

ERIN MENDENHALL  
Mayor



DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS  
Blake Thomas  
Director

## CITY COUNCIL TRANSMITTAL

  
Lisa Shaffer (Aug 8, 2023 16:35 MDT)  
Lisa Shaffer, Chief Administrative Officer

**Date Received:** 08/08/2023  
**Date sent to Council:** 08/08/2023

**TO:** Salt Lake City Council  
Darin Mano, Chair

**DATE:** August 7, 2023

**FROM:** Blake Thomas, Director, Department of Community & Neighborhoods



**SUBJECT:** H Historic Preservation Overlay District Text Amendment

**STAFF CONTACT:** Amy Thompson, Planning Manager  
[amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com) or 801-535-7281

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** Adopt the H Historic Preservation Overlay Ordinance

**BUDGET IMPACT:** None

**BACKGROUND/DISCUSSION:** Mayor Erin Mendenhall has initiated a petition for a text amendment that would impact the H Historic Preservation Overlay District which applies to properties within a local historic district or local landmark sites. Salt Lake City currently has [14 local historic districts](#) and approximately [150 Local Landmark Sites](#). Properties subject to the H Historic Preservation Overlay District require approval for exterior alterations, new construction, demolition and relocation. The H Historic Preservation Overlay District also outlines process and standards for local historic designations, boundary adjustments to existing local historic districts, and revocation of local historic designation.

The purpose of the proposed amendments is to make the zoning ordinance easier to use for applicants, property owners, staff, and the historic landmark commission in its administration. The proposed ordinance also creates new processes for adopting and updating historic resource surveys, consistent with the city's adopted [Community Preservation Plan](#).

## SUMMARY OF PROPOSED AMENDMENTS:

The proposed changes reorganize and add clarity to existing processes, as well as create new processes to strengthen confirmation of historic districts and buildings within Salt Lake City. The following summarizes the proposed ordinance changes:

### Reorganization:

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

### Proposed Changes/Additions:

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

## HELPFUL PRESERVATION TERMS

- **Certificate of Appropriateness (CoA):** Historic approval
- **Historic Resource Survey:** A resource for identifying and evaluating the quantity and quality of historic resources for land use planning purposes following the guidelines and forms of the Utah State Historic Preservation Office. Historic Resource Surveys are prepared by a qualified professional meeting the minimum qualifications defined by the National Park Service. There are two different types of surveys that Salt Lake City deals with, those are reconnaissance level surveys and intensive level surveys. A survey generally consists of a written report summarizing the history, development patterns, and physical character of the study area and an inventory of all properties included in the survey and a historic status rating for each property (whether contributing or noncontributing) accompanied by maps, photographs, and recommendations. The survey will also identify periods of significance for the district – anything outside of the identified period of significance is rated as out of period which is noncontributing to the district.
- **Historic Integrity:** The ability of a property to convey its historical associations or attributes. As defined by the National Park Service, the following aspects, or qualities, in various combinations, define historic integrity: location, design, setting, materials, workmanship, feeling, association.
- **Period of Significance:** The period when the historic events associated with a local historic district, thematic designation, or landmark site occurred. This period must reflect the dates associated with the property or site, or in the case of a district, the collection of properties within the district. A period of significance may be thousands of years (in the case of an archeological property), several years, or even a few days, depending on the duration of the event. There may be multiple periods of significance associated with a local historic district, thematic designation, or landmark site.
- **Contributing:** A structure or site within a historic district that retains historic integrity. A contributing structure generally has its major character defining features intact and although minor alterations may have occurred, they are generally reversible.
- **Noncontributing:** A structure or site within a historic district that does not retain historic integrity. The major character defining features have been so altered as to make the original and/or historic form, materials, and details indistinguishable and alterations are irreversible. Noncontributing structures may also include those which are less than 50 years old or not within a period of significance associated with the historic district.

recommendations to the City Council on the development of incentive programs to encourage the preservation of the City's historic resources.

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

#### **New Processes:**

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

Both the Historic Landmark Commission and Planning Commission held public hearings to review the proposed text amendment and unanimously forwarded a positive recommendation of approval to the City Council.

#### **CONSIDERATIONS FOR CITY COUNCIL**

Since the positive recommendation from the Historic Landmark Commission and the Planning Commission, a few technical corrections were made to the proposed ordinance. These include:

- Corrected citations in section 21A.51.050.B to reference the correct section of the ordinance.
- Updated language in Subsection 21A.010.020.B, which relates to special noticing requirements for administrative approvals, to reflect changes that were made with the recently adopted early engagement ordinance.
- Revised language in 21A.34.020.B, which relates to the applicability of the H Historic Preservation Overlay District, to remove repetitive language that is referenced elsewhere in the proposed ordinance.

#### **PUBLIC PROCESS:**

**Recognized Organizations:** On March 13, 2023, all Salt Lake City recognized organizations were sent the required 45-day notice for the proposed text amendment.

**Open House:** On March 20, 2023, a virtual open house was hosted on Planning's website and published via list serve. The open house included information about the proposal and a draft of the ordinance.

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

- April 17, 2023 – Sugar House Community Council

- May 3, 2023 –Central City Neighborhood Council

#### **Historic Landmark Commission Public hearing:**

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

#### **Planning Commission Public Hearing:**

- May 11, 2023
  - Planning Commission public hearing notice posted on City and State websites and Planning Division listserv.
- May 24, 2023
  - The Planning Commission held a public hearing and voted unanimously to forward a positive recommendation to the City Council.

**Public Comments Received:** Staff received three public comments about this proposal. All public comments noted below were discussed at both the Historic Landmark Commission and Planning Commission public hearings.

One of the comments expressed support of local historic districts, reassessment of properties and the use of historic surveys, but outlined questions/concerns related to the criteria used, their definitions, and who makes the decision related to the historic status of a property. This commenter also expressed concern with one of the zoning ordinance considerations for establishment of a historic district related to the percentage of contributing structures for establishing a local historic district, the lack of regulation for properties in a national historic district, and the need for better education for property owners on the impacts of demolition and inappropriate alterations.

*Planning Response to Public Comment:* The zoning ordinance includes definitions for contributing and noncontributing which relate to the historic status of a property. The zoning ordinance also outlines criteria for the historic status of a property and required qualifications for people conducting historic surveys. In response to the question/concern about the local historic district designation consideration that at least 75% of the structures within a proposed district are contributing. This is not a requirement; this is a consideration to help determine if the proposed district meets the standards for designation. The process, standards and considerations applicable to local historic designation currently exist in the zoning ordinance and are not changing with the proposed ordinance language. Lastly, properties listed on the National Register of Historic Places either individually or as part of a National Historic District is an honorary designation overseen by the National Park Service that offers tax incentives for qualifying work – National Register properties are not regulated by Salt Lake City unless they are also locally designated.

Two of the comments expressed concern with the process for historic status determinations (i.e., contributing, or noncontributing status) in the proposed ordinance.

*Planning Response to Public Comment: The purpose of historic status determinations is to ensure the correct standards apply to each property within a local historic district. The process for historic status determinations is a zoning administrator interpretation for individual properties in certain circumstances where a timely determination of a property's historic status is needed. These include properties that were inadvertently missed in the survey or for whatever reason, not given a historic status rating, and properties that may have been incorrectly rated and warrant reconsideration. The zoning administrator is authorized to make interpretations of zoning code standards. The zoning administrator has issued historic status determinations for individual properties when the historic status of the property has been in question; this text amendment essentially puts this specific process into our zoning ordinance. Historic status determinations may be initiated by a property owner or the planning director. The proposed ordinance lists several considerations for making historic status determinations that relate to whether a property retains historic integrity, as defined in the zoning ordinance. Historic status determinations are posted and available to the public on the planning division's website and sent to the Historic Landmark Commission.*

#### **HISTORIC LANDMARK COMMISSION (HLC) RECORDS (MAY 4, 2023):**

- a) [HLC Agenda](#) (Click to Access)
- b) [HLC Staff Report](#) (Click to Access Report)
- c) [HLC Minutes](#) (Click to Access)
- d) [HLC Meeting Video](#) (Click to Access)

#### **PLANNING COMMISSION (PC) RECORDS (MAY 24, 2023):**

- a) [PC Agenda](#) (Click to Access)
- b) [PC Staff Report](#) (Click to Access Report)
- c) [PC Minutes](#) (Click to Access)
- d) [PC Meeting Video](#) (Click to Access)

#### **EXHIBITS:**

- 1) Ordinance, Final and Legislative Versions
- 2) Project Chronology
- 3) Notice of City Council Public Hearing
- 4) Petition Initiation
- 5) Public Comments Received After Publication of the Staff Report

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2023

(An ordinance amending various sections of Title 21A of the Salt Lake City Code  
pertaining to the H Historic Preservation Overlay District and  
amending the consolidated fee schedule.)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* and the consolidated fee schedule pursuant to Petition No. PLNPCM2023-00123 pertaining to the H Historic Preservation Overlay District.

WHEREAS, on May 4, 2023, the Salt Lake City Historic Landmark Commission (“Landmark Commission”) held a public hearing to consider a petition submitted by Mayor Erin Mendenhall (“Applicant”) (Petition No. PLNPCM2023-00123) to amend various sections of Title 21A of the *Salt Lake City Code* pertaining to the H Historic Preservation Overlay District; and

WHEREAS, at its May 4, 2023 meeting, the Landmark Commission voted in favor of transmitting a positive recommendation to the Salt Lake City Planning Commission (“Planning Commission”) and the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, on May 24, 2023 the Planning Commission held a public hearing on said petition; and

WHEREAS, at its May 24, 2023 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the City Council on said petition; 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 the text of Salt Lake City Code Section 21A.06.040. That Section 21A.06.040 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Appeals Hearing Officer) shall be, and hereby is amended to read as follows:

**21A.06.040: APPEALS HEARING OFFICER:**

- A. Creation: The position of appeals hearing officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, Section 10-9a-701 of the Utah Code.
- B. Jurisdiction and Authority: The appeals hearing officer shall have the following powers and duties in connection with the implementation of this title:
  - 1. Hear and decide appeals from any administrative decision made by the zoning administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in Chapter 21A.16, "Appeals of Administrative Decisions", of this title;
  - 2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in Chapter 21A.18, "Variances", of this title;
  - 3. Hear and decide appeals of any decision made by the historic landmark commission, or the planning director in the case of administrative decisions, pursuant to the procedures and standards set forth in Section 21A.34.020, "H Historic Preservation Overlay District", of this title;
  - 4. Hear and decide appeals from decisions made by the planning commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20, "Subdivisions and Condominiums", of this code; and
  - 5. Hear and decide appeals from administrative decisions made by the planning commission pursuant to the procedures and standards set forth in this title.
- C. Qualifications: The appeals hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for appeals hearing officer review. The appeals hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

- D. Conflict of Interest: The appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest prohibited by Title 2, Chapter 2.44 of this code.
- E. Removal of The Appeals Hearing Officer: The appeals hearing officer may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning director following receipt by the mayor of a written complaint filed against the appeals hearing officer. If requested by the appeals hearing officer, the mayor shall provide the appeals hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

SECTION 2. Amending the text of Salt Lake City Code Section 21A.06.050. That Section 21A.06.050 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Historic Landmark Commission) shall be, and hereby is amended to read as follows:

**21A.06.050: HISTORIC LANDMARK COMMISSION:**

- A. General Provisions: The provisions of Title 2, Chapter 2.07 of this code shall apply to the historic landmark commission except as otherwise set forth in this section.
- B. Creation: The historic landmark commission was created pursuant to the enabling authority granted by the Historic District Act, Section 11-18-1 et seq., of the Utah Code (repealed), and continues under the authority of Utah Code Section 10-8-85.9 and the Land Use Development and Management Act, Utah Code Chapter 10-9a.
- C. Jurisdiction and Authority: The historic landmark commission shall:
  - 1. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of Chapter 21A.34 of this title;
  - 2. Participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation; Communicate the benefits of historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;
  - 3. Review and approve or deny applications for the demolition of contributing principal structures in the H Historic Preservation Overlay District pursuant to Chapter 21A.34 of this title;



4. Review designations, amendments to and boundaries of a local historic district, thematic designation and landmark sites, and make a recommendation to the planning commission and the city council;
5. Make recommendations on applications for zoning amendments involving properties within the H Historic Preservation Overlay District when requested by the applicant, planning director, planning commission or the city council;
6. Review and approve or deny certain modifications to dimensional standards for properties located within an H Historic Preservation Overlay District. This authority is also granted to the planning director or designee for applications within the H Historic Preservation Overlay District that are eligible for an administrative decision by the planning director or zoning administrator. The certain modifications to zoning district specific development standards are listed as follows and are in addition to any modification authorized elsewhere in this title:
  - a. Overall building and accessory structure height;
  - b. Building and accessory structure wall height;
  - c. Accessory structure square footage;
  - d. Fence and retaining wall height;
  - e. Signs pursuant to Section 21A.46.070 of this title; and
  - f. Any modification to bulk and lot regulations, except density, of the underlying zoning district where it is found that the proposal complies with the applicable standards identified in Section 21A.34.020 and is compatible with the surrounding historic structures;
7. Make recommendations to the planning commission in connection with the preparation of the general plan of the city;
8. Make recommendations to the city council on design guidelines, policies and ordinances that may encourage preservation of buildings and related structures of historical and architectural significance;
9. Review historic resource surveys for designations and all subsequent updates and make recommendations to the planning commission and the city council;
10. Review National Register of Historic Places nominations or amendments and make a recommendation to the Utah Board of State History; and
11. Recommend to the city council development of incentive programs, either public or private, to encourage the preservation of the city's historic resources.

- D. Membership: The historic landmark commission shall consist of not less than seven (7) nor more than eleven (11) voting members appointed in a manner providing balanced geographic, professional, neighborhood and community interests representation. In situations where a member resigns or is removed as prescribed in this code and adopted policies and procedures and as a result, the number of members drops to less than seven (7), the commission may still function until a 7th member is appointed. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.
- E. Qualifications of Members: Each voting member shall be a resident of the city interested in preservation and knowledgeable about the heritage of the city. Members shall be selected so as to ideally provide representation from the following groups of experts and interested parties whenever a qualified candidate exists:
1. At least two (2) architects, and
  2. Residents at large possessing preservation related experience in archaeology, architecture, architectural history, construction, history, folk studies, law, public history, real estate, real estate appraisal, or urban planning.
- F. Meetings: The historic landmark commission shall meet at least once per month or as needed.
- G. Commission Action: A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken.
- H. Public Hearings: The historic landmark commission shall schedule and give public notice of all public hearings pursuant to the provisions of Chapter 21A.10 of this title.
- I. Removal of a Member: Any member of the historic landmark commission may be removed by the mayor for violation of this title or any policies and procedures adopted by the historic landmark commission following receipt by the mayor of a written complaint filed against the member.
- J. Policies and Procedures: The historic landmark commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

SECTION 3. Amending the text of Salt Lake City Code Subsection 21A.10.020.B. That Subsection 21A.010.020.B of the *Salt Lake City Code* (Zoning: General Application and Public

Hearing Procedures: Public Hearing Noticing Requirements: Special Noticing Requirements for Administrative Approvals) shall be, and hereby is amended to read as follows:

B. Special Noticing Requirements for Administrative Approvals:

1. Notice of Application for Design Review:

- a. Notification: At least twelve (12) days before a land use decision is made for an administrative design review application as authorized in Chapter 21A.59 of this title, the planning director shall provide written notice to the following:
  - (1) All owners and identifiable tenants of the subject property, land abutting the subject property, and land located directly across the street from the subject property. In identifying the owners and tenants of the land the city shall use the Salt Lake City geographic information system records.
  - (2) Recognized community organization(s) in which the subject property is located.
- b. Contents of the Notice of Application: The notice shall generally describe the subject matter of the application, where the public may review the application, the expected date when the planning director will authorize a final land use decision, and the procedures to appeal the land use decision.
- c. End of Notification Period: If the planning director receives comments identifying concerns related to the design review application not complying with the requirements of Chapter 21A.59, the planning director may refer the matter to the planning commission for their review and decision on the application.

2. Notice of Application for Demolition of a Noncontributing Principal Structure Within An H Historic Preservation Overlay District: Prior to the approval of a certificate of appropriateness for demolition of a noncontributing principal structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants of abutting properties and those properties across the street from the subject property as shown on the Salt Lake City geographic information system records.

- a. Contents of the Notice of Application: The mailing notice shall generally describe the subject property, include a vicinity map, include a photograph of the noncontributing structure, date of construction, historic status from the most recent historic survey on file or from a historic status determination, where the application can be inspected by the public, and the date when the planning director will issue a certificate of appropriateness for demolition.

