

SALT LAKE CITY ORDINANCE

No. 20 of 2011

(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 accessory 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 accessory 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 accessory 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.

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:

**21A.24.010.P.3.d *Special Foothills Regulations – Design Regulations***

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. Notwithstanding the foregoing, hoop houses and cold frame structures up to 24-inches in height may be placed in a front yard.
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. Notwithstanding the foregoing, hoop houses and cold frame structures up to 24-inches in height may be placed in a corner side yard.
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 development, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

#### **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 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

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 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.



**o. Exceptions.**

Small wind energy systems are prohibited in the Open Space OS and Natural Open Space NOS zoning districts.

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 development, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

**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 26th day of April, 2011.



CHAIRPERSON

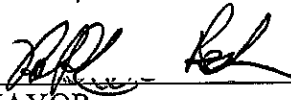
ATTEST AND COUNTERSIGN:



CITY RECORDER

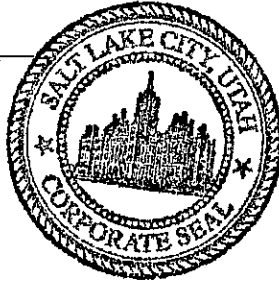
Transmitted to Mayor on May 11, 2011.

Mayor's Action:  Approved.  Vetoed.

  
MAYOR



CITY RECORDER  
(SEAL)



Bill No. 20 of 2011.  
Published: May 17, 2011.

HB\_ATTY-#15511-v10-Ordinance- Sustainability\_accessory\_structures.DOC

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>5/6/11</u> By: <u>ER VITE</u></p>
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