be responsible for removal.

Mr. Stewart stated the language did place financial burden of removal upon the owner.
Chairperson Lloyd stated the Commission felt historic neighborhoods within the City to be some of the most sustainable communities and full of people likely to be interested in renewable energy. He stated he would like to see language regarding the inherent worth of historic neighborhoods in regards to sustainability. He noted that because of the embodied energy, building materials, lot density, living patterns historic districts contributed to making Salt Lake City a sustainable city.

Commissioner Davis noted the Commission had to be open to renewable forms of energy in historic districts because that sustainable tradition should be promoted. He stated that if energy prices increased tenfold and it was difficult to utilize alternative energy forms because a property owner lived in a historic district, it would create a disincentive to live there.

Commissioner Funk concurred with Commissioner Davis but noted that she still did not believe that sustainability should always trump the preservation ordinance.

Chairperson Lloyd inquired what staff required of the Commission.

Mr. Stewart noted staff was ultimately looking for a recommendation for the proposed amendments to forward to the Planning Commission.

Ms. Coffey stated that if it was too difficult to recommend the proposed ordinances, the Commission could make recommendations without formally approving of the draft ordinance.

Chairperson Lloyd noted the Commission could note general approval then, but provide specific recommendations to staff.

Commissioner Funk noted she felt it was difficult to sift through the entire amendment in one hearing and recommended that the Commission form a subcommittee to examine the issue and offer amendments.

Ms. Coffey noted she would prefer that the entire group vote on recommendations made by a subcommittee or through individual comments.

Commissioner Davis concurred with Commissioner Funk and felt the issue required further examination.

Mr. Stewart noted that if the Commission agreed with parts of the ordinance such as the section on accessory structures, the Commission might forward a recommendation on that portion.

Commissioner Funk noted she was not entirely comfortable with that part of the amendment either as it proposed that an accessory building might be as large as fifty percent of the principal structure and that seemed excessive.

Commissioner Richards noted he had been disheartened by the previous response to comments made by the Zoning Amendment Project Committee.

Ms. Coffey noted that this ordinance was now in the hands of the Planning Staff and they would be making the proposed text changes.

Motion 7:39:45 PM

Commissioner Funk moved to create a subcommittee to review petition PLNPCM2009-01338 and make recommendations back to the Planning Commission. Commissioner Richards seconded the motion.
There was no discussion of the motion.

**All voted “Aye”. The motion carried unanimously.**

**Commissioners Funk, Bevins, Richards and Davis volunteered for the subcommittee.**

Commissioner Richards inquired if staff could provide updated copies of the proposed ordinance for review before the subcommittee meeting.

7:42:00 PM Vice Chairperson Oliver was excused from the meeting at this time.

*The following item was moved from earlier on the agenda to the end in order to allow time for the applicant to appear. Mr. Leith confirmed that the applicant was present to participate.*

**PLNHLC2010-00489, 661 Green Street Certificate of Appropriateness for Minor Alterations** – A request by James Olsen, contractor, on behalf of owners Diamond Property Management, for alterations to a series of 10 single story apartment buildings located at approximately 661 & 662 Green Street, Salt Lake City (inc. Nos. 665, 666, 669, 670, 673, 674, 677, 678, 679 & 680). The request is for new additions replacing existing additions to the rear of the properties, and to rebuild the front porches. The property is located in the Central City Historic District and the RMF-30 (Low Density Multifamily Residential) zoning district, in City Council District 4, represented by Luke Garrott. (Staff contact: Carl Leith at 801-535-7758 or carl.leith@slcgov.com.)

**Staff Presentation 7:42:16 PM**

Mr. Leith continued his staff presentation from earlier noting that Green Street at that point was part of a pedestrian walkway and 10 of 12 original units still existed. Mr. Leith noted that the buildings were in poor condition, the front porch and stairs in disrepair and the proposal would replace those stairs and front porches, extend new rear additions by 4' and would add a gable form roof to improve the current internal layout of the apartment units. He noted that the applicant proposed to use a fiber cement siding and due to the prominence of the rear of the structures from 700 South, staff would rather see a wood siding applied.

Mr. Leith noted that staff recommended the Commission approve the request requiring details to be agreed upon with staff, alterations including:

1. Front porch and stairs
2. Rear addition design and cladding
3. Rear addition deck and stairs
4. Window framing to new additions
5. Rear doors to new additions

**Questions for Staff from the Commission 7:47:33 PM**

Commissioner Bevins inquired where the rear addition deck would be located.

Mr. Leith noted the rear addition deck referred to the landing at the top of the rear stairs.

Chairperson Lloyd inquired if alterations would include foundation work as well.