3. Notice of Application for TSA Development Reviews: Prior to the approval of a development review score as authorized in Section 21A.26.078 of this title, the planning director shall provide written notice by first class mail a minimum of twelve

(12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.

- a. Contents of the Mailing Notice of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in Chapter 21A.16 of this title.

SECTION 4. Amending the text of Salt Lake City Code Section 21A.34.020. That Section 21A.34.020 of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District) shall be, and hereby is amended to read as follows:

**21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:**

- A. Purpose Statement**
- B. Applicability**
- C. Local Historic Designation, Amendments or Revocation**
- D. Historic Status Determination**
- E. Certificate of Appropriateness Required**
- F. Procedures for Issuance of a Certificate of Appropriateness**
- G. Standards for Alteration of a Landmark Site, Contributing Structure or New Construction of an Accessory Structure**
- H. Standards for New Construction or Alteration of a Noncontributing Structure**
- I. Standards for Relocation**
- J. Standards for Demolition of a Landmark Site**
- K. Standards for Demolition of a Contributing Principal Building**
- L. Economic Hardship Determination**

A. Purpose Statement:

In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H Historic Preservation Overlay District is to:

1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;

2. Provide the means to manage alterations to historic structures to encourage beneficial use and viability of the building while protecting an individual building's contributing status.
  3. Encourage new development and redevelopment of properties that is compatible with the character of existing development of historic districts or individual landmarks;
  4. Abate the destruction and demolition of historic structures;
  5. Implement adopted plans of the city related to historic preservation;
  6. Foster civic pride in the history of Salt Lake City;
  7. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors;
  8. Foster economic development consistent with historic preservation; and
  9. Encourage social, economic and environmental sustainability.
- B. Applicability: All properties located within the boundaries of a local historic district, part of a thematic designation, or designated as a landmark site are subject to the requirements of this chapter.
1. Applicable Standards: The applicable standards of this chapter are determined by the historic status rating of the property, either contributing or noncontributing, as identified in the most recent historic resource survey on file with the Salt Lake City Planning Division or a historic status determination issued in accordance with Subsection 21A.34.020.D.
- C. Local Historic Designation, Amendments, or Revocation: Local Historic Designation, Adjustment, Expansion, or Revocation of a Landmark Site, Local Historic District or Thematic Designation shall follow the applicable procedures and standards in Chapter 21A.51 Local Historic Designation and Amendments.
- D. Historic Status Determination:
1. Purpose: Historic status determinations are to address the historic status of individual structures within a local historic district on a case-by-case basis through robust review of documentation in order to render a timely decision on the historic status for circumstances outlined below.
  2. Applicability: Historic status determinations may be rendered for properties within an existing local historic district using the considerations in Subsection 21A.34.020.D.7

to determine whether they are contributing or noncontributing to the local historic district for the following:

- a. Unrated Properties: Properties that were inadvertently missed in a survey or not given a historic status rating;
  - b. Incorrectly Rated Properties: Properties that may have been given an incorrect status rating in a survey;
3. Authority: Historic status determinations shall be made by the zoning administrator in the form of an administrative interpretation.
4. Persons Entitled to Seek Historic Status Determinations: Application for a historic status determination may be made by the owner of the subject property or the owner's authorized agent. The planning director may also initiate a petition for a historic status determination.
5. Limitations: A historic status determination shall not:
  - a. Change the boundaries of the local historic district;
  - b. Be issued for landmark sites;
  - c. Be issued for structures that are not within period of significance in an adopted historic resource survey.
6. Application for Historic Status Determination: An administrative interpretation application may be made to the zoning administrator on a form provided, which shall include at least the following information, unless deemed unnecessary by the zoning administrator:
  - a. The applicant's name, address, telephone number, e-mail address and interest in the subject property. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
  - b. The street address, legal description and tax number of the subject property;
  - c. Current and historic photographs;
  - d. Any historic resource surveys and reports on record in the Planning Division or the Utah State Historic Preservation Office;
  - e. Description of any alterations to the structure and the date of approval for any alterations;
  - f. The historic status rating the applicant believes to be correct. When the request is to change the historic status rating, the applicant shall state in the application the reason(s) the existing historic rating is incorrect and why it should be changed

based on the considerations in Subsection 21A.34.020.D.7, or provide an intensive level historic resource survey conducted in accordance with the Utah State Preservation Office standards for building surveys addressing the considerations in Subsection 21A.34.020.D.7 for analysis by the zoning administrator.

- g. Any other information the zoning administrator deems necessary for a full and proper consideration of the particular application.
  - 7. Considerations for Historic Status Determinations: A historic status determination may include the following considerations:
    - a. Whether alterations that have occurred are generally reversible.
    - b. Whether the building contributes to an understanding of a period of significance of a neighborhood, community, or area.
    - c. Whether or not the building retains historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined in Section 21A.62.040. The analysis shall take into consideration how the building reflects the historical or architectural merits of the overall local historic district in which the resource is located. When analyzing historic integrity of a building as part of a local historic district, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district.
  - 8. Decision: Written findings documenting the historic status determination shall be sent to the applicant and members of the historic landmark commission and kept on file in city records.
  - 9. Updating Records: If the historic status determination is different than the property's historic rating in the most recent historic resource survey, the determination will stand, and the city's applicable historic resource survey(s) will be updated to reflect the determination.
  - 10. Appeal of Decision: Any person adversely affected by a final decision made by the zoning administrator interpreting a provision of this title may appeal to the appeals hearing officer in accordance with the provisions of Chapter 21A.16 of this title.
- E. Certificate of Appropriateness Required: No alteration in the exterior appearance of a structure, site, or object affecting a property within the H Historic Preservation Overlay District shall be made until an application for a certificate of appropriateness is approved by the historic landmark commission, or administratively by the planning director, as applicable, pursuant to Subsection F of this section.

1. A certificate of appropriateness shall be required for all of the following:
  - a. Any exterior alteration to the property or any structure on the property unless specifically exempted under Subsection 21A.34.020.E.2;
  - b. New Construction;
  - c. Relocation of a structure or object on the same site or to another site;
  - d. Demolition;
2. Exemptions: The following are exempt from obtaining a Certificate of Appropriateness:
  - a. Installation of storm windows;
  - b. Landscaping that:
    - (1) Complies with the standards of this title;
    - (2) Does not include a wall fence or grade changes; and
    - (3) Is not an attribute that is a character defining feature of the property or streetscape;
  - c. Painting of surfaces that does not include unpainted stone, brick or cement;
  - d. Plaques, boxes, and other similar objects that measure 18 inches or less in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
  - e. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are in a location that is not visible from the public right of way;
  - f. Heating, ventilation and air conditioning systems that do not require new conduit and are not visible from the public right of way; and
  - g. Solar energy collection systems meeting the priority locations outlined in Subsections 21A.40.190.B.3.a through 21A.40.190.B.3.c.

F. Procedure for Issuance of Certificate of Appropriateness:

1. Administrative Authority: The following may be decided by the planning director or designee:
  - a. Minor alteration of or addition to a landmark site or contributing building or structure;
  - b. Alteration of or addition to a noncontributing building or structure;
  - c. Partial demolition of either a landmark site or a contributing principal building or structure;



- d. Demolition of an accessory building or structure; and
  - e. Demolition of a noncontributing building or structure.
2. Historic Landmark Commission Authority: The following shall only be decided by the historic landmark commission:
- a. Substantial alteration or addition to a landmark site or contributing site, building, and/or structure;
  - b. New construction of principal building in the H Historic Preservation Overlay District;
  - c. Relocation of landmark site or contributing principal building;
  - d. Demolition of landmark site or contributing principal building;
  - e. Economic hardship determination; and
  - f. Applications referred by the planning director.
3. Submission of Application: An application for a certificate of appropriateness shall be made on an application form prepared by the zoning administrator and accompanied by applicable fees as noted in the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all mailing fees established for required public noticing.
- a. General Application Requirements: A complete application shall include the following unless deemed unnecessary by the zoning administrator:
    - (1) The applicant's name, address, telephone number, e-mail address and interest in the subject property;
    - (2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
    - (3) The street address and legal description of the subject property;
    - (4) A narrative including a complete description of the project and how it meets review standards with citation of supporting adopted city design guidelines;
    - (5) Current and historic photographs of the property
    - (6) A site plan or drawing drawn to a scale which includes the following information: property lines, lot dimensions, topography, adjacent streets, alleys and walkways, landscaping and buffers, existing and proposed

buildings and structures, lot coverage, grade changes, parking spaces, trash receptacles, drainage features, proposed setbacks and other details required for project evaluation;

(7) Elevation drawings and details for all impacted facades;

(8) Illustrative photos and or samples of all proposed façade materials;

(9) Building, wall, and window section drawings;

(10) Any further information or documentation as the zoning administrator deems necessary in order to fully consider and analyze the application.

- b. New Construction Application Requirements: In addition to the general application requirements listed above, applications for new construction of a primary structure shall include the following unless deemed unnecessary by the zoning administrator:
- (1) A context plan showing property lines, building footprints, front yard setbacks, adjacent streets and alleys, historic district boundaries, contributing/noncontributing structures and landmark sites;
  - (2) A streetscape study which includes height measurements for each primary structure on the block face;
  - (3) Renderings that show the new construction in relation to neighboring buildings; and
  - (4) Renderings that show the new construction from the pedestrian perspective.
4. Notice: Applications for a certificate of appropriateness are subject to the notification requirements of Chapter 2.60 of this code. An application for a certificate of appropriateness for demolition of a noncontributing building or structure shall require notice pursuant to Chapter 21A.10 of this title. The applicant shall be responsible for payment of all fees established for providing the public notice required by Chapters 2.60 and 21A.10 of this title.
5. Standards for Approval: Applications for a certificate of appropriateness shall be reviewed according to the standards set forth in Subsections G through L of this section, whichever are applicable.
6. Administrative Decisions: The planning director or designee shall approve, conditionally approve, or deny the application for a certificate of appropriateness based upon written findings of fact. The decision of the planning director or designee shall become effective upon issuance of the certificate of appropriateness.
- a. Referral of Application to Historic Landmark Commission: The planning director or designee may refer any application to the historic landmark commission due to the complexity of the application, the significance of change to the structure or

site, or the need for consultation for expertise regarding architectural or other preservation issues.

7. **Historic Landmark Commission Decisions:** The historic landmark commission shall hold a public hearing to review the application in accordance with the standards and procedures set forth in Chapter 21A.10 of this title. The historic landmark commission shall approve, conditionally approve, or deny the application based upon written findings of fact. The decision of the historic landmark commission shall become effective at the time the decision is made. Following a decision from the historic landmark commission to approve a certificate of appropriateness, the planning director or designee shall issue a certificate of appropriateness after all conditions of approval are met except for demolition of contributing principal buildings and landmark sites as outlined in Subsection 21A.34.020.F.8.
8. **Requirements for Certificate of Appropriateness for Demolition:** The certificate of appropriateness for demolition of a contributing principal building or landmark site shall not be issued until the following criteria is satisfied:
  - a. The appeal period associated with the approval has expired.
  - b. The landmark commission has granted approval for a new building that will replace the landmark site or contributing principal building to be demolished. The requirement for replacing the contributing principal building or landmark site with a new building may be waived by the historic landmark commission if a new development or redevelopment plan that includes the principal building to be demolished is approved by the historic landmark commission.
  - c. The certificate of appropriateness for demolition shall be issued simultaneously with the certificate of appropriateness and building permits for the replacement building.
9. **Revocation of the Designation of a Landmark Site:** If a landmark site is approved for demolition, the property shall not be removed from the H Historic Preservation Overlay District until the building has been demolished and revocation of the designation of a landmark site has been approved in accordance with Section 21A.51.050, Local Historic Amendments Process.
10. **Exceptions of Certificate of Appropriateness for Demolition of Hazardous Buildings:** A hazardous building shall be exempt from the provisions governing demolition if the building official determines, in writing, that the building currently is an imminent hazard to public safety. Prior to the issuance of a demolition permit, the building official shall notify the planning director for consultation and of the final decision.

11. Expiration of Approvals: No certificate of appropriateness shall be valid for a period of longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Salt Lake City Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion; or unless a longer time is requested and granted by the historic landmark commission, or in the case of an administrative approval, by the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the one (1) year time period.

12. Appeal of Decisions: Any person adversely affected by a final decision of the historic landmark commission, or in the case of administrative decisions, the planning director or designee, may file an appeal in accordance with the provisions of Chapter 21A.16 of this title.

G. Standards for Alteration of a Landmark Site or Contributing Structure Including New Construction of an Accessory Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, or new construction of an accessory structure associated with a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall, using the adopted design guidelines as a key basis for evaluation, find that the project substantially complies with all of the following standards:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
  8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
  9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
  10. Certain building materials are prohibited:
    - a. Aluminum, asbestos, or vinyl cladding; and when applied directly to an original or historic material.
    - b. Vinyl fencing.
  11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in Chapter 21A.46 of this title.
- H. Standards for New Construction or Alteration of a Noncontributing Structure: In considering an application for a certificate of appropriateness involving new construction of a principal building, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall using the adopted design guidelines as a key basis for evaluation, determine whether the project substantially complies with each of the following standards that pertain to the application to ensure that the proposed project fits into the established context in ways that respect and contribute to the evolution of Salt Lake City's architectural and cultural traditions:
1. Settlement Patterns and Neighborhood Character:
    - a. Block and Street Patterns: The design of the project preserves and reflects the historic block, street, and alley patterns that give the district its unique character. Changes to the block and street pattern may be considered when advocated by an adopted city plan.
    - b. Lot and Site Patterns: The design of the project preserves the pattern of lot and building site sizes that create the urban character of the historic context and the

block face. Changes to the lot and site pattern may be considered when advocated by an adopted city plan.

- c. The Public Realm: The project relates to adjacent streets and engages with sidewalks in a manner that reflects the character of the historic context and the block face. Projects should maintain the depth of yard and height of principal elevation of those existing on the block face in order to support consistency in the definition of public and semi-public spaces.
  - d. Building Placement: Buildings are placed such that the project maintains and reflects the historic pattern of setbacks and building depth established within the historic context and the block face. Buildings should maintain the setback demonstrated by existing buildings of that type constructed in the district or site's period of significance.
  - e. Building Orientation: The building is designed such that principal entrances and pathways are oriented such that they address the street in the pattern established in the historic context and the block face.
2. Site Access, Parking, and Services:
- a. Site Access: The design of the project allows for site access that is similar, in form and function, with patterns common in the historic context and the block face.
    - (1) Pedestrian: Safe pedestrian access is provided through architecturally highlighted entrances and walkways, consistent with patterns common in the historic context and the block face.
    - (2) Vehicular: Vehicular access is located in the least obtrusive manner possible. Where possible, garage doors and parking should be located to the rear or to the side of the building.
  - b. Site and Building Services and Utilities: Utilities and site/building services (such as HVAC systems, venting fans, and dumpsters) are located such that they are to the rear of the building or on the roof and screened from public spaces and public properties.
3. Landscape and Lighting:
- a. Grading of Land: The site's landscape, such as grading and retaining walls, addresses the public way in a manner that reflects the character of the historic context and the block face.
  - b. Landscape Structures: Landscape structures, such as arbors, walls, fences, address the public way in a manner that reflects the character of the historic context and the block face.
  - c. Lighting: Where appropriate lighting is used to enhance significant elements of the design and reflects the character of the historic context and the block face.

#### 4. Building Form and Scale:

- a. Character of the Street Block: The design of the building reflects the historic character of the street facade in terms of scale, composition, and modeling.
  - (1) Height: The height of the project reflects the character of the historic context and the block face. Projects taller than those existing on the block face step back their upper floors to present a base that is in scale with the historic context and the block face.
  - (2) Width: The width of the project reflects the character of the historic context and the block face. Projects wider than those existing on the block face modulate the facade to express a series of volumes in scale with the historic context and the block face.
  - (3) Massing: The shape, form, and proportion of buildings, reflects the character of the historic context and the block face.
  - (4) Roof Forms: The building incorporates roof shapes that reflect forms found in the historic context and the block face.

#### 5. Building Character:

- a. Facade Articulation and Proportion: The design of the project reflects patterns of articulation and proportion established in the historic context and the block face. As appropriate, facade articulations reflect those typical of other buildings on the block face. These articulations are of similar dimension to those found elsewhere in the context, but have a depth of not less than twelve inches (12").
  - (1) Rhythm of Openings: The facades are designed to reflect the rhythm of openings (doors, windows, recessed balconies, etc.) established in the historic context and the block face.
  - (2) Proportion and Scale of Openings: The facades are designed using openings (doors, windows, recessed balconies, etc.) of similar proportion and scale to that established in the historic context and the block face.
  - (3) Ratio of Wall to Openings: Facades are designed to reflect the ratio of wall to openings (doors, windows, recessed balconies, etc.) established in the historic context and the block face.



