



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: October 17, 2023

**RE: Text Amendment Related to Historic Preservation Overlay District
PLNPCM2023-00123**

Item Schedule:

Briefing: October 17, 2023

Set Date: October 17, 2023

Public Hearing: November 7, 2023

Potential Action: November 14, 2023

The Council will be briefed about a proposal initiated by the Administration to amend the City zoning ordinance related to the Historic Preservation Overlay District. If adopted, changes would apply citywide to properties within a local historic district or landmark site. Salt Lake City currently has 14 local historic districts, and approximately 150 landmark sites.

Proposed changes would make the ordinance easier for applicants, property owners, staff, and for the Historic Landmark Commission in its administration. The proposal would also create new processes for adopting and updating historic resource surveys. Changes would reorganize and add clarity to existing processes and create new ones for updates to historic resource surveys, and factors to consider for historic status determinations (e.g., contributing, or noncontributing status) for individual properties in some circumstances.

The following summarizes proposed ordinance changes:

Reorganization

- Reorganizes *City Code* to remove repetition, move definitions to definition chapter in *Code*, creates a new chapter in *Code* and moves the following to a new chapter:
 - Local historic district (LHD) designation,
 - Boundary adjustments to existing LHDs,
 - Revocation of landmark site designation.
 - (Note-Processing steps, requirements and standards for designations and amendments are not changed from current processes for the above items.)



Proposed Changes/Additions

- Some work would be exempt from requiring a Certificate of Appropriateness (CoA)
 - Installation of storm windows
 - Small plaques
 - Mailboxes
 - Utility meters/charging stations, solar panels not visible from right-of-way
- Review and approval of all solar panels at staff level (currently the Historic Landmark Commission (HLC) must review solar panels on front façades).
- Adds ability for some CoA requests to be denied at staff level if standards are not met.
- Adds language to reflect HLC duties not currently listed such as making recommendations to the Board of State History for National Register Nominations and making recommendations to the City Council on development of incentive programs to encourage preservation of the City's historic resources.
- Adds mailing notice content requirements for demolition of a noncontributing building.
- Requires application fees for determination of economic hardship, LHD boundary reduction, revocation of landmark site.
- Increases application fees for some applications reviewed by HLC.
- Adds new definitions-period of significance and historic integrity.
- Adds language to have the City Council adopt historic resource surveys and associated reports accompanying local historic designations.
- Fine tunes language.

New Processes

- Creates process and factors to consider for updates to historic resource surveys.
- Creates process and factors to consider for historic status determinations (contributing or noncontributing status) for individual properties in some circumstances (e.g., property was not rated or warrants reconsideration).

Planning staff recommended the Planning Commission forward a positive recommendation to the City Council for the proposed text amendment. The Commission reviewed the proposal at its May 24, 2023 meeting and held a public hearing at which two people spoke. One person expressed concern with a lack of public process for changing a building's status from contributory to non-contributory. Such a change is sometimes a precursor to demolition of the building. Planning staff noted there are no changes to the current process. The other person who spoke is with the East Liberty Park Community Organization. She thanked Planning staff for the proposal and for meeting with an ELPCO representative. She expressed concern about noticing requirements for changes to properties outside of local historic districts. Planning staff said there are no process or noticing requirement changes for landmark sites or properties in national historic districts.

The Commission voted unanimously to forward a positive recommendation to the City Council for the proposed text amendment. It is worth noting the Historic Landmark Commission reviewed the proposal at its May 4, 2023 meeting and also voted unanimously to recommend the City Council adopt the text amendment.

Goal of the briefing: Review the proposed text amendment, determine if the Council supports moving forward with the proposal.

POLICY QUESTION

1. The Council may wish to discuss whether to include noticing requirements and opportunities for public input when changes to a building's contributory status are being considered. There is

currently no public notice requirement when changing a building's status from contributing to non-contributing.