Mr. Leith noted that foundations would be rebuilt and would let the applicant answer further.
Present for the Planning Commission meeting were Chair Babs De Lay; Commissioners Charlie Luke, Angela Dean, Michael Fife, Michael Gallegos, Susie McHugh, Matthew Wirthlin, and Kathleen Hill. Commissioner Matthew Wirthlin and Vice Chair Frank Algarin were excused.

There field trip prior to the meeting was cancelled. A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director, Nick Norris, Programs Manager; Casey Stewart, Principal Planner; Michael Maloy, Principal Planner; Nick Britton, Principal Planner; Paul Nielson, City Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes (Taken by Nick Norris)

Planning Commissioners visited the 425 E. 700 S. Commissioners were given an overview by staff. Questions were asked regarding parking, landscaping and lot size and building size.

Planning Commissioners visited 1433 S. 1100 E. Commissioners were given an overview by staff. Questions were asked about parking requirements and lighting.

Planning Commissioners visited 1206 E. 210 S. Commissioners were given an overview by staff. Questions were asked about building orientation, Sugarhouse Business District design guidelines and appeals process.

Report of the Chair and Vice Chair

Chairperson De Lay stated that there was nothing to report.

Report of the Director

Mr. Sommerkorn stated the City Council passed the temporary zoning regulations for the Yalecrest and Westmoreland neighborhoods, in order to look at the potential for declaring those areas in the overlay preservation zone. The council also received a briefing on the historic preservation plan, and the Historic Landmark Commission met, and made a recommendation for prioritizing potential future designation of historic districts, which would come before the Planning Commission and then forwarded with a recommendation on to the City Council.

Public Hearings
Carl Hewlin spoke, he was a property owner on Sego Avenue, was concerned about the traffic on Sego, stating that he stated that he would like to have the entrance on Sego closed at all times because there is a gate there now, and it was never opened. He stated that there isn’t really a sidewalk, and would like there to be one.

6:22:00 PM Close of Public Hearing

Comments from the Commissioners:

Commissioner McHugh stated that the concern about the gate would be taken care of, as there won’t be access or extra traffic. She also noted that it isn’t the Church’s obligation to put in a sidewalk.

Commissioner Woodhead questioned whether there would even be room for one.

Chairperson De Lay asked if with the City’s rules and regulations, would there have been a requirement for a sidewalk.

Mr. Britton responded that to his knowledge there was not, and that transportation and engineering both reviewed the plan and did not require it.

Mr. Chong, the applicant stated that they investigated the need as well, and found that Sego is a special area called “the court,” and on the street they added two rows of pavers as an improvement to act like a sidewalk path for the court. It was also part of the roadway, the residents share. Their contention is that landscaping would be better than a sidewalk.

6:28:11 PM Motion:

Commissioner Woodhead made the motion that regarding PLNPCM2010-00231 and PLNPCM2010-00422 Korean Presbyterian Church Conditional Use & Planned Development, based on tonight’s hearing, the finding on the staff report, and the testimony tonight, the she moved that the Planning Commission approved the conditional use request and planned development request for the expansion for the Korean Presbyterian Church at 425 E. 7th S. with conditions 1-4 and additional condition 5, that the church install a fire gate over the Sego Avenue exit and condition 6, that the church add minimum forty percent glazing on the north elevation.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Gallegos, McHugh, Luke, Woodhead, and Hill all votes “aye”, Commissioners Fife and Dean voted no, the motion passed.

PLNPCM2009-01338: Sustainability Development Code Changes: amendment related to accessory buildings—a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy
systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City.

Chairperson De Lay recognized Casey Stewart as staff representative.

Commissioner Woodhead disclosed that she sent a copy of the ordinance and the other urban farming ordinance to Kyle LaMalfa from the People’s Market.

Mr. Stewart stated that the application was related to, but not the same as, other applications brought before the Planning Commission. This item deals with the Sustainability Ordinance, but specifically, accessory structures. Structures related to urban agriculture and plant production, such as green houses, hoop houses, and cold frames. Small renewable energy systems such as wind and solar are included. Mr. Stewart noted that the definitions were included in the ordinance.

Mr. Stewart stated that the issues that surround this type of structure were height, size, location, and materials.

Size: the intent was to make it easier to construct this type of structure by removing the limits. Leeway is given to the area that could be covered by this type of structure.

Wind Systems: Typical issues involve set back, height, location color and sound. Sound is the prevalent issues. Limits on decibel output of the structures could be utilized, and limiting the height indirectly, in other words, to set back the structure to the property line equal to its’ height plus five feet. In essence, the bigger the property, the taller the structure could be.

Solar Systems: Typical issues involved size, area, height and location. It is proposed that if it’s located on the roof of the structure that it not take up more than 90% of the total roof area. A solar system can be allowed on the primary structure as well as the secondary structure. Specific provisions proposed for when the project is in a historic overlay district. There were separate location requirements for those proposed. 1. It should be in the rear yard, not visible or 2. It should be located on a side of the structure, not visible. It must be reviewed by the Landmarks Commission for approval.