- (4) Balconies, Porches, and External Stairs: The project, as appropriate, incorporates entrances, balconies, porches, stairways, and other projections that reflect patterns established in the historic context and the block face.

6. Building Materials, Elements and Detailing:

- a. Materials: Building facades, other than windows and doors, incorporate no less than eighty percent (80%) durable material such as, but not limited to, wood, brick, masonry, textured or patterned concrete and/or cut stone. These materials reflect those found elsewhere in the district and/or setting in terms of scale and character.
- b. Materials on Street-Facing Facades: The following materials are not considered to be appropriate and are prohibited for use on facades which face a public street: vinyl siding and aluminum siding.
- c. Windows: Windows and other openings are incorporated in a manner that reflects patterns, materials, profile, and detailing established in the district and/or setting.
- d. Architectural Elements and Details: The design of the building features architectural elements and details that reflect those characteristic of the district and/or setting.

7. Signage Location: Locations for signage are provided such that they are an integral part of the site and architectural design and are complementary to the principal structure.

I. Standards for Relocation of Landmark Site or Contributing Structure: In considering an application for a certificate of appropriateness for relocation of a landmark site or a contributing structure, the historic landmark commission shall find that the project substantially complies with the following standards:

1. The proposed relocation will abate demolition of the structure;
2. The proposed relocation will not diminish the overall physical integrity of the district or diminish the historical associations used to define the boundaries of the district;
3. The proposed relocation will not diminish the historical or architectural significance of the structure;
4. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
5. A professional building mover will move the building and protect it while being stored; and



6. A financial guarantee to ensure the rehabilitation of the structure once the relocation has occurred is provided to the city. The financial guarantee shall be in a form approved by the city attorney, in an amount determined by the planning director sufficient to cover the estimated cost to rehabilitate the structure as approved by the historic landmark commission and restore the grade and landscape the property from which the structure was removed in the event the land is to be left vacant once the relocation of the structure occurs.
- J. Standards for Demolition of Landmark Site: In considering an application for a certificate of appropriateness for demolition of a landmark site, the historic landmark commission shall only approve the application upon finding that the project fully complies with one of the following standards:
1. The demolition is required to alleviate a threat to public health and safety pursuant to Subsection 21A.34.020.F.10; or
  2. A determination of economic hardship has been granted by the historic landmark commission pursuant to the provisions of Subsection 21A.34.020.L.
- K. Standards for Demolition of a Contributing Principal Building: When considering a request for approval of a certificate of appropriateness for demolition of a contributing principal building, the historic landmark commission shall determine whether the request substantially complies with the following standards:
1. The historic integrity of the site as defined in Section 21A.62.040 is no longer evident and the site no longer meets the definition of a contributing building or structure in Section 21A.62.040;
  2. The streetscape within the context of the H Historic Preservation Overlay District would not be negatively materially affected if the contributing principal building were to be demolished;
  3. The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district;
  4. The base zoning of the site does not permit land uses that would allow the adaptive reuse of the contributing principal building;
  5. The contributing principal building has not suffered from willful neglect, as evidenced by the following:
    - a. Willful or negligent acts that have caused significant deterioration of the structural integrity of the contributing principal building to the point that the building fails to substantially conform to applicable standards of the state construction code,

- b. Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or
  - c. Failure to secure and board the contributing principal building, if vacant, per Section 18.64.045 of this code.
- L. Economic Hardship Determination: Upon denial of a certificate of appropriateness for demolition of a contributing principal building by the historic landmark commission, the owner and/or owner's representative will have one year from the end of the appeal period as described in Chapter 21A.16 of this title, to submit an application for determination of economic hardship. In the case of a landmark site, an application for determination of economic hardship shall be submitted at the same time as an application for demolition of a landmark site to meet the standard of Subsection 21A.34.020.J.2 of this section.
  - 1. Application for Determination of Economic Hardship: An application for a determination of economic hardship shall be made on a form provided by the zoning administrator and accompanied by applicable fees as noted in the Salt Lake City consolidated fee schedule.
  - 2. Evidence for Determination of Economic Hardship: The burden of proof is on the owner or owner's representative to provide sufficient evidence to demonstrate an economic hardship. Any finding in support of economic hardship shall be based solely on the hardship of the property. Evidence may include, but is not limited to:
    - a. Physical condition of the property at time of purchase and the applicant's plans for the property at time of purchase.
    - b. The current level of economic return on the property as considered in relation to the following:
      - (1) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between applicant, and the person from whom the property was purchased;
      - (2) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;
      - (3) Real estate taxes for the previous three (3) years by the Salt Lake County Assessor;
      - (4) An appraisal, no older than six (6) months at the time of application for determination of economic hardship conducted by an MAI certified appraiser licensed within the State of Utah. Also all appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
      - (5) The fair market value of the property taking into consideration the H Historic Preservation Overlay District; and

- (6) For non-residential or multifamily properties, any state or federal income tax returns on or relating to the property for the previous three (3) years.
  - c. The marketability of the property for sale or lease, as determined by any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
    - (1) Any real estate broker or firm engaged to sell or lease the property;
    - (2) Reasonableness of the price in terms of fair market value or rent sought by the applicant; and
    - (3) Any advertisements placed for the sale or rental of the property.
  - d. The feasibility of alternative uses for the property as considered in relation to the following:
    - (1) Report from a licensed engineer or architect with demonstrated experience in rehabilitation of older buildings as to the structural soundness of any building on the property;
    - (2) An estimate of the cost of the proposed construction or alteration, including the cost of demolition and removal, and potential cost savings for reuse of materials;
    - (3) The estimated market values of the property in current condition, after completion of the demolition; and after renovation of the existing property for continued use; and
    - (4) The testimony of a professional with demonstrated experience in rehabilitation of older buildings as to the economic feasibility of rehabilitation or reuse of the existing building on the property. An experienced professional may include, but is not limited to, an architect, developer, real estate consultant, appraiser, or any other professional experienced in preservation or rehabilitation of older buildings and licensed within the State of Utah.
  - e. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
  - f. Description of past and current use.
  - g. An itemized report that identifies what is deficient if the building does not meet minimum city building code standards or violations of this code and whether any exceptions within Chapter 12 Historic Buildings of the IEBC, or its successor, could be used to resolve those deficiencies.
  - h. Consideration of map amendment, conditional use, or other land use processes to alleviate hardship.
3. Procedure for Determination of Economic Hardship:

- a. Appointment of Qualified Expert: The planning director shall appoint a qualified expert to evaluate the application and provide advice and/or testimony to the historic landmark commission concerning the value of the property and whether or not the denial of demolition could result in an economic hardship.
  - (1) The extent of the Authority: The planning director's appointed qualified expert is limited to rendering advice and testimony to the historic landmark commission and has no decision-making capacity.
  - (2) The planning director's appointed qualified expert shall have considerable and demonstrated experience in appraising, renovating, or restoring historic properties, real estate development, economics, accounting, finance and/or law.
  - (3) The historic landmark commission may also consider other expert testimony upon reviewing the evidence presented by the applicant or receiving the advice/testimony of the planning director's appointed qualified expert as necessary.
- b. Review of Evidence: The historic landmark commission shall hold a public hearing in accordance with the standards and procedures set forth in Chapter 21A.10 of this title to consider the evidence submitted, and the advice and testimony of the planning director's appointed qualified expert.
- c. Finding of Economic Hardship: If after reviewing all of the evidence presented by the applicant and the advice/testimony of the planning director's appointed qualified expert, and if the historic landmark commission finds that the applicant has presented sufficient information supporting a determination of economic hardship, then the historic landmark commission shall approve the demolition. In order to show that all beneficial or economically viable use cannot be obtained, the historic landmark commission must find that all of the following are met:
  - (1) The contributing principal building or landmark site cannot be economically used or rented at a reasonable rate of return in its present condition or if rehabilitated;
  - (2) The contributing principal building or landmark site cannot be put to any reasonable beneficial use in its present condition or if rehabilitated; and
  - (3) Bona fide efforts during the previous year to sell or lease the contributing principal building or landmark site at a reasonable price have been unsuccessful.
- d. Certificate of Appropriateness for Demolition: If the historic landmark commission finds an economic hardship, a certificate of appropriateness for demolition shall be issued in accordance with Subsection 21A.34.020.F.8.
- e. Denial of Economic Hardship: If the historic landmark commission does not find an economic hardship, then the application for a certificate of appropriateness for

demolition shall be denied. No further economic hardship determination applications may be considered for the subject property for three (3) years from the date of the final decision of the historic landmark commission. The historic landmark commission may waive this restriction if the historic landmark commission finds there are circumstances sufficient to warrant a new hearing other than the re-sale of the property or those caused by the negligence or intentional acts of the owner.

SECTION 5. Amending the text of *Salt Lake City Code* Subsection 21A.40.190.B. That Subsection 21A.40.190.B of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Small Solar Energy Collection Systems: Small Solar Energy Collection Systems and Historic Preservation Overlay Districts or Landmark Sites) shall be, and hereby is amended to read as follows:

- B. Small Solar Energy Collection Systems and Historic Preservation Overlay Districts:
1. General: In addition to meeting the standards set forth in this section, all applications to install a small solar energy collection system within the Historic Preservation Overlay District shall obtain a certificate of appropriateness in accordance with Section 21A.34.020 prior to installation. Small solar energy collection systems shall be allowed in accordance with the location priorities detailed in Subsection B.3 of this section. If there is any conflict between the provisions of this Subsection B, and any other requirements of this section, the provisions of this Subsection B shall take precedence.
  2. Installation Standards: The small solar energy collection system shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device. The system must be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.
  3. Small Solar Energy Collection System Location Priorities: In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation 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.
    - a. Rear yard in a location not readily visible from a public right-of-way.
    - b. On accessory buildings or structures in a location not readily visible from a public right-of-way.
    - c. In a side yard in a location not readily visible from a public right-of-way.

- d. On the principal building in a location not readily visible from a public right-of-way.
- e. On the principal building in a location that may be visible from a public right-of-way, but not on the structure's front facade.
- f. On the front facade of the principal building in a location most compatible with the character defining features of the structure.

SECTION 6. Amending the text of Salt Lake City Code Section 21A.50.020. That

Section 21A.50.020 of the *Salt Lake City Code* (Zoning: Amendments: Authority) shall be, and hereby is amended to read as follows:

**21A.50.020: AUTHORITY:**

The text of this title and the zoning map may be amended by the passage of an ordinance adopted by the city council in accordance with the procedures set forth in this chapter. Applications related to H Historic Preservation Overlay District or Landmark Sites are subject to the procedures in Chapter 21A.51, Local Historic Designations and Amendments.

SECTION 7. Amending the text of Salt Lake City Code Section 21A.50.030. That

Section 21A.50.030 of the *Salt Lake City Code* (Zoning: Amendments: Initiation) shall be, and hereby is amended to read as follows:

**21A.50.030: INITIATION:**

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, the city council, the planning commission, or the owner of the property included in the application, or the property owner's authorized agent. Applications related to the Homeless Resource Center Overlay shall be initiated as provided in Chapter 21A.34 of this title.

SECTION 8. Amending the text of Salt Lake City Code Subsection 21A.50.040.B That

Section 21A.50.030.B of the *Salt Lake City Code* (Zoning: Amendments: Procedure: Fees) shall be, and hereby is amended to read as follows:

- B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this

title. Application and noticing fees filed by the city council, planning commission or the mayor shall not be required. Application and noticing fees filed to establish a character conservation district shall not be required.

SECTION 9. Amending the text of Salt Lake City Code Section 21A.50.060 That Section 21A.50.060 of the *Salt Lake City Code* (Zoning: Amendments: Limitation on Amendments) shall be, and hereby is amended to read as follows:

**21A.50.060: LIMITATION ON AMENDMENTS:**

- A. No application for an amendment to this title shall be considered by the city council or the planning commission within one year of the withdrawal by the applicant or final decision of the city council upon a prior application covering substantially the same subject or substantially the same property.
- B. This determination shall be made by the zoning administrator upon receipt of an application pursuant to Section 21A.50.030 of this chapter. This provision shall not restrict the mayor, the city council or the planning commission from proposing any text amendment or change in the boundaries of any of the districts in this title at any time.

SECTION 10. Adopting a new Chapter 21A.51 of Salt Lake City Code 21A. Chapter 21A of the *Salt Lake City Code* (Local Historic Designation and Amendments) shall be and hereby is amended to include a new Chapter 21A.51 Local Historic Designation and Amendments and shall read as follows:

**Chapter 21A.51  
LOCAL HISTORIC DESIGNATION & AMENDMENTS**

- 21A.51.010: Purpose Statement**
- 21A.51.020: Authority**
- 21A.51.030: Local Historic Designation Process**
- 21A.51.040: Local Historic Designation Criteria**
- 21A.51.050: Existing Local Historic Amendment Process**
- 21A.51.060: Existing Local Historic Amendment Criteria**
- 21A.51.070: Limitations**
- 21A.51.080: Historic Resource Surveys**
- 21A.51.090: Appeal of Decision**

#### **21A.51.010: PURPOSE STATEMENT:**

The purpose of this chapter is to provide standards and procedures for making amendments to the zoning map related to the H Historic Preservation Overlay District. The H Historic Preservation Overlay District applies to all properties within the boundaries of a local historic district, part of a thematic designation, or a landmark site.

#### **21A.51.020: AUTHORITY:**

- A. Authority: Pursuant to the procedures and standards in this chapter and the standards for general amendments in Section 21A.50.050, the city council may amend the zoning map and apply the H Historic Preservation Overlay District by the passage of an ordinance and:
1. Designate a landmark site;
  2. Designate as a local historic district;
  3. Designate as a thematic designation;
  4. Amend designations to add or remove features or property to or from a landmark site, local historic district or thematic designation;
  5. Revoke designation of a landmark site;
  6. Adopt comprehensive historic resource surveys and associated reports for new landmark sites, local historic districts or thematic designations; and
  7. Adopt updates to historic resource surveys and associated reports for existing local historic districts or thematic designations in accordance with the provisions in Section 21A.51.080.

#### **21A.51.030: LOCAL HISTORIC DESIGNATION PROCESS:**

Salt Lake City will consider the local designation of a landmark site, local historic district or thematic designation in order to protect the best examples of historic resources which represent significant elements of the city's prehistory, history, development patterns or architecture. Local designation must be in the best interest of the city and achieve a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage.

##### **A. Process for Designation of a Local Historic District or Thematic Designation:**

1. Procedures Required Before an Application Can be Submitted: Prior to the submittal of an application for the designation or amendment local historic district or thematic designation, and prior to gathering any signatures for an application, the following steps must be completed:
  - a. Pre-application Conference: A potential applicant shall attend a pre-application conference with the planning director or designee. The purpose of this meeting is



to discuss the merits of the proposed designation and the amendment processes as outlined in this section.

- b. Notification to Affected Property Owners: Following the preapplication conference outlined in Subsection A.1.a of this section, the city shall send by first class mail a neutral informational pamphlet to owners of record for each property potentially affected by a forthcoming application. The informational pamphlet shall be mailed after a potential applicant submits to the city a finalized proposed boundary of an area to be included in the H Historic Preservation Overlay District. The informational pamphlet shall contain, at a minimum, a description of the process to create a local historic district or thematic designation and will also list the pros and cons of a local historic district or thematic designation. Once the city sends the informational pamphlet, gathering of property owner signatures may begin per Subsection A.2 of this section. The informational pamphlet sent shall remain valid for ninety (90) days. If an application is not filed with the city within ninety (90) days after the date that the informational pamphlet was mailed, the city shall close its file on the matter. Any subsequent proposal must begin the application process again.
2. Application:
- a. Parties Entitled to Submit Application: The mayor or the city council, by a majority vote, may initiate a petition to consider designation of a local historic district or thematic designation. A property owner submitting such application shall demonstrate, in writing, support of more than thirty three percent (33%) of the property owners of lots or parcels within the proposed boundaries of an area to be included in the H Historic Preservation Overlay District.
    - (1) For purposes of this subsection, a lot or parcel of real property may not be included in the calculation of the required percentage unless the application is signed by property owners representing at least fifty percent (50%) of the interest in that lot or parcel.
    - (2) Each lot or parcel of real property may only be counted once toward the thirty three percent (33%), regardless of the number of owner signatures obtained for that lot or parcel.
    - (3) Signatures obtained to demonstrate support of more than thirty three percent (33%) of the property owners within the boundary of the proposed local historic district or thematic designation must be gathered within a period of ninety (90) days as counted between the date that the informational pamphlet was mailed as required per Subsection 21A.51.030.A.1.b and the date of the last required signature.