KEY CONSIDERATIONS

Planning staff identified three key considerations related to the proposal which are found on pages 4-11 of the Planning Commission staff report and summarized below. For the complete analysis, please see the staff report.

Consideration 1 – Historic Resource Survey Updates

Each local historic district in the city has an associated historic resource survey which summarizes the study area and includes an inventory of each property, along with its contributory/non-contributory status. The Community Preservation Plan has policies to update resource surveys every 5-10 years. The proposed text amendment includes putting this process into the zoning ordinance. Updates to historic resource surveys would then be a decision made by the City Council, with public hearings at the Historic Landmark Commission and Planning Commission.

The City will soon issue a request for proposals to contract with consultants who will update several historic resource surveys. Surveys are more useful the more current they are. Time, maintenance, and changes to properties can impact the historic integrity of a property and whether its contributory status should be updated.

Consideration 2 – Historic Status Determinations

The proposed text amendment includes a process and standards for historic status determinations. The Zoning Administrator has authority to interpret zoning code standards and has issued historic status determinations for individual properties when there are questions about the historic status. The proposed text amendment puts this process into the zoning ordinance.

There are instances where a timely determination of a property's historic status is needed. Some examples are when a property is missed in a survey, is not given a historic status rating or rated incorrectly and needs to be reconsidered. These determinations can be initiated by the property owner or the Planning Director.

If a property had alterations that are considered non-reversible, its status may change from contributory to non-contributory. On the other hand, if alterations to a building made it non-contributory and those alterations were removed, the building's historic status may be changed to contributory. Some examples of buildings that had historic status review are included on pages 6-7 of the Planning Commission staff report.

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

Planning staff reviewed the proposed text amendment against the following City goals, policies, and master plans and found the proposal are consistent with the City's Historic Preservation Plan.

- *Preservation Philosophy (Resolution 53 of 2011)*
- *Community Preservation Plan (2012)*
- *Central Community Master Plan (2005)*
- *Avenues Master Plan (1987)*
- *Capitol Hill Master Plan (2001)*
- *Downtown Master Plan (2016)*
- *Plan Salt Lake (2015)*

ZONING TEXT AMENDMENT STANDARDS

Planning staff reviewed the proposed text amendment against the following criteria *City Code* says the City Council should consider. Please see Attachment B (pages 10-11) of the Planning Commission staff report for additional information.

Factor	Finding
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.	Complies
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.	Complies
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	Complies
The extent to which a proposed text amendment implements the best current, professional practices of urban planning and design.	Complies

PROJECT CHRONOLOGY

- February 8, 2023-Mayor Mendenhall initiated the petitioner for amendments to the H Historic Preservation Overlay District.
- March 13, 2023-Notice emailed to all SLC registered recognized organizations including a draft of the proposed changes.
- March 20, 2023-Information and a draft of the proposed changes was posted to the Planning Division's online open house webpage.
- April 17, 2023-Planning staff attended the Sugar House Community Council meeting to discuss the proposed text amendment and answer any questions from the community.
- April 20, 2023-Historic Landmark Commission public hearing notices were posted on City and state websites and Planning Division listserv.
- May 3, 2023-Planning staff attended the Central City Neighborhood Council meeting to discuss the proposed text amendment and answer any questions from the community.
- May 4, 2023-Historic Landmark Commission held a public hearing and forwarded a unanimous positive recommendation to the City Council.
- May 11, 2023-Planning Commission public hearing notices were posted on City and State websites and Planning Division listserv.
- May 24, 2023-Planning Commission meeting and public hearing. The Commission forwarded a unanimous positive recommendation for the proposed text amendment to the City Council.
- May 30, 2023-Draft ordinance forwarded to the Attorney's Office for review.
- June 29, 2023-
 - Revised draft ordinance sent to the Attorney's Office for review (technical changes were made to the draft during the month of June).

- Planning received the final ordinance from the Attorney's Office.
- June 30, 2023-Transmitted to Mayor's Office.
- August 8, 2023-Transmittal received in City Council Office.