Mr. Stewart gave a PowerPoint presentation that illustrated the look and the definition of green houses, hoop houses and cold frames.

Commissioner Woodhead asked if these structures would all require building permits.

Mr. Stewart replied that it would depend on the size, subject to building code. He stated that it would typically be 120 sq ft or less do not require building permits.

Commissioner Woodhead stated that seemed that a lot of structures such as cold frames and hoop houses are temporary structures that had been thrown over their raised beds; it seemed to her that a permit would be unnecessary.

Commissioner Dean asked how the City would enforce maintaining the use for a greenhouse, and not into living space.

Mr. Stewart stated that the permit limits the use to producing food.
Commissioner Fife asked if an accessory building can be connected to the main building.

Mr. Stewart cited the provision that stated that no portion of the accessory building shall be built closer than four feet to any portion of the principle building, excluded are cold frames.

The Commissioners discussed wind devices and sounds.

Mr. Stewart asked for additional direction for the next presentation.

6:53:54 PM Public Hearing:

Kyle LaMalfa a resident of Poplar Grove and founder of People’s Market spoke. He stated that he is an urban farmer himself and sells his produce at the People’s Market. He discussed accessory structures, stated that he supports the ordinance and is glad that it was codified and that the City supports the use of sustainable space. His objections were: row covers are not mentioned and he felt that they should have been, they were another strategy for extending the season. He would like to them treated as a non accessory structure. He stated that 20% of the space was too small, and would like an increase to 50% on a non occupied space, and an increase to 30-40% on occupied space. He added that he felt that needing a permit for a hoop house was unnecessary. His argument was that they are temporary structures and therefore should not need permitting.

6:58:44 PM Close of Public hearing

Commissioner McHugh stated that she was inclined to table this item for more information on wind structures.

Commissioner Woodhead agreed, and stated that she would be interested in more discussion on Mr. LaMalfa’s ideas.

Mr. Stewart responded that there had been consideration given to Mr. La Malfa’s ideas, that 20% any open lot would be a substantial building, the intent is not to cover the entire lot with a building.

He stated that hoop houses need a size requirement so that in the instance of one breaking apart and blowing away would be a bad scenario. He suggested that perhaps leaving the size where the building code is at 120ft. would be the best idea. He also stated that a definition of a row cover could be included.

Commissioner Fife asked if coverage could be limited to greenhouses and have unlimited coverage on things such as row covers.

Mr. Stewart stated that he agreed with that idea.

Commissioner Woodhead suggested tabling the item.

7:02:24 PM Motion:

Commissioner Woodhead made the motion that petition PLNPCM2009-01338 The Sustainability ordinance accessory structures for urban agriculture and small scale renewable energy.
that based on the information on the staff report, and questions raised in the public hearing, that we table this matter for decision at the first meeting in August, 2010, without further public hearing.

Commissioner McHugh seconded the motion.

Vote: Commissioners McHugh, Dean, Luke, Woodhead, Hill, Fife all voted aye, Commissioner Gallegos was dismissed. The motion passed unanimously.

7:03:49 PM PLNSUB2010-00112 Chick-fil-A Restaurant Planned Development

Amendment: A request by Deborah Kerr, in behalf of Chick-fil-A Restaurant, to demolish an existing restaurant and construct a new restaurant at approximately 1206 E 2100 South Street. The property is zoned CSHBD-1 Sugar House Commercial Business District.

Chairperson De Lay recognized Michael Maloy as staff representative.

Mr. Maloy stated that Deborah Kerr from Chick-Fil-A would be able to answer questions. The petition was described as a “planned development amendment” located in Sugarhouse fronting 2100 South in the Hidden Hollow area. This project would take the place of the Lonestar Steakhouse, which a was approved as a planned development by the Planning Commission in 1997. The current proposal was to demolish the existing building and rebuild the site. One recommendation from staff was that this amendment is not in substantial compliance with the original approval. The conditions of the approval were restated, and this would clearly be a demolition of an existing building that was constructed concurrent with the prior approval and that was the reason it needed to come before the Planning Commission, have a public hearing and go through the standards of the planned development process.

Mr. Maloy gave a PowerPoint presentation. He noted that the project went before the Sugar House Community Council, as well as the land use committee. He added that there was a letter from the Community council that summarized their response to this item.

Mr. Maloy described the plans for the former planned development, and showed the current site plans for Chick-Fil-A. A concern is the orientation for the building. Chick-Fil-A had indicated that their intention is to maintain the trail access and easements would all remain in effect.

Mr. Maloy noted that a major objective of the developer was to try and impact the site as little as possible, and the primitive landscaping and the landscape islands that were there and were quite mature would be untouched by the project.