- b. Submittal Requirements: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information unless deemed unnecessary by the zoning administrator:
    - (1) Information demonstrating the procedures in Subsections 21A.51.030.A.1.a and 21A.51.030.A.1.b have been followed;
    - (2) Information demonstrating the requirements in Subsection 21A.51.030.A.2.a have been met;
    - (3) Street addresses and parcel numbers of all properties included in the proposed local designation;
    - (4) Photos of all properties included in the proposed designation;
    - (5) Narrative demonstrating compliance with the standards and considerations in Section 21A.51.040; and
    - (6) Any other information the zoning administrator deems necessary for consideration of a particular application.
  - c. Fees: Application and noticing fees for designation of a local historic district or thematic designation shall not be required.
- 3. Notice of Designation Application Letter: Following the receipt by the city of an application for the designation of a local historic district or thematic designation, the city shall send a notice of designation application letter to owner(s) of record for each property affected by said application along with a second copy of the informational pamphlet described in Subsection 21A.51.030.A.1.b. In the event that no application is received following the ninety (90) day period of property owner signature gathering, the city will send a letter to property owner(s) of record stating that no application has been filed, and that the city has closed its file on the matter.
  - 4. Planning Director Report to the City Council: Following the receipt by the city of an application for the designation to a local historic district or thematic designation and following mailing of the notice of designation application letter described in Subsection 21A.51.030.A.3, the planning director shall submit a report based on the following considerations to the city council:
    - a. Whether a current historic survey meeting the standards prescribed by the State Historic Preservation Office is available for the landmark site or the area proposed

for a local historic district or thematic designation. If a suitable survey is not available, the report shall propose a strategy to gather the needed survey data.

- b. The city administration will determine the priority of the petition and determine whether there is sufficient funding and staff resources available to allow the planning division to complete a community outreach process, historic resource analysis and to provide ongoing administration of the new local historic district or thematic designation if the designation is approved by the city council. If sufficient funding is not available, the report shall include a proposed budget.
  - c. Whether the proposed designation is generally consistent with the purposes, goals, objectives and policies of the city as stated through its various adopted planning documents.
  - d. Whether the proposed designation would generally be in the public interest.
  - e. Whether there is probable cause to believe that the proposed landmark site, local historic district or thematic designation may be eligible for designation consistent with the purposes and designation criteria in Section 21A.51.040 and the zoning map amendment criteria in Section 21A.50.050, “Standards for General Amendments”, of this title.
  - f. Verification that a neutral informational pamphlet was sent per Subsection 21A.51.030.A.3 of this section to all property owners within a proposed local historic district following the preapplication process outlined in Subsections 21A.51.030.A.1.a and 21A.51.030.A.1.b.
5. Notification to Recognized Community Organizations: Notification to recognized community organizations shall be provided as set forth in Section 2.60.050 of this code.
6. Property Owner Meeting: Following the submission of the planning director’s report and acceptance of the report by the city council, the planning division will conduct a community outreach process to inform the owners of property within the proposed boundaries of the proposed local historic district or thematic designation about the following:
- a. The designation process, including determining the level of property owner support, the public hearing process, and final decision-making process by the city council; and
  - b. Zoning ordinance requirements affecting properties located within the H Historic Preservation Overlay District, adopted design guidelines, the design review

process for alterations and new construction, the demolition process and the economic hardship process.

7. Open House: The planning division will conduct an open house pursuant to Section 2.60.050.
8. Public Hearings: A public hearing shall be held with both the historic landmark commission and the planning commission in accordance with the standards and procedures set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The historic landmark commission and planning commission shall recommend approval or denial of the proposal or the approval of some modification of the proposal.
9. Property Owner Opinion Balloting:
  - a. Following the completion of the historic landmark commission and planning commission public hearings, the city will deliver property owner opinion ballots via first class mail to property owners of record within the boundary of the proposed local historic district or thematic designation. The property owner opinion ballot is a nonbinding opinion poll to inform the city council of property owner interest regarding the designation of a local historic district. Each individual property in the proposed designation boundary, regardless of the number of owners having interest in any given property, will receive one property owner opinion ballot.
    - (1) A property owner is eligible to vote regardless of whether or not the property owner is an individual, a private entity, or a public entity;
    - (2) The city shall count no more than one property owner opinion ballot for:
      - (a) Each parcel within the boundaries of the proposed local historic district or area; or
      - (b) If the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and
      - (c) If a parcel or unit has more than one owner of record, the city shall count a property owner opinion ballot for the parcel or unit only if the property owner opinion ballot reflects the vote of the property owners who own at least fifty percent (50%) interest in the parcel or unit.
  - b. Property owners of record will have thirty (30) days from the postmark date of the property owner opinion ballot to submit a response to the city indicating the property owner’s support or nonsupport of the proposed designation.

- c. A letter shall be mailed to all property owners within the proposed local historic district or thematic designation whose property owner opinion ballot has not been received by the city within fifteen (15) days from the original postmark date. This follow up letter will encourage the property owners to submit a property owner opinion ballot prior to the thirty (30) day deadline date set by the mailing of the first property owner opinion ballot.
- 10. Notification of Property Owner Opinion Balloting Results: Following the public opinion balloting for the proposed designation, the city will send notice of the results to all property owners within the proposed local historic district or thematic designation.
- 11. City Council Consideration: Following the transmittal of the recommendations of the historic landmark commission and the planning commission and the results of the property owner opinion ballot process, the city council shall hold a public hearing to consider the designation of a local historic district or thematic designation in accordance with the standards and procedures set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title and the following:
  - a. If the property owner opinion ballots returned equals at least two-thirds ( $\frac{2}{3}$ ) of the total number of returned property owner support ballots and represents more than fifty percent (50%) of the parcels and units (in the case of a condominium) within the proposed local historic district, area, or thematic designation, the city council may designate a local historic district or a thematic district by a simple majority vote.
  - b. If the number of property owner opinion ballots received does not meet the threshold identified in Subsection 21A.51.030.A.11.a the city council may only designate a local historic district, area, or a thematic district by an affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the members of the city council.
  - c. If the number of property owner opinion ballots received in support and in opposition is equal, the city council may only designate a local historic district or a thematic district by a super majority vote.

B. Process for Designation of a Landmark Site:

1. Application:

- a. Parties Entitled to Submit Application: Any owner of property proposed for a landmark site, the mayor or the city council, by majority vote, may initiate a petition to consider the designation of a landmark site.
    - b. Submittal Requirements: Applications for landmark sites shall provide at least all of the information in Subsection 21A.51.030.A.2.b unless deemed unnecessary by the zoning administrator.
    - c. Fees: Application and noticing fees for designation of a landmark site shall not be required.
  2. Notification to Community Organizations: Notification to recognized community organizations shall be provided as set forth in Section 2.60.050 of this code.
  3. Public Hearings: A public hearing shall be held with both the historic landmark commission and the planning commission in accordance with the standards and procedures set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The historic landmark commission and planning commission shall recommend approval or denial of the proposal or the approval of some modification of the proposal and the recommendation will be submitted to the city council.
  4. City Council Consideration: Following the transmittal of the recommendations of the historic landmark commission and the planning commission, the city council shall hold a public hearing to consider the designation of a landmark site in accordance with the standards and procedures set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The city council may, by a majority vote, designate a landmark site.
- C. City Council Decision: Following city council designation of a landmark site, local historic district or thematic designation, all of the properties located within the boundaries of the local historic district, landmark site, or thematic designation will be subject to the H Historic Preservation Overlay District and subject to the provisions of Section 21A.34.020. The zoning regulations will go into effect on the date of the publication of the ordinance unless otherwise noted on the adopted ordinance.
1. Designation Adoption: Designation of a landmark site, local historic district or thematic designation includes adoption of the historic survey and associated report submitted for the designation. Historic resource surveys may be updated pursuant to the provisions in Section 21A.51.080 or Subsection 21A.34.020.D.
  2. Notice of Designation: Within thirty (30) days following the designation of a landmark site, local historic district or thematic designation, the city shall provide

notice of the action to all owners of property within the boundaries of the H Historic Preservation Overlay District. In addition, a notice shall be recorded in the office of the Salt Lake County Recorder for all lots or parcels within the area added to the H Historic Preservation Overlay District.

**21A.51.040: LOCAL HISTORIC DESIGNATION CRITERIA:**

- A. Standards for the Designation of a Landmark Site, Local Historic District or Thematic Designation: The proposed landmark site, local historic district, or thematic designation shall be evaluated according to the following:
1. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:
    - a. Events that have made significant contribution to the important patterns of history, or
    - b. Lives of persons significant in the history of the city, region, state, or nation, or
    - c. The distinctive characteristics of a type, period of significance, or method of construction; or the work of a notable architect or master craftsman, or
    - d. Information important in the understanding of the prehistory or history of Salt Lake City; and
  2. Historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined in Section 21A.62.040. When analyzing historic integrity, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district.
  3. The proposed landmark site, local historic district or thematic designation is listed, or is eligible to be listed on the National Register of Historic Places;
  4. The proposed designation contains notable examples of elements of the city's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City;
  5. The designation is generally consistent with adopted planning policies; and
  6. The designation would be in the overall public interest.
- B. Factors to Consider: The following factors may be considered by the historic landmark commission and the city council to help determine whether the proposed designation of a

landmark site, local historic district or thematic designation meets the criteria listed above:

1. Sites are of an age that allows insight into whether a property is sufficiently important in the overall history of the community as identified in one or more periods of significance in a historic survey report. Typically, this is at least fifty (50) years but could be less if the property has exceptional importance.
  2. Whether the proposed local historic district or thematic designation contains examples of elements of the city's history, development patterns and/or architecture that may not already be protected by other local historic districts within the city.
  3. Whether designation of the proposed local historic district or thematic designation would add important knowledge that advances the understanding of the city's history, development patterns and/or architecture.
  4. Whether approximately seventy five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by the most recent applicable historic survey and those relate to identified significance and periods of significance.
- C. Boundaries of a Proposed Landmark Site: When applying the evaluation criteria in Subsection 21A.51.040.A, the boundaries of a landmark site shall be drawn to ensure that historical associations, that best enhance the integrity of the site comprise the boundaries.
- D. Boundaries of a Proposed Local Historic District: When applying the evaluation criteria in Subsection 21A.51.040.A, the boundaries shall be drawn to ensure the local historic district:
1. Contains a significant density of documented sites, buildings, structures or features rated as contributing structures in a recent historic survey;
  2. Coincides with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;
  3. Coincides with logical physical or manmade features and reflect recognized neighborhood boundaries; and
  4. Contains noncontributing resources or vacant land only where necessary to create appropriate boundaries to meet the criteria in Subsections 21A.51.040.A and 21A.51.040.D.
- E. Boundaries of a Proposed Thematic Designation: When applying the evaluation criteria of this section, the boundaries shall be drawn to ensure the thematic designation contains a collection of sites, buildings, structures, or features that are associated by historical,



architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.

**21A.51.050: EXISTING LOCAL HISTORIC AMENDMENT PROCESS:**

A. Applicability: Existing Local Historic Amendments applies to the following:

1. Expanding the boundaries of an existing landmark site, local historic district, or adding additional properties to an existing thematic designation;
2. Reducing the boundaries of an existing landmark site, local historic district, or removing properties from an existing thematic designation; and
3. Revocation of the designation of a landmark site.

B. Process for Amendments to Existing Local Historic Districts and Thematic Designations:

1. Boundary Expansion: The process for expanding the boundaries of an existing local historic district or adding properties to a thematic designation shall be the same as outlined in Subsection 21A.51.030.A except that the following shall only apply to the properties being added into the proposed expanded boundary and do not apply to those properties already designated in a local historic district or thematic designation and already subject to the H Historic Preservation Overlay District:
  - a. The notification to affected property owners described in Subsection 21A.51.030.A.1.b;
  - b. The application submittal requirements for demonstrating support of 33% of the property owners described in Subsection 21A.51.030.A.2;
  - c. The property owner meeting described in Subsection 21A.51.030.A.6;
  - d. The opinion ballot described in Subsection 21A.51.030.A.9;
  - e. Notification of property owner opinion balloting results in Subsection 21A.51.030.A.10; and
  - f. City council consideration opinion ballot thresholds described in Subsection 21A.51.030.A.11.
2. Boundary Reduction: The process for reducing the boundaries of an existing local historic district or removing properties from a thematic designation shall be the same as outlined in Subsection 21A.51.030.A except that:
  - a. The requirements described in Subsection 21A.51.050.B.1.a through f, shall only apply to those properties proposed to be removed from the local historic district or

thematic designation and do not apply to those properties already designated in a local historic district or thematic designation and already subject to the H Historic Preservation Overlay District.

- b. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this title. Applications filed by the city council, planning commission or the mayor shall not be required.

C. Amendments to Existing Landmark Sites:

- 1. Boundary Expansion or Reduction or Revocation: The process for expanding or reducing the boundaries of an existing landmark site or the revocation of the designation of a landmark site shall follow the steps outlined in Subsection 21A.51.030.B in addition to:
  - a. Fees: Applications for reducing the boundaries of a landmark site or for the revocation of the designation of a landmark site shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this title. Applications filed by the city council, planning commission or the mayor shall not be required.

**21A.51.060: EXISTING LOCAL HISTORIC AMENDMENT CRITERIA:**

- A. Expansion: A proposed expansion of the boundaries of an existing landmark site, local historic district, or the addition of properties to a thematic designation shall be considered utilizing the provisions of Subsections 21A.51.040.A through E and provided that new information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the landmark site, local historic district or thematic designation.
- B. Reduction: A proposed reduction of the boundaries of an existing landmark site, local historic district or the removal of properties from a thematic designation shall demonstrate the properties have no longer met the criteria in Subsection 21A.51.040.A for inclusion within the landmark site, local historic district or thematic designation. The qualities that caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the historic landmark commission recommendation and adoption of the designation.

- C. Revocation of the Designation of a Landmark Site: A proposal for revocation of a landmark site shall demonstrate the property no longer meets the criteria in Subsection 21A.51.040.A for which it was originally designated.

#### **21A.51.070: LIMITATIONS:**

- A. If a local historic district or thematic designation proposal fails in accordance with the voting procedures set forth in Subsection 21A.51.030.A.9, a resident may not initiate the creation of a local historic district or thematic designation that includes more than fifty percent (50%) of the same property as the failed local historic district or thematic designation proposal for four (4) years after the day on which the property owner opinion ballots for the vote were due.
1. This determination shall be made by the zoning administrator upon receipt of an application pursuant to Section 21A.51.030 of this chapter. This provision shall not restrict the mayor or the city council from initiating a petition at any time for a new local historic district or thematic designation, or to amend the boundaries of a local historic district or the removal or addition of properties in a thematic designation.

#### **21A.51.080: HISTORIC RESOURCE SURVEYS**

- A. Existing Historic Resource Surveys: Any historic resource survey that was conducted for the city prior to the amendment of this chapter shall be utilized by the planning director and the historic landmark commission in applying provisions of Section 21A.34.020 the H Historic Preservation Overlay District. Any subsequent adoption of a historic resource survey will be done by ordinance in accordance with the provisions in this chapter and will supersede previous surveys.
- B. Updates to Historic Resource Surveys:
1. Applicability: The city aims to update historic resource surveys on a periodic basis as recommended by the National Park Service. Updates to surveys are for land use purposes to determine periods of significance, to determine historic status of individual properties, to update the national register, and to keep archival records on historic properties. Updates to a historic resource survey for existing local historic district is subject to the following:
    - a. The standards of the H Historic Preservation Overlay apply to those properties within an adopted local historic district. Any other properties evaluated in a historic resource survey outside the boundary of a designated local district or thematic designation will not be subject to the land use regulations associated with historic status designations in the H Historic Preservation Overlay District.

- b. An updated historic resource survey maintains the boundaries of a local historic or the properties within a thematic designation but may update the historic status of properties within the adopted H Historic Preservation Overlay District.
- c. Historic Status Determinations: Instances where the historic status of an individual property within a local historic district is in question, the zoning administrator will use the provisions of Subsection 21A.34.020.D to make a timely determination.
- d. Any properties changing status from the most recent historic resource survey shall be specifically identified in the updated survey and their period of significance and historic status listed.

## 2. Process for Updating Historic Resource Surveys:

- a. Public Hearings: A public hearing shall be held with both the historic landmark commission and the planning commission in accordance with the standards and procedures set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The historic landmark commission and planning commission shall recommend approval or denial of the updated historic resource survey or the approval of some modification of the updated historic resource survey and the recommendation will be submitted to the city council.
- b. City Council: Following the transmittal of the historic landmark commission’s recommendation, the city council shall hold a public hearing to consider adopting the updated historic survey in accordance with the procedures set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The city council may, by a majority vote, adopt the updated historic resource survey. In deciding to adopt an updated historic resource survey, the city council may consider the following in their decision making:
  - (1) Any benefit or impact that extending the period of significance would have on the local district or thematic designation and the city;
  - (2) Any new period of significance in the updated survey is identified and associated with at least one of the following:
    - (a) Events that have made significant contribution to the important patterns of history, or
    - (b) Lives of persons significant in the history of the city, region, state, or nation, or

(c) The distinctive characteristics of a type, period of significance or method of construction; or the work of a notable architect or master craftsman, or

(d) Information important in the understanding of the prehistory or history of Salt Lake City; and

(3) Any properties within a new period of significance will be assessed for aspects of integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service Aspects of integrity. When analyzing integrity, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district. If integrity is intact, the property is denoted as contributing in the updated survey;

(4) Any notable examples of elements of the city's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City are specifically identified for any new periods of significance in the updated survey;

(5) The historic survey update would be in the overall public interest.

C. City Council Action: If an updated historic resource survey is adopted by the city council, the updated historic resource survey including any updated historic status designations shall be used when applying provisions of the H Historic Preservation Overlay District in Section 21A.34.020. The decision to update a historic resource survey will go into effect on the date of the publication of the related ordinance unless otherwise noted on the adopted ordinance.

#### **21A.51.090: APPEAL OF DECISION:**

Any party adversely affected by the decision of the city council may, within thirty (30) days after such decision, file a petition for review to the District Court pursuant to the Municipal Land Use Development and Management Act, Section 10-9a-801, of the Utah Code.

SECTION 11. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Contributing Structure  
Noncontributing Structure  
Demolition (as it applies to properties within the H Historic Preservation Overlay District)  
Demolition, Partial (as it applies to properties within the H Historic Preservation Overlay District)  
Historic Design Guidelines  
Historic Integrity  
Economic Hardship  
Historic Resource Survey  
Landmark Site  
Local Historic District  
Period of Significance  
Thematic Designation  
Willful Neglect

SECTION 12. Amending the Text of *Salt Lake City Code* Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms) shall be and hereby is amended to add the following definitions, which shall be inserted in alphabetical order and shall read as follows:

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

**DEMOLITION (AS IT APPLIES TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY DISTRICT):** Any act or process which destroys a structure, object or property within the H Historic Preservation Overlay District or a landmark site. (See definition of demolition, partial.)

**DEMOLITION, PARTIAL (AS IT APPLIES TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY DISTRICT):** Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the structure to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty

five percent (25%) when the demolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

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

**HISTORIC DESIGN GUIDELINES:** The historic design guidelines provide guidance in determining the suitability and architectural compatibility of proposed maintenance, repair, alteration or new construction while at the same time, allowing for reasonable changes that meet current needs of properties located within the H Historic Preservation Overlay District. For architects, designers, contractors and property owners, they provide guidance in planning and designing future projects. For city staff and the historic landmark commission, they provide guidance for the interpretation of the zoning ordinance standards. Design guidelines are officially adopted by city council.

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

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

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

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

Materials: Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

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

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

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

**HISTORIC RESOURCE SURVEY:** A systematic resource for identifying and evaluating the quantity and quality of historic resources for land use planning purposes following the guidelines and forms of the Utah State Historic Preservation Office. Historic resource surveys shall be prepared by a qualified professional meeting the minimum professional qualifications defined by the U.S. National Park Service in the fields of history, archeology, architectural history, architecture, or historic architecture.

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

**LOCAL HISTORIC DISTRICT:** A contiguous geographically definable area with a minimum district size of one “block face”, as defined in Section 21A.62.040, designated by the city council pursuant to the provisions in Subsection 21A.51.030.A, which contains buildings, structures, sites, objects, landscape features, archaeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City. All properties within a local historic district are subject to the regulations of Section 21A.34.020 the H Historic Preservation Overlay District.

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

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

**THEMATIC DESIGNATION:** A collection of individual sites, buildings, structures, or features designated by City Council pursuant to the provisions in Subsection 21A.51.030.A, which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value. All properties within a thematic designation are subject to the regulations of Section 21A.34.020 the H Historic Preservation Overlay District.

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



SECTION 13. Amending the Consolidated Fee Schedule. That the section of the Salt Lake City consolidated fee schedule titled, “Zoning Fees” shall be and hereby is amended to read as follows:

<b>ZONING FEES</b>				
<b>For question regarding Zoning fees contact: 801.535.7700</b>				
<b>Service</b>		<b>Fee</b>	<b>Additional Information</b>	<b>Section</b>
<b>Determination of Nonconforming Use</b>		\$214		21A.38.025.4
<b>Administrative Interpretation</b>		\$71	Plus \$61 per hour for research after the first hour	21A.12.040.A.6
<b>Alley Vacation/Closure</b>		\$285	Fee waiver available if adequate signatures are obtained. See also fee for required public notices (21A.10.010.E)	14.52.030. A.5
<b>Alternative Parking</b>				
	Residential	\$428		21A.52.040 .A.3
	Nonresidential	\$785		21A.52.040 .A.3
<b>Amendments</b>				
	Master plan	\$1,070	Plus \$121 per acre in excess of one acre. See also fee for required public notices (10.9a.204).	Utah Code 10.9A.510
	Zoning map amendment	\$1,142	Plus \$121 per acre in excess of one acre. See also fee for required public notices (21A.10.010.E).	21A.50.040.B
	Zoning text amendment	\$1,142	See also fee for required public notices (21A.10.010.E)	21A.50.040.B
<b>Annexation</b>		\$1,427	See also fee for required public notices (21A.10.010.E)	Utah Code 10.2.401.5
<b>Appeal of a Decision</b>				
	Administrative decision	\$285	See also fee for required public notices (21A.10.010.E)	21A.16.030.B
	Historic Landmark Commission	\$285	See also fee for required public notices (21A.10.010.E)	21A.16.030.B
	Planning Commission	\$285	See also fee for required public notices (21A.10.010.E)	21A.16.030.B
<b>Appearance Before the Zoning Enforcement Hearing Office</b>				
	First scheduled hearing	No charge		21A.20.90
	Second scheduled hearing	\$71		21A.20.90
<b>Billboard Construction or Demolition including the demolition of a non-conforming billboard</b>		\$285		21A.46.160.D.3 & 21A.46.160.L.2
<b>Conditional Building and Site Design Review</b>		\$856	Plus \$121 per acre in excess of one acre. See also fee for required public notices (21A.10.010.E).	21A.59.070.B
<b>Conditional Use</b>		\$856	See also fee for required public notices (21A.10.010.E).	21A.54.060.C
<b>Condominium</b>				
	Preliminary	\$571	Plus \$37 per unit. See also fee for required public notices (21A.10.010.E).	20.56.40.B
	Final	\$428	Plus \$24 per unit.	20.56.40.B
<b>Declaration of Surplus Real Property</b>		\$428		2.58.040

<b>Historic Landmarks Commission Review (Application)</b>				
	Major Alterations of a principal building	\$100	See also fee for required public notices (21A.10.010.E)	21A.34.020
	New construction of a principal building	\$2,982	See also fee for required public notices (21A.10.010.E)	21A.34.020
	Demolition of a contributing principal building	\$2,406	See also fee for required public notices (21A.10.010.E)	21A.34.020
	Relocation of a contributing principal building	\$303	See also fee for required public notices (21A.10.010.E)	21A.34.020
	Reduction to boundaries of the H Historic Pres. Overlay District	\$2,999	See also fee for required public notices (21A.10.010 E)	21A.51.050
	Revocation of a Landmark Site	\$2,999	See also fee for required public notices (21A.10.010 E)	21A.51.050
	Economic Hardship	\$2,050	Plus \$200/hour up to \$20,000. See also fee for required public notices (21A.10.010.E)	21A.34.020
<b>Home Occupation</b>				
	Non-conditional	No charge	Fee could be assessed in future as per ordinance	21A.36.030
	Conditional	No charge	Fee could be assessed in future as per ordinance	21A.36.030
<b>Outdoor Dining</b>				
	Outdoor Dining Application	\$30		21A.40.065
	Outdoor Dining Permit Fee (1-5 tables)	\$120		21A.40.065
	Outdoor Dining Permit Fee (6 or more tables)	\$180		21A.40.065
<b>Planned Development</b>		\$856	Plus \$121 per acre in excess of (1) acre. See also fee for required public notices (21A.10.010.E)	21A.55
<b>Signs</b>				
	Permit fee for signs	Based on the adopted Building Permit Fee Schedule		21A.46.030
	Plan checking fee	\$0.13	Of building permit value	21A.46.030
	Inspection tag	\$14		21A.46.030
<b>Site Development Permit</b>		\$285	Plus \$61 per acre in excess of one (1) acre	18.28.040.E
<b>Street Closure</b>		\$428	See also fee for required public notices.	2.58.040
<b>Subdivision Amendments</b>		\$428	Plus \$121 per lot. See also fee for required public notices (20.36)	20.04.120
<b>Subdivision Preliminary Plat</b>		\$428	Plus \$121 per lot. See also fee for required public notices (20.36)	20.04.120
<b>Subdivision Final Plat</b>		\$856	Plus \$121 per lot.	20.04.120
<b>Subdivision Vacations</b>		\$428	See also fee for required public notices (20.36)	20.04.120
<b>Engineering Review and Inspection Fee</b>		5% of the 1st \$100,000 of public improvements & 2% for the amount above \$100,000		20.04.120
<b>Subdivision Lot Line Adjustment</b>		\$284		20.04.120
<b>Subdivision Consolidating Lots</b>		\$273		20.04.120
<b>Temporary Uses</b>		\$285		21A.42.060.B
<b>Zoning Variance</b>		\$428	See also fee for required public notices (21A.10.010.E)	21A.18.040.B

As per applicable sections of the city and/or state code, a fee will be assessed for required public notices. This may include sending notice by 1st class U.S. Mail to property owners within a certain radius of the subject property and / or advertising required public hearings in a newspaper of general circulation. A fee for each required public hearing will be assessed. The noticing fee is authorized through the following sections of the zoning ordinance and state law: Salt Lake City Code Subsection 21A.10.010.E and Utah Code Section 10-9a-501.

SECTION 14. 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

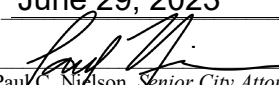
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER  
(SEAL)

Bill No. \_\_\_\_\_ of 2023.

Published: \_\_\_\_\_.

Ordinance amending H Historic Preservation Overlay District regs (final) 6.29.23

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office  
Date: June 29, 2023  
By:   
Paul C. Nielson, Senior City Attorney

# LEGISLATIVE DRAFT

## SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2023

(An ordinance amending various sections of Title 21A of the Salt Lake City Code pertaining to the H Historic Preservation Overlay District and amending the consolidated fee schedule.)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* and the consolidated fee schedule pursuant to Petition No. PLNPCM2023-00123 pertaining to the H Historic Preservation Overlay District.

WHEREAS, on May 4, 2023, the Salt Lake City Historic Landmark Commission (“Landmark Commission”) held a public hearing to consider a petition submitted by Mayor Erin Mendenhall (“Applicant”) (Petition No. PLNPCM2023-00123) to amend various sections of Title 21A of the *Salt Lake City Code* pertaining to the H Historic Preservation Overlay District; and

WHEREAS, at its May 4, 2023 meeting, the Landmark Commission voted in favor of transmitting a positive recommendation to the Salt Lake City Planning Commission (“Planning Commission”) and the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, on May 24, 2023 the Planning Commission held a public hearing on said petition; and

WHEREAS, at its May 24, 2023 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the City Council on said petition; 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:

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SECTION 1. Amending the text of Salt Lake City Code Section 21A.06.040. That  
Section 21A.06.040 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials:  
Appeals Hearing Officer) shall be, and hereby is amended to read as follows:

### **21A.06.040: APPEALS HEARING OFFICER:**

- A. Creation: The position of Appeals Hearing Officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, ~~s~~Section 10-9a-701 of the Utah Code Annotated.
- B. Jurisdiction and Authority: The Appeals Hearing Officer shall have the following powers and duties in connection with the implementation of this title:
1. Hear and decide appeals from any administrative decision made by the Zoning Administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in ~~e~~Chapter 21A.16, "Appeals of Administrative Decisions", of this title;
  2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in ~~e~~Chapter 21A.18, "Variances", of this title;
  3. Hear and decide appeals of any ~~administrative~~ decision made by the ~~H~~Historic Landmark Commission, or the planning director in the case of administrative decisions, pursuant to the procedures and standards set forth in ~~s~~Section 21A.34.020, "H Historic Preservation Overlay District", of this title;
  4. Hear and decide appeals from decisions made by the ~~P~~planning Commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20, "Subdivisions and Condominiums", of this ~~C~~code; and
  5. Hear and decide appeals from administrative decisions made by the planning commission pursuant to the procedures and standards set forth in this title.
- C. Qualifications: The appeals hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for appeals hearing officer review. The appeals hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

## LEGISLATIVE DRAFT

- D. Conflict of Interest: The appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest prohibited by Title 2, Chapter 2.44 of this code.
- E. Removal of The Appeals Hearing Officer: The appeals hearing officer may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning director following receipt by the mayor of a written complaint filed against the appeals hearing officer. If requested by the appeals hearing officer, the mayor shall provide the appeals hearing officer with a public hearing conducted by a hearing officer appointed by the mayor.

SECTION 2. Amending the text of Salt Lake City Code Section 21A.06.050. That Section 21A.06.050 of the *Salt Lake City Code* (Zoning: Decision Making Bodies and Officials: Historic Landmark Commission) shall be, and hereby is amended to read as follows:

### **21A.06.050: HISTORIC LANDMARK COMMISSION:**

- A. General Provisions: The provisions of Title 2, Chapter 2.07 of this code shall apply to the historic landmark commission except as otherwise set forth in this section.
- B. Creation: The historic landmark commission was created pursuant to the enabling authority granted by the ~~Historic District Act~~, ~~Section 11-18-1 et seq.~~, of the ~~Utah Code Annotated, 1953~~ (repealed), and continues under the authority of Utah Code Section 10-8-85.9 and the Land Use Development and Management Act, Utah Code Chapter 10-9a.
- C. Jurisdiction and Authority: The historic landmark commission shall:
1. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of Chapter 21A.34 of this title;
  2. Participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation; Communicate the benefits of historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;
  3. Review and approve or deny applications for the demolition of contributing principal structures in the ~~H Historic Preservation Overlay District~~ pursuant to Chapter 21A.34 of this title;

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4. Review designations, amendments to and boundaries of a local historic district, thematic designation and landmark sites, and make a recommendation ~~Recommend~~ to the planning commission and the city council; the boundaries for the establishment of an H historic preservation overlay district and landmark sites;
5. Make recommendations ~~when requested by the planning commission, the hearing officer or the city council, as appropriate,~~ on applications for zoning amendments ~~and conditional uses~~ involving properties within the H Historic Preservation Overlay Districts; ~~when requested by the applicant, planning director, planning commission or the city council;~~
6. Review and approve or deny certain modifications to dimensional standards for properties located within an H Historic Preservation Overlay District. This authority is also granted to the planning director or designee for applications within the H Historic Preservation Overlay District that are eligible for an administrative approval decision by the planning director or zoning administrator. The certain modifications to zoning district specific development standards are listed as follows and are in addition to any modification authorized elsewhere in this title:
  - a. Overall building and accessory structure height;
  - ba. Building and accessory structure wall height;
  - ~~b. Accessory structure wall height;~~
  - c. Accessory structure square footage;
  - d. Fence and retaining wall height;
  - ~~e. Overall building and accessory structure height;~~
  - ef. Signs pursuant to sSection 21A.46.070 of this title; and
  - fg. Any modification to bulk and lot regulations, except density, of the underlying zoning district where it is found that the proposal complies with the applicable standards identified in sSection 21A.34.020 and is compatible with the surrounding historic structures;
7. Make recommendations to the planning commission in connection with the preparation of the general plan of the city; ~~and~~
8. Make recommendations to the cCity cCouncil on design guidelines, policies and ordinances that may encourage preservation of buildings and related structures of historical and architectural significance;
9. Review historic resource surveys for designations and all subsequent updates and make recommendations to the planning commission and the city council;

## LEGISLATIVE DRAFT

10. Review National Register of Historic Places nominations or amendments and make a recommendation to the Utah Board of State History; and

11. Recommend to the city council development of incentive programs, either public or private, to encourage the preservation of the city's historic resources.