The orientation issue toward the parking lot and drive-thru were major concerns.

Mr. Maloy stated that it seemed that the project had wide public support, but the orientation of the building was the major concern from staff and the community. The drive-thru was a major concern. Mr. Maloy stated that he suggested approval but noted that there were specific design guidelines that were addressed in the staff report, such as: the building would be brought up to the street, the primary entrance of the building would be oriented towards 2100 South, and that the drive-thru would be relocated to away from 2100 South and be either behind the building or to the side of the building.
Present for the Planning Commission meeting were Chair Michael Fife, Vice Chair Angela Dean Commissioners Drown, Luke, McHugh, and Hill. Commissioners De Lay, Gallegos, Wirthlin and Woodhead were excused.

A field trip was held prior to the meeting Planning Commissioners present were: Fife and Luke. Staff members in attendance were Joel Paterson, Nick Norris and Elizabeth Reining.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Nick Norris Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Elizabeth Reining Principal Planner and Angela Hasenberg, Senior Secretary.

Field Trip Notes (Taken by Joel Paterson)

Planning Commissioners visited the area impacted by the Zoning Map Amendment. Planner Elizabeth Reining provided an overview of the proposed zoning map amendment. The Commission asked questions about potential uses.

The Commissioners also visited the Apollo Burger site located at 143 N Redwood Road. Staff provided an overview of the proposed project.

Note: Due to technical difficulty, the time indicated is one hour earlier than the actual time recording.

5:25:16 PM

PLNPCM2009-01338: Sustainability Development Code Changes (Tabled from July 14, 2010): a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City.

Chairperson Fife recognized Casey Stewart as staff representative.
Mr. Stewart stated that the Commission first considered the proposed amendments in July of 2010, and tabled it in the Public Hearing that was held to allow more time to review. The Commission also requested more information.

Mr. Stewart said that he compiled the additional information and in the meantime, the Historic Landmark Commission had discussed the impact on Historic Overlay Districts and had come up with a final recommendation of approval that had been included in the proposed amendments.

Mr. Stewart addressed the concerns the Planning Commission had in July. The first concern was wind turbine noise and when they would be exempted from the noise level limit. After research, Mr. Stewart found two situations that could potentially cause noise issues: 1. if there was power outage and the wind turbine was tied to a grid. This would take the load off the wind turbine which would cause it to free wheel and could generate noise. 2. Prolonged wind events. The solution for both instances would be to turn the turbine off.

Mr. Stewart noted that those two occurrences were anticipated now, and if a system is purchased and installed, the issue would remedy itself.

Another concern was row covers, an item used very commonly in gardening. Staff felt that row covers were so common that they did not want to work them into the ordinance, and they would not count against coverage for accessory structures.

Urban Farming structures on vacant lots had an ordinance which stated that if a structure is on a vacant lot, the limit would be 10% of the total lot area. Staff feels that was an adequate size, if one took a 5,000 sq ft lot and took 10%, the size of the structure would be 500 sq ft.

Mr. Stewart presented pictures that represented the height limit for solar systems.

Mr. Stewart stated that it was staff's recommendation that the ordinance be approved. He also noted that the Historic Landmark Committee voted to approve as well.

Commissioner McHugh asked if a home designated as historic could possibly have a panel.

Mr. Stewart said that it would be possible upon review by the Historic Landmark Commission. Mr. Stewart gave examples of different types of solar paneling.

**Public Hearing**

Steven McCready and Bob Powell representing Green Power Generation spoke. They discussed their product. They discussed what would happen if the power would go out, and what would happen if there were high winds.
Commissioner Drown inquired about how many wind turbines would be required for a 2400-5000 sq ft home.

Mr. Powell responded that they would need three.

Close of Public Hearing

Motion:

Commissioner McHugh made the motion in regard to PLNPCM2009-01338: Sustainability Development Code Changes, based on the findings of the staff report that they forward a favorable recommendation to the City Council to adopt the proposed sustainability ordinances text amendments related to accessory structures.

Commissioner Hill seconded the motion.

Vote: Commissioners Luke, Drown, McHugh, Hill, and Dean all voted “aye”. The motion passed unanimously.
6. ORIGINAL PETITION
As part of the Sustainability Regulations- Bundle 1, the Planning Staff is processing amendments to the Zoning Ordinance relating to Accessory Structures in order to incorporate the applicable elements of the regulations that have been developed by Clarion Associates. This petition will include the following concepts from Bundle 1 project:

- Hoophouse
- Greenhouse
- Coldframe
- Small wind energy systems
- Solar collection systems
Remarks:

Petition No: PLNPCM2009-01338

By: Planning Division

Sustainability Regulations – Bundle 1: Amendments to Zoning Ordinance relating to Accessory Structures

Date Filed: November 18, 2009

Address: City Wide