- D. Membership: The ~~H~~historic ~~L~~andmark ~~C~~ommission shall consist of not less than seven (7) nor more than eleven (11) voting members appointed in a manner providing balanced geographic, professional, neighborhood and community interests representation. In situations where a member resigns or is removed as prescribed in this code and adopted policies and procedures and as a result, the number of members drops to less than seven (7), the commission may still function until a 7th member is appointed. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.
- E. Qualifications ~~O~~f Members: Each voting member shall be a resident of the ~~C~~ity interested in preservation and knowledgeable about the heritage of the ~~C~~ity. Members shall be selected so as to ideally provide representation from the following groups of experts and interested parties whenever a qualified candidate exists:
1. At least two (2) architects, and
  2. ~~Citizens~~ Residents at large possessing preservation related experience in archaeology, architecture, architectural history, construction, history, folk studies, law, public history, real estate, real estate appraisal, or urban planning.
- F. Meetings: The ~~H~~historic ~~L~~andmark ~~C~~ommission shall meet at least once per month or as needed.
- G. Commission Action: A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. ~~The decision of the Historic Landmark Commission shall become effective upon the posting of the record of decision.~~
- H. Public Hearings: The ~~H~~historic ~~L~~andmark ~~C~~ommission shall schedule and give public notice of all public hearings pursuant to the provisions of ~~e~~Chapter 21A.10 of this title.
- I. Removal ~~O~~f A Member: Any member of the ~~H~~historic ~~L~~andmark ~~C~~ommission may be removed by the ~~M~~ayor for violation of this title or any policies and procedures adopted by the ~~H~~historic ~~L~~andmark ~~C~~ommission following receipt by the ~~M~~ayor of a written complaint filed against the member.



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- J. Policies and Procedures: The Historic Landmark Commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

SECTION 3. Amending the text of Salt Lake City Code Subsection 21A.10.020.B. That Subsection 21A.010.020.B of the *Salt Lake City Code* (Zoning: General Application and Public Hearing Procedures: Public Hearing Noticing Requirements: Special Noticing Requirements for Administrative Approvals) shall be, and hereby is amended to read as follows:

B. Special Noticing Requirements for Administrative Approvals:

1. Notice of Application for Design Review:

- a. Notification: At least twelve (12) days before a land use decision is made for an administrative design review application as authorized in Chapter 21A.59 of this title, the planning director shall provide written notice to the following:

(1) All owners and identifiable tenants of the subject property, land abutting the subject property, and land located directly across the street from the subject property. In identifying the owners and tenants of the land the city shall use the Salt Lake City geographic information system records.

(2) Recognized community organization(s) in which the subject property is located.

- b. Contents of the Notice of Application: The notice shall generally describe the subject matter of the application, where the public may review the application, the expected date when the planning director will authorize a final land use decision, and the procedures to appeal the land use decision.

- c. End of Notification Period: If the planning director receives comments identifying concerns related to the design review application not complying with the requirements of Chapter 21A.59, the planning director may refer the matter to the planning commission for their review and decision on the application.

2. Notice of Application for Demolition of a Noncontributing Principal Structure Within An H Historic Preservation Overlay District: Prior to the approval of ~~At least twelve (12) days before a land use decision is made on an application for an administrative decision for a certificate of appropriateness for demolition of a noncontributing principal structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action of the request to demolish the structure and to identify that a determination has been made that the building has been identified as a noncontributing building. This notice will be sent to all owners of the land and tenants, of abutting properties and those properties across the street from the subject property within eighty-five feet (85') of the land subject to~~

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~~the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.~~

a. Contents of the Notice of Application: The mailing notice shall generally describe the subject property, include a vicinity map, include a photograph of the noncontributing structure, date of construction, historic status from the most recent historic survey on file or from a historic status determination, where the application can be inspected by the public, and the date when the planning director will issue a certificate of appropriateness for demolition.

~~3. Notice Of Application For Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the Planning Director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.~~

a. Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the Planning Director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.

3. Notice of Application ~~f~~For TSA Development Reviews: Prior to the approval of a development review score as authorized in Section 21A.26.078 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.

a. Contents of ~~t~~he Mailing Notice of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in Chapter 21A.16 of this title.

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SECTION 4. Amending the text of Salt Lake City Code Section 21A.34.020. That  
Section 21A.34.020 of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic  
Preservation Overlay District) shall be, and hereby is amended to read as follows:

## **21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:**

- A. Purpose Statement**
- B. Applicability**
- C. Local Historic Designation, Amendments or Revocation**
- D. Historic Status Determination**
- E. Certificate of Appropriateness Required**
- F. Procedures for Issuance of a Certificate of Appropriateness**
- G. Standards for Alteration of a Landmark Site, Contributing Structure or New Construction of an Accessory Structure**
- H. Standards for New Construction or Alteration of a Noncontributing Structure**
- I. Standards for Relocation**
- J. Standards for Demolition of a Landmark Site**
- K. Standards for Demolition of a Contributing Principal Building**
- L. Economic Hardship Determination**

### A. Purpose Statement:

In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H Historic Preservation Overlay District is to:

1. Provide the means to protect and preserve areas of the ~~C~~city and individual structures and sites having historic, architectural or cultural significance;
2. Provide the means to manage alterations to historic structures to encourage beneficial use and viability of the building while protecting an individual building's contributing status.
- ~~32.~~ Encourage new development, and redevelopment ~~and the subdivision of properties lots in Historic Districts~~ that is compatible with the character of existing development of ~~H~~historic ~~D~~districts or individual landmarks;
- ~~43.~~ Abate the destruction and demolition of historic structures;
54. Implement adopted plans of the ~~C~~city related to historic preservation;
- ~~65.~~ Foster civic pride in the history of Salt Lake City;

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76. Protect and enhance the attraction of the City's historic landmarks and districts for tourists and visitors;

87. Foster economic development consistent with historic preservation; and

98. Encourage social, economic and environmental sustainability.

### ~~B. Definitions:~~

~~CONTRIBUTING STRUCTURE: A structure or site within the H Historic Preservation Overlay District that meets the criteria outlined in subsection C15 of this section and is of moderate importance to the City, State, region or Nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.~~

~~DEMOLITION: Any act or process which destroys a structure, object or property within the H Historic Preservation Overlay District or a landmark site. (See definition of demolition, partial.)~~

~~DEMOLITION, PARTIAL: Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the structure to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty five percent (25%) when the demolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.~~

~~DESIGN GUIDELINES: The design guidelines provide guidance in determining the suitability and architectural compatibility of proposed maintenance, repair, alteration or new construction while at the same time, allowing for reasonable changes that meet current needs of properties located within the Historic Preservation Overlay District. For architects, designers, contractors and property owners, they provide guidance in planning and designing future projects. For City staff and the Historic Landmark Commission, they provide guidance for the interpretation of the zoning ordinance standards. Design guidelines are officially adopted by City Council.~~

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

~~HISTORIC RESOURCE SURVEY: A systematic resource for identifying and evaluating the quantity and quality of historic resources for land use planning purposes following the guidelines and forms of the Utah State Historic Preservation Office.~~

- ~~1. Reconnaissance level surveys (RLS) are the most basic approach for systematically documenting and evaluating historic buildings in Utah communities and involves only a visual evaluation of properties.~~

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2. ~~Intensive level surveys (ILS) include in depth research involving research on the property and its owners, documentation of the property's physical appearance and completion of the Utah State Historic Office's historic site form.~~

~~LANDMARK SITE: Any site included on the Salt Lake City Register of Cultural Resources that meets the criteria outlined in subsection C15 of this section. Such sites are of exceptional importance to the City, State, region or Nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.~~

~~LOCAL HISTORIC DISTRICT: A geographically or thematically definable area within the H Historic Preservation Overlay District designated by the City Council pursuant to the provisions of this section, which contains buildings, structures, sites, objects, landscape features, archaeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City.~~

~~NEW CONSTRUCTION: The building of a new principal building within the H Historic Preservation Overlay District or on a landmark site.~~

~~NONCONTRIBUTING STRUCTURE: A structure within the H Historic Preservation Overlay District that does not meet the criteria listed in subsection C15 of this section. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures may also include those which are less than fifty (50) years old.~~

~~THEMATIC DESIGNATION: A collection of individual sites, buildings, structures, or features which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.~~

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

B. Applicability: All properties located within the boundaries of a local historic district, part of a thematic designation, or designated as a landmark site are subject to the requirements of this chapter.

1. Applicable Standards: The applicable standards of this chapter are determined by the historic status rating of the property, either contributing or noncontributing, as identified in the most recent historic resource survey on file with the Salt Lake City Planning Division or a historic status determination issued in accordance with Subsection 21A.34.020.D.

C. Local Historic Designation, Amendments, or Revocation: Local Historic Designation, Adjustment, Expansion, or Revocation of a Landmark Site, Local Historic District or Thematic Designation shall follow the applicable procedures and standards in

## LEGISLATIVE DRAFT

### Chapter 21A.51 Local Historic Designation and Amendments.; H Historic Preservation Overlay District:

- ~~1. Intent: Salt Lake City will consider the designation of a landmark site, or thematic designation in order to protect the best examples of historic resources which represent significant elements of the City's prehistory, history, development patterns or architecture. Designation of a local historic district must be in the best interest of the City and achieve a reasonable balance between private property rights and the public interest in preserving the City's cultural, historic, and architectural heritage. The City Council shall determine that designation of a landmark site, local historic district or thematic designation is the best method of preserving a unique element of history important to understanding the prehistory or history of the area encompassed by the current Salt Lake City corporate boundaries.~~
- ~~2. City Council May Designate Or Amend Landmark Sites, Local Historic Districts Or Thematic Designations: Pursuant to the procedures in this section and the standards for general amendments in section 21A.50.050 of this title the City Council may by ordinance apply the H Historic Preservation Overlay District and:~~
  - ~~a. Designate as a landmark site an individual building, structure or feature or an integrated group of buildings, structures or features on a single lot or site having exceptional importance to the City, State, region or Nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site;~~
  - ~~b. Designate as a local historic district a contiguous area with a minimum district size of one "block face", as defined in section 21A.62.040 of this title, containing a number of sites, buildings, structures or features that contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value and constituting a distinct section of the City;~~
  - ~~c. Designate as a thematic designation a collection of sites, buildings, structures, or features which are contained in two (2) or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value; and~~
  - ~~d. Amend designations to add or remove features or property to or from a landmark site, local historic district or thematic designation.~~
- ~~3. Preapplication Conference: Prior to the submittal of an application for the designation or amendment to a landmark site(s), local historic district(s) or thematic designation(s), and prior to gathering any signatures in support of such an application, a potential applicant shall attend a preapplication conference with the Planning Director or designee. The purpose of this meeting is to discuss the merits of the proposed designation and the amendment processes as outlined in this section.~~
- ~~4. Notification Of Affected Property Owners: Following the preapplication conference outlined in subsection C3 of this section and prior to the submittal of an application~~

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for the designation or amendment to a local historic district(s) or thematic designation(s), the City shall send by first class mail a neutral informational pamphlet to owners of record for each property potentially affected by a forthcoming application. The informational pamphlet shall contain, at a minimum, a description of the process to create a local historic district and will also list the pros and cons of a local historic district. The informational pamphlet shall be mailed after a potential applicant submits to the City a finalized proposed boundary of an area to be included in the H Historic Preservation Overlay District. Once the City sends the informational pamphlet, property owner signature gathering may begin per subsection C5b of this section. The informational pamphlet sent shall remain valid for ninety (90) days. If an application is not filed with the City within ninety (90) days after the date that the informational pamphlet was mailed, the City shall close its file on the matter. Any subsequent proposal must begin the application process again.

### ~~5. Petition Initiation For Designation Of A Landmark Site, Local Historic District Or Thematic Designation:~~

~~a. Petition Initiation For H Historic Preservation Overlay District; Landmark Site: Any owner of property proposed for a landmark site, the Mayor or the City Council, by majority vote, may initiate a petition to consider the designation of a landmark site.~~

~~b. Petition Initiation For H Historic Preservation Overlay District; Local Historic District Or Thematic Designation: A property owner initiating such a petition shall demonstrate, in writing, support of more than thirty three percent (33%) of the property owners of lots or parcels within the proposed boundaries of an area to be included in the H Historic Preservation Overlay District. The Mayor or the City Council, by a majority vote, may initiate a petition to consider designation of a local historic district or thematic designation.~~

~~(1) For purposes of this subsection, a lot or parcel of real property may not be included in the calculation of the required percentage unless the application is signed by property owners representing at least fifty percent (50%) of the interest in that lot or parcel.~~

~~(2) Each lot or parcel of real property may only be counted once toward the thirty three percent (33%), regardless of the number of owner signatures obtained for that lot or parcel.~~

~~(3) Signatures obtained to demonstrate support of more than thirty three percent (33%) of the property owners within the boundary of the proposed local historic district or thematic designation must be gathered within a period of ninety (90) days as counted between the date that the informational pamphlet was mailed as required per subsection C4 of this section and the date of the last required signature.~~

~~c. Fees: No application fee will be required for a petition initiated by a property owner for designation of a property to the H Historic Preservation Overlay District.~~



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- 473 6. ~~Notice Of Designation Application Letter: Following the receipt by the City of an~~  
474 ~~application for the designation or amendment to a local historic district(s) or thematic~~  
475 ~~designation(s), the City shall send a notice of designation application letter to~~  
476 ~~owner(s) of record for each property affected by said application along with a second~~  
477 ~~copy of the informational pamphlet described in subsection C4 of this section. In the~~  
478 ~~event that no application is received following the ninety (90) day period of property~~  
479 ~~owner signature gathering, the City will send a letter to property owner(s) of record~~  
480 ~~stating that no application has been filed, and that the City has closed its file on the~~  
481 ~~matter.~~
- 482 7. ~~Planning Director Report To The City Council: Following the initiation of a petition~~  
483 ~~to designate a landmark site or a local historic district or thematic designation, the~~  
484 ~~Planning Director shall submit a report based on the following considerations to the~~  
485 ~~City Council:~~
- 486 a. ~~Whether a current survey meeting the standards prescribed by the State Historic~~  
487 ~~Preservation Office is available for the landmark site or the area proposed for a~~  
488 ~~local historic district or thematic designation. If a suitable survey is not available,~~  
489 ~~the report shall propose a strategy to gather the needed survey data.~~
- 490 b. ~~The City administration will determine the priority of the petition and determine~~  
491 ~~whether there is sufficient funding and staff resources available to allow the~~  
492 ~~Planning Division to complete a community outreach process, historic resource~~  
493 ~~analysis and to provide ongoing administration of the new landmark site, local~~  
494 ~~historic district or thematic designation if the designation is approved by the City~~  
495 ~~Council. If sufficient funding is not available, the report shall include a proposed~~  
496 ~~budget.~~
- 497 c. ~~Whether the proposed designation is generally consistent with the purposes, goals,~~  
498 ~~objectives and policies of the City as stated through its various adopted planning~~  
499 ~~documents.~~
- 500 d. ~~Whether the proposed designation would generally be in the public interest.~~
- 501 e. ~~Whether there is probable cause to believe that the proposed landmark site, local~~  
502 ~~historic district or thematic designation may be eligible for designation consistent~~  
503 ~~with the purposes and designation criteria in subsection C15 of this section and~~  
504 ~~the zoning map amendment criteria in section 21A.50.050, "Standards For~~  
505 ~~General Amendments", of this title.~~
- 506 f. ~~Verification that a neutral informational pamphlet was sent per subsection C4 of~~  
507 ~~this section to all property owners within a proposed local historic district~~  
508 ~~following the presubmittal process outlined in subsection C3 of this section.~~
- 509 8. ~~Property Owner Meeting: Following the submission of the Planning Director's report~~  
510 ~~and acceptance of the report by the City Council, the Planning Division will conduct~~  
511 ~~a community outreach process to inform the owners of property within the proposed~~  
512 ~~boundaries of the proposed landmark site, local historic district or thematic~~  
513 ~~designation about the following:~~



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- 514 a. ~~The designation process, including determining the level of property owner~~  
515 ~~support, the public hearing process, and final decision making process by the City~~  
516 ~~Council; and~~
- 517 b. ~~Zoning ordinance requirements affecting properties located within the H Historic~~  
518 ~~Preservation Overlay District, adopted design guidelines, the design review~~  
519 ~~process for alterations and new construction, the demolition process and the~~  
520 ~~economic hardship process.~~
- 521 9. ~~Open House: Following the property owner meeting, the Planning Division will~~  
522 ~~conduct an open house for the owners of property within the proposed boundaries of~~  
523 ~~the local historic district or thematic designation to provide the information described~~  
524 ~~in subsections C8a and C8b of this section.~~
- 525 10. ~~Public Hearing Process:~~
- 526 a. ~~Historic Landmark Commission Consideration: Following the initiation of a~~  
527 ~~petition to designate a landmark site or a local historic district, the Historic~~  
528 ~~Landmark Commission shall hold a public hearing and review the request by~~  
529 ~~applying subsection C15, “Standards For The Designation Of A Landmark Site,~~  
530 ~~Local Historic District Or Thematic Designation”, of this section. Following the~~  
531 ~~public hearing, the Historic Landmark Commission shall recommend approval,~~  
532 ~~approval with modifications or denial of the proposed designation and shall then~~  
533 ~~submit its recommendation to the Planning Commission and the City Council.~~
- 534 b. ~~Planning Commission Consideration: Following action by the Historic Landmark~~  
535 ~~Commission, the Planning Commission shall hold a public hearing and shall~~  
536 ~~recommend approval, approval with modifications or denial of the proposed~~  
537 ~~designation based on the standards of section 21A.50.050 of this title, zoning map~~  
538 ~~amendments and shall then submit its recommendation to the City Council.~~
- 539 11. ~~Property Owner Opinion Balloting:~~
- 540 a. ~~Following the completion of the Historic Landmark Commission and Planning~~  
541 ~~Commission public hearings, the City will deliver property owner opinion ballots~~  
542 ~~via first class mail to property owners of record within the boundary of the~~  
543 ~~proposed local historic district or thematic designation. The property owner~~  
544 ~~opinion ballot is a nonbinding opinion poll to inform the City Council of property~~  
545 ~~owner interest regarding the designation of a local historic district. Each~~  
546 ~~individual property in the proposed designation boundary, regardless of the~~  
547 ~~number of owners having interest in any given property, will receive one property~~  
548 ~~owner opinion ballot.~~
- 549 (1) ~~A property owner is eligible to vote regardless of whether or not the property~~  
550 ~~owner is an individual, a private entity, or a public entity;~~
- 551 (2) ~~The Municipality shall count no more than one property owner opinion ballot~~  
552 ~~for:~~
- 553 (A) ~~Each parcel within the boundaries of the proposed local historic district~~  
554 ~~or area; or~~

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~~(B) If the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and~~

~~(3) If a parcel or unit has more than one owner of record, the Municipality shall count a property owner opinion ballot for the parcel or unit only if the property owner opinion ballot reflects the vote of the property owners who own at least fifty percent (50%) interest in the parcel or unit.~~

~~b. Property owners of record will have thirty (30) days from the postmark date of the property owner opinion ballot to submit a response to the City indicating the property owner's support or nonsupport of the proposed designation.~~

~~c. A letter shall be mailed to all property owners within the proposed local historic district or thematic designation whose property owner opinion ballot has not been received by the City within fifteen (15) days from the original postmark date. This follow up letter will encourage the property owners to submit a property owner opinion ballot prior to the thirty (30) day deadline date set by the mailing of the first property owner opinion ballot.~~

~~12. Notification Of Property Owner Opinion Balloting Results: Following the public opinion balloting for the proposed designation, the City will send notice of the results to all property owners within the proposed local historic district, area, or thematic designation.~~

~~13. City Council Consideration: Following the transmittal of the Historic Landmark Commission and the Planning Commission recommendations and the results of the property owner opinion process, the City Council shall hold a public hearing to consider the designation of a landmark site, local historic district or thematic designation.~~

~~a. Designation Of A Landmark Site: The City Council may, by a majority vote, designate a landmark site.~~

~~b. Designation Of A Local Historic District Or Thematic Designation:~~

~~(1) If the property owner opinion ballots returned equals at least two-thirds ( $\frac{2}{3}$ ) of the total number of returned property owner support ballots, and represents more than fifty percent (50%) of the parcels and units (in the case of a condominium project) within the proposed local historic district, area, or thematic designation, the City Council may designate a local historic district or a thematic district by a simple majority vote.~~

~~(2) If the number of property owner opinion ballots received does not meet the threshold identified in subsection C13b(1) of this section, the City Council may only designate a local historic district, area, or a thematic district by an affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the members of the City Council.~~

~~(3) If the number of property owner opinion ballots received in support and in opposition is equal, the City Council may only designate a local historic district or a thematic district by a super majority vote.~~

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- e. ~~Following Designation: Following City Council designation of a landmark site, local historic district or thematic designation, all of the property located within the boundaries of the H Historic Preservation Overlay District shall be subject to the provisions of this section. The zoning regulations will go into effect on the date of the publication of the ordinance unless otherwise noted on the adoption ordinance.~~
14. ~~Notice Of Designation: Within thirty (30) days following the designation of a landmark site, local historic district or thematic designation, the City shall provide notice of the action to all owners of property within the boundaries of the H Historic Preservation Overlay District. In addition, a notice shall be recorded in the Office of the County Recorder for all lots or parcels within the area added to the H Historic Preservation Overlay District.~~
15. ~~Standards For The Designation Of A Landmark Site, Local Historic District Or Thematic Designation: Each lot or parcel of property proposed as a landmark site, for inclusion in a local historic district, or for thematic designation shall be evaluated according to the following:~~
- a. ~~Significance in local, regional, State or national history, architecture, engineering or culture, associated with at least one of the following:~~
- (1) ~~Events that have made significant contribution to the important patterns of history, or~~
- (2) ~~Lives of persons significant in the history of the City, region, State, or Nation, or~~
- (3) ~~The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or~~
- (4) ~~Information important in the understanding of the prehistory or history of Salt Lake City; and~~
- b. ~~Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places;~~
- c. ~~The proposed local historic district or thematic designation is listed, or is eligible to be listed on the National Register of Historic Places;~~
- d. ~~The proposed local historic district contains notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City;~~
- e. ~~The designation is generally consistent with adopted planning policies; and~~
- f. ~~The designation would be in the overall public interest.~~
16. ~~Factors To Consider: The following factors may be considered by the Historic Landmark Commission and the City Council to help determine whether the proposed designation of a landmark site, local historic district or thematic designation meets the criteria listed above:~~

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- 635 a. ~~Sites should be of such an age which would allow insight into whether a property~~  
636 ~~is sufficiently important in the overall history of the community. Typically this is~~  
637 ~~at least fifty (50) years but could be less if the property has exceptional~~  
638 ~~importance.~~
- 639 b. ~~Whether the proposed local historic district contains examples of elements of the~~  
640 ~~City's history, development patterns and/or architecture that may not already be~~  
641 ~~protected by other local historic districts within the City.~~
- 642 c. ~~Whether designation of the proposed local historic district would add important~~  
643 ~~knowledge that advances the understanding of the City's history, development~~  
644 ~~patterns and/or architecture.~~
- 645 d. ~~Whether approximately seventy five percent (75%) of the structures within the~~  
646 ~~proposed boundaries are rated as contributing structures by the most recent~~  
647 ~~applicable historic survey.~~
- 648 17. ~~Boundaries Of A Proposed Landmark Site: When applying the evaluation criteria in~~  
649 ~~subsection C15 of this section, the boundaries of a landmark site shall be drawn to~~  
650 ~~ensure that historical associations, and/or those which best enhance the integrity of~~  
651 ~~the site comprise the boundaries.~~
- 652 18. ~~Boundaries Of A Proposed Local Historic District: When applying the evaluation~~  
653 ~~criteria in subsection C15 of this section, the boundaries shall be drawn to ensure the~~  
654 ~~local historic district:~~
- 655 a. ~~Contains a significant density of documented sites, buildings, structures or~~  
656 ~~features rated as contributing structures in a recent historic survey;~~
- 657 b. ~~Coincides with documented historic boundaries such as early roadways, canals,~~  
658 ~~subdivision plats or property lines;~~
- 659 c. ~~Coincides with logical physical or manmade features and reflect recognized~~  
660 ~~neighborhood boundaries; and~~
- 661 d. ~~Contains nonhistoric resources or vacant land only where necessary to create~~  
662 ~~appropriate boundaries to meet the criteria of subsection C15 of this section.~~
- 663 19. ~~Boundaries Of A Proposed Thematic Designation: When applying the evaluation~~  
664 ~~criteria of this section, the boundaries shall be drawn to ensure the thematic~~  
665 ~~designation contains a collection of sites, buildings, structures, or features that are~~  
666 ~~united together by historical, architectural, or aesthetic characteristics and contribute~~  
667 ~~to the historic preservation goals of Salt Lake City by protecting historical,~~  
668 ~~architectural, or aesthetic interest or value.~~
- 669 D. ~~The Adjustment Or Expansion Of Boundaries Of An H Historic Preservation Overlay~~  
670 ~~District And The Revocation Of The Designation Of Landmark Site:~~
- 671 1. ~~Procedure: The procedure for the adjustment of boundaries of an H Historic~~  
672 ~~Preservation Overlay District and the revocation of the designation of a landmark site~~  
673 ~~shall be the same as that outlined in subsection C of this section.~~

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2. ~~Criteria For Adjusting The Boundaries Of An H Historic Preservation Overlay District: Criteria for adjusting the boundaries of an H Historic Preservation Overlay District are as follows:~~

- ~~a. The properties have ceased to meet the criteria for inclusion within an H Historic Preservation Overlay District because the qualities which caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the Historic Landmark Commission recommendation and adoption of the district;~~
- ~~b. Additional information indicates that the properties do not comply with the criteria for selection of the H Historic Preservation Overlay District as outlined in subsection C15 of this section; or~~
- ~~c. Additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the H Historic Preservation Overlay District, provided they meet the standards outlined in subsection C15 of this section.~~

~~3. Criteria For The Expansion Of An Existing Landmark Site, Local Historic District Or Thematic Designation: A proposed expansion of an existing landmark site, local historic district or thematic designation shall be considered utilizing the provisions of subsections C15 through C19 of this section.~~

4. ~~Criteria For The Revocation Of The Designation Of A Landmark Site: Criteria are as follows:~~

- ~~a. The property has ceased to meet the criteria for designation as a landmark site because the qualities that caused it to be originally designated have been lost or destroyed or the structure has been demolished; or~~
- ~~b. Additional information indicates that the landmark site does not comply with the criteria for selection of a landmark site as outlined in subsection C15 of this section; or~~
- ~~c. Additional information indicates that the landmark site is not of exceptional importance to the City, State, region or Nation.~~

### D. Historic Status Determination:

1. Purpose: Historic status determinations are to address the historic status of individual structures within a local historic district on a case-by-case basis through robust review of documentation in order to render a timely decision on the historic status for circumstances outlined below.
2. Applicability: Historic status determinations may be rendered for properties within an existing local historic district using the considerations in Subsection 21A.34.020.D.7 to determine whether they are contributing or noncontributing to the local historic district for the following:

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- 715           a. Unrated Properties: Properties that were inadvertently missed in a survey or not  
716           given a historic status rating;  
717  
718           b. Incorrectly Rated Properties: Properties that may have been given an incorrect  
719           status rating in a survey;  
720  
721       3. Authority: Historic status determinations shall be made by the zoning administrator in  
722       the form of an administrative interpretation.  
723  
724       4. Persons Entitled to Seek Historic Status Determinations: Application for a historic  
725       status determination may be made by the owner of the subject property or the owner's  
726       authorized agent. The planning director may also initiate a petition for a historic  
727       status determination.  
728  
729       5. Limitations: A historic status determination shall not:  
730  
731           a. Change the boundaries of the local historic district;  
732           b. Be issued for landmark sites;  
733           c. Be issued for structures that are not within period of significance in an adopted  
734           historic resource survey.  
735  
736       6. Application for Historic Status Determination: An administrative interpretation  
737       application may be made to the zoning administrator on a form provided, which shall  
738       include at least the following information, unless deemed unnecessary by the zoning  
739       administrator:  
740  
741           a. The applicant's name, address, telephone number, e-mail address and interest in  
742           the subject property. The owner's name, address and telephone number, if  
743           different than the applicant, and the owner's signed consent to the filing of the  
744           application;  
745           b. The street address, legal description and tax number of the subject property;  
746           c. Current and historic photographs;  
747           d. Any historic resource surveys and reports on record in the Planning Division or  
748           the Utah State Historic Preservation Office;  
749           e. Description of any alterations to the structure and the date of approval for any  
750           alterations;  
751           f. The historic status rating the applicant believes to be correct. When the request is  
752           to change the historic status rating, the applicant shall state in the application the  
753           reason(s) the existing historic rating is incorrect and why it should be changed  
754           based on the considerations in Subsection 21A.34.020.D.7, or provide an  
755           intensive level historic resource survey conducted in accordance with the Utah  
756           State Preservation Office standards for building surveys addressing the



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considerations in Subsection 21A.34.020.D.7 for analysis by the zoning administrator.

- g. Any other information the zoning administrator deems necessary for a full and proper consideration of the particular application.

7. Considerations for Historic Status Determinations: A historic status determination may include the following considerations:

- a. Whether alterations that have occurred are generally reversible.
- b. Whether the building contributes to an understanding of a period of significance of a neighborhood, community, or area.
- c. Whether or not the building retains historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined in Section 21A.62.040. The analysis shall take into consideration how the building reflects the historical or architectural merits of the overall local historic district in which the resource is located. When analyzing historic integrity of a building as part of a local historic district, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district.

8. Decision: Written findings documenting the historic status determination shall be sent to the applicant and members of the historic landmark commission and kept on file in city records.

9. Updating Records: If the historic status determination is different than the property's historic rating in the most recent historic resource survey, the determination will stand, and the city's applicable historic resource survey(s) will be updated to reflect the determination.

10. Appeal of Decision: Any person adversely affected by a final decision made by the zoning administrator interpreting a provision of this title may appeal to the appeals hearing officer in accordance with the provisions of Chapter 21A.16 of this title.

- E. ~~Certificate of Appropriateness Required: After the establishment of an H Historic Preservation Overlay District, or the designation of a landmark site, no alteration in the exterior appearance of a structure, site, or object or work of art affecting the landmark site or a property within the H Historic Preservation Overlay District shall be made or permitted to be made unless or until the an application for a certificate of appropriateness is has been submitted to, and approved by, the Hhistoric Llandmark Ccommission, or administratively by the Pplanning Ddirector, as applicable, pursuant to sSubsection F of this section. Certificates of appropriateness shall be required for:~~

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1. A certificate of appropriateness shall be required for all of the following:
  - a1. Any exterior alteration to the property or any structure on the property unless specifically exempted under Subsection 21A.34.020.E.2; ~~construction needing a building permit;~~
  - b2. New construction; ~~Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;~~
  - c3. Relocation of a structure or object on the same site or to another site;
  - d4. Demolition; ~~Construction of additions or decks;~~
5. ~~Alteration or construction of accessory structures, such as garages, etc.;~~
6. ~~Alterations to windows and doors, including replacement or changes in fenestration patterns;~~
7. ~~Construction or alteration of porches;~~
8. ~~Masonry work including, but not limited to, tuckpointing, sandblasting, painting and chemical cleaning;~~
9. ~~The construction or alterations of site features including, but not limited to, fencing, walls, paving and grading;~~
10. ~~Installation or alteration of any exterior sign;~~
11. ~~Any demolition;~~
12. ~~New construction; and~~
13. ~~Installation of an awning over a window or door.~~
2. Exemptions: The following are exempt from obtaining a Certificate of Appropriateness:
  - a. Installation of storm windows;
  - b. Landscaping that:
    - (1) Complies with the standards of this title;
    - (2) Does not include a wall fence or grade changes; and
    - (3) Is not an attribute that is a character defining feature of the property or streetscape;
  - c. Painting of surfaces that does not include unpainted stone, brick or cement;
  - d. Plaques, boxes, and other similar objects that measure 18 inches or less in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;



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- 836 e. Electrical, gas, or water meters or outlets, including electric vehicle charging  
837 outlets, that are in a location that is not visible from the public right of way;  
838
- 839 f. Heating, ventilation and air conditioning systems that do not require new conduit  
840 and are not visible from the public right of way; and  
841
- 842 g. Solar energy collection systems meeting the priority locations outlined in  
843 Subsections 21A.40.190.B.3.a through 21A.40.190.B.3.c.  
844
- 845 F. Procedure For Issuance Of Certificate Of Appropriateness:  
846
- 847 1. Administrative Authority Decision: The following may be decided by the planning  
848 director or designee: Certain types of construction or demolition may be approved  
849 administratively subject to the following procedures:
- 850 a. ~~Types Of Construction: The following may be approved by administrative~~  
851 ~~decision:~~
- 852 a. ~~(1) Minor alteration of or addition to a landmark site or contributing site, building,~~  
853 ~~and/or structure;~~
- 854 b. ~~(2) Alteration of or addition to a noncontributing site building or structure;~~
- 855 c. ~~(3) Partial demolition of either a landmark site or a contributing principal building~~  
856 ~~or structure;~~
- 857 d. ~~(4) Demolition of an accessory building or structure; and~~
- 858 e. ~~(5) Demolition of a noncontributing building or structure; and~~  
859 ~~(6) Installation of solar energy collection systems pursuant to~~  
860 ~~section 21A.40.190 of this title.~~
- 861 b. ~~Submission Of Application: An application for a certificate of appropriateness~~  
862 ~~shall be made on a form prepared by the Planning Director or designee, and shall~~  
863 ~~be submitted to the Planning Division. The Planning Director shall make a~~  
864 ~~determination of completeness pursuant to chapter 21A.10 of this title, and shall~~  
865 ~~forward the application for review and decision.~~
- 866 c. ~~Materials Submitted With Application: The application shall include photographs,~~  
867 ~~construction drawings, and other documentation such as an architectural or~~  
868 ~~massing model, window frame sections, and samples and any further information~~  
869 ~~or documentation as the Zoning Administrator deems necessary in order to fully~~  
870 ~~consider and analyze the application. deemed necessary to consider the~~  
871 ~~application properly and completely.~~
- 872 d. ~~Fees: No application fee will be required for a certificate of appropriateness that is~~  
873 ~~administratively approved.~~
- 874 e. ~~Notice Of Application For Demolition Of A Noncontributing Building Or~~  
875 ~~Structure: An application for demolition of a noncontributing building or structure~~

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shall require notice for determination of noncontributing sites pursuant to chapter 21A.10 of this title. The applicant shall be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.

f. ~~Standards Of Approval: The application shall be reviewed according to the standards set forth in subsections G and H of this section, whichever is applicable.~~

g. ~~Review And Decision By The Planning Director: On the basis of written findings of fact, the Planning Director or the Planning Director's designee shall either approve, or conditionally approve, the certificate of appropriateness based on the standards in subsections G and H of this section, whichever is applicable, within thirty (30) days following receipt of a completed application. The decision of the Planning Director shall become effective at the time the decision is made.~~

h. ~~Referral Of Application By Planning Director To Historic Landmark Commission: The Planning Director may refer any application to the Historic Landmark Commission due to the complexity of the application, the significance of change to the landmark site or contributing building in the H Historic Preservation Overlay District, or the need for consultation for expertise regarding architectural, construction or preservation issues, or if the application does not meet the standards of review.~~

2. ~~Historic Landmark Commission Authority: The following Certain types of construction, demolition and relocation shall only be decided approved by the Hhistoric Llandmark Ccommission subject to the following procedures:~~

a. ~~Types Of Construction: The following shall be reviewed by the Historic Landmark Commission:~~

a. ~~(1) Substantial alteration or addition to a landmark site or contributing site, building, and/or structure;~~

b. ~~(2) New construction of principal building in the H Historic Preservation Overlay District;~~

c. ~~(3) Relocation of landmark site or contributing principal building;~~

d. ~~(4) Demolition of landmark site or contributing principal building;~~

e. ~~Economic hardship determination; and~~

f. ~~(5) Applications for administrative approval referred by the Pplanning Ddirector; and~~

~~(6) Installation of solar energy collection systems on the front facade of the principal building in a location most compatible with the character defining features of the home pursuant to section 21A.40.190 of this title.~~

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918 3b. Submission of Application: An application for a certificate of appropriateness shall  
919 be made on an application form prepared by the zoning administrator and  
920 accompanied by applicable fees as noted in the Salt Lake City consolidated fee  
921 schedule. The applicant shall also be responsible for payment of all mailing fees  
922 established for required public noticing. the Planning Director or designee, and shall  
923 be submitted to the Planning Division. The Planning Director shall make a  
924 determination of completeness pursuant to chapter 21A.10 of this title., and shall  
925 forward the application for review and decision. The procedure for an application for  
926 a certificate of appropriateness shall be the same as specified in subsection F1b of this  
927 section.

928 a. General Application Requirements: A complete application shall include the  
929 following unless deemed unnecessary by the zoning administrator:

930  
931 (1) The applicant's name, address, telephone number, e-mail address and interest  
932 in the subject property;

933  
934 (2) The owner's name, address and telephone number, if different than the  
935 applicant, and the owner's signed consent to the filing of the application;

936  
937 (3) The street address and legal description of the subject property;

938  
939 (4) A narrative including a complete description of the project and how it meets  
940 review standards with citation of supporting adopted city design guidelines;

941  
942 (5) Current and historic photographs of the property

943  
944 (6) A site plan or drawing drawn to a scale which includes the following  
945 information: property lines, lot dimensions, topography, adjacent streets,  
946 alleys and walkways, landscaping and buffers, existing and proposed  
947 buildings and structures, lot coverage, grade changes, parking spaces, trash  
948 receptacles, drainage features, proposed setbacks and other details required for  
949 project evaluation;

950  
951 (7) Elevation drawings and details for all impacted facades;

952  
953 (8) Illustrative photos and or samples of all proposed façade materials;

954  
955 (9) Building, wall, and window section drawings;

956  
957 (10) Any further information or documentation as the zoning administrator deems  
958 necessary in order to fully consider and analyze the application.

959  
960 b. New Construction Application Requirements: In addition to the general  
961 application requirements listed above, applications for new construction of a

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primary structure shall include the following unless deemed unnecessary by the zoning administrator:

~~e. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.~~

~~d. Materials Submitted With Application: An application shall be made on a form provided by the Planning Director and shall be submitted to the Planning Division in accordance with subsection F1e of this section, however specific requirements for new construction shall include the following information unless deemed unnecessary by the Zoning Administrator:~~

~~(1) The applicant's name, address, telephone number, e-mail address and interest in the subject property;~~

~~(2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;~~

~~(3) The street address and legal description of the subject property;~~

~~(4) A narrative including a complete description of the project and how it meets review standards with citation of supporting adopted City design guidelines;~~

~~(1) (5) A context plan showing property lines, building footprints, front yard setbacks, adjacent streets and alleys, historic district boundaries, contributing/noncontributing structures and landmark sites;~~

~~(2) (6) A streetscape study which includes height measurements for each primary structure on the block face;~~

~~(7) A site plan or drawing drawn to a scale which includes the following information: property lines, lot dimensions, topography, adjacent streets, alleys and walkways, landscaping and buffers, existing and proposed buildings and structures, lot coverage, grade changes, parking spaces, trash receptacles, drainage features, proposed setbacks and other details required for project evaluation;~~

~~(8) Elevation drawings and details for all facades;~~

~~(9) Illustrative photos and/or samples of all proposed facade materials;~~

~~(10) Building, wall, and window section drawings;~~

~~(3) (11) Renderings 3D models that show the new construction in relation to neighboring buildings; and~~

~~(4) (12) Renderings 3D models that show the new construction from the pedestrian perspective; and~~

~~(13) Any further information or documentation as the Zoning Administrator deems necessary in order to fully consider and analyze the application.~~

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- 1001 4e. Notice: Applications for a certificate of appropriateness are subject to the notification  
1002 requirements of Chapter 2.60 of this code. ~~shall require notice pursuant to chapter~~  
1003 21A.10 of this title. An application for a certificate of appropriateness for demolition  
1004 of a noncontributing building or structure shall require notice pursuant to Chapter  
1005 21A.10 of this title. The applicant shall be responsible for payment of all fees  
1006 established for providing the public notice required by Chapters 2.60 and 21A.10 of  
1007 this title.
- 1008 ~~f. Public Hearing: Applications for a certificate of appropriateness shall require a~~  
1009 ~~public hearing pursuant to chapter 21A.10 of this title.~~
- 1010 5g. Standards For Approval: The Applications for a certificate of appropriateness shall  
1011 be reviewed according to the standards set forth in sSubsections G through KL of this  
1012 section, whichever are applicable.
- 1013 6. Administrative Decisions: The planning director or designee shall approve,  
1014 conditionally approve, or deny the application for a certificate of appropriateness  
1015 based upon written findings of fact. The decision of the planning director or designee  
1016 shall become effective upon issuance of the certificate of appropriateness.
- 1017 a. Referral of Application to Historic Landmark Commission: The planning director  
1018 or designee may refer any application to the historic landmark commission due to  
1019 the complexity of the application, the significance of change to the structure or  
1020 site, or the need for consultation for expertise regarding architectural or other  
1021 preservation issues.
- 1022 ~~7h. Review And Decision By The Historic Landmark Commission Decisions: The~~  
1023 ~~Hhistoric Llandmark Ccommission shall hold a public hearing to review the~~  
1024 ~~application in accordance with the standards and procedures set forth in Chapter~~  
1025 ~~21A.10 of this title. make a decision at a regularly scheduled meeting, following~~  
1026 ~~receipt of a completed application. The historic landmark commission shall approve,~~  
1027 ~~conditionally approve, or deny the application based upon written findings of fact.~~  
1028 ~~The decision of the historic landmark commission shall become effective at the time~~  
1029 ~~the decision is made. Following a decision from the historic landmark commission to~~  
1030 ~~approve a certificate of appropriateness, the planning director or designee shall issue~~  
1031 ~~a certificate of appropriateness after all conditions of approval are met except for~~  
1032 ~~demolition of contributing principal buildings and landmark sites as outlined in~~  
1033 ~~Subsection 21A.34.020.F.8.~~
- 1034
- 1035 8. Requirements for Certificate of Appropriateness for Demolition: The certificate of  
1036 appropriateness for demolition of a contributing principal building or landmark site  
1037 shall not be issued until the following criteria is satisfied:
- 1038
- 1039 a. The appeal period associated with the approval has expired.
- 1040
- 1041 b. The landmark commission has granted approval for a new building that will  
1042 replace the landmark site or contributing principal building to be demolished. The  
1043 requirement for replacing the contributing principal building or landmark site with

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a new building may be waived by the historic landmark commission if a new development or redevelopment plan that includes the principal building to be demolished is approved by the historic landmark commission.

- c. The certificate of appropriateness for demolition shall be issued simultaneously with the certificate of appropriateness and building permits for the replacement building.

9. Revocation of the Designation of a Landmark Site: If a landmark site is approved for demolition, the property shall not be removed from the H Historic Preservation Overlay District until the building has been demolished and revocation of the designation of a landmark site has been approved in accordance with Section 21A.51.050, Local Historic Amendments Process.

10. Exceptions of Certificate of Appropriateness for Demolition of Hazardous Buildings: A hazardous building shall be exempt from the provisions governing demolition if the building official determines, in writing, that the building currently is an imminent hazard to public safety. Prior to the issuance of a demolition permit, the building official shall notify the planning director for consultation and of the final decision.

11. Expiration of Approvals: No certificate of appropriateness shall be valid for a period of longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Salt Lake City Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion; or unless a longer time is requested and granted by the historic landmark commission, or in the case of an administrative approval, by the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the one (1) year time period.

~~(1) After reviewing all materials submitted for the case, the recommendation of the Planning Division and conducting a field inspection, if necessary, the Historic Landmark Commission shall make written findings of fact based on the standards of approval as outlined in this subsection F through subsection K of this section, whichever are applicable.~~

~~(2) On the basis of its written findings of fact the Historic Landmark Commission shall either approve, deny or conditionally approve the certificate of appropriateness.~~

~~(3) The decision of the Historic Landmark Commission shall become effective at the time the decision is made. Demolition permits for landmark sites or contributing principal buildings shall not be issued until the appeal period has expired.~~



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(4) ~~Written notice of the decision of the Historic Landmark Commission on the application, including a copy of the findings of fact, shall be made pursuant to the provisions of section 21A.10.030 of this title.~~

12i. Appeal of Historic Landmark Commission Decisions: Any person adversely affected by a final decision of the Historic Landmark Commission, or in the case of administrative decisions, the planning director or designee, may file an appeal in accordance with the provisions of Chapter 21A.16 of this title.

G. ~~Standards for Certificate of Appropriateness For Alteration of a Landmark Site or Contributing Structure Including New Construction of an Accessory Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, or new construction of an accessory structure associated with a landmark site or contributing structure, the Historic Landmark Commission, or the Planning Director, for administrative decisions, shall, using the adopted design guidelines as a key basis for evaluation, find that the project substantially complies with all of the following general standards: that pertain to the application and that the decision is in the best interest of the City:~~

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with

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- the size, scale, color, material and character of the property, neighborhood or environment;
9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
10. Certain building materials are prohibited ~~including the following~~:
- a. Aluminum, asbestos, or vinyl cladding; and when applied directly to an original or historic material.
  - b. Vinyl fencing.
11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in ~~e~~Chapter 21A.46 of this title.
- H. ~~Standards for Certificate Of Appropriateness Involving New Construction or~~  
~~Alteration of a~~ Noncontributing Structure: In considering an application for a certificate of appropriateness involving new construction of a principal building, or alterations of noncontributing structures, the ~~H~~historic ~~L~~landmark ~~C~~commission, or ~~P~~planning ~~D~~director when the application involves the alteration of a noncontributing structure, shall, using the adopted design guidelines as a key basis for evaluation, determine whether the project substantially complies with each of the following standards that pertain to the application to ensure that the proposed project fits into the established context in ways that respect and contribute to the evolution of Salt Lake City's architectural and cultural traditions:
- 1. Settlement Patterns ~~a~~And Neighborhood Character:
    - a. Block ~~a~~And Street Patterns: The design of the project preserves and reflects the historic block, street, and alley patterns that give the district its unique character. Changes to the block and street pattern may be considered when advocated by an adopted ~~C~~city plan.
    - b. Lot ~~a~~And Site Patterns: The design of the project preserves the pattern of lot and building site sizes that create the urban character of the historic context and the block face. Changes to the lot and site pattern may be considered when advocated by an adopted ~~C~~city plan.
    - c. The Public Realm: The project relates to adjacent streets and engages with sidewalks in a manner that reflects the character of the historic context and the block face. Projects should maintain the depth of yard and height of principal



elevation of those existing on the block face in order to support consistency in the definition of public and semi-public spaces.

- d. Building Placement: Buildings are placed such that the project maintains and reflects the historic pattern of setbacks and building depth established within the historic context and the block face. Buildings should maintain the setback demonstrated by existing buildings of that type constructed in the district or site's period of significance.
- e. Building Orientation: The building is designed such that principal entrances and pathways are oriented such that they address the street in the pattern established in the historic context and the block face.

2. Site Access, Parking, ~~a~~And Services:

- a. Site Access: The design of the project allows for site access that is similar, in form and function, with patterns common in the historic context and the block face.
  - (1) Pedestrian: Safe pedestrian access is provided through architecturally highlighted entrances and walkways, consistent with patterns common in the historic context and the block face.
  - (2) Vehicular: Vehicular access is located in the least obtrusive manner possible. Where possible, garage doors and parking should be located to the rear or to the side of the building.
- b. Site ~~a~~And Building Services ~~a~~And Utilities: Utilities and site/building services (such as HVAC systems, venting fans, and dumpsters) are located such that they are to the rear of the building or on the roof and screened from public spaces and public properties.

3. Landscape ~~a~~And Lighting:

- a. Grading ~~o~~Of Land: The site's landscape, such as grading and retaining walls, addresses the public way in a manner that reflects the character of the historic context and the block face.
- b. Landscape Structures: Landscape structures, such as arbors, walls, fences, address the public way in a manner that reflects the character of the historic context and the block face.
- c. Lighting: Where appropriate lighting is used to enhance significant elements of the design and reflects the character of the historic context and the block face.

4. Building Form ~~a~~And Scale:

- a. Character ~~o~~Of ~~T~~he Street Block: The design of the building reflects the historic character of the street facade in terms of scale, composition, and modeling.

(1) Height: The height of the project reflects the character of the historic context and the block face. Projects taller than those existing on the block face step back their upper floors to present a base that is in scale with the historic context and the block face.

(2) Width: The width of the project reflects the character of the historic context and the block face. Projects wider than those existing on the block face modulate the facade to express a series of volumes in scale with the historic context and the block face.

(3) Massing: The shape, form, and proportion of buildings, reflects the character of the historic context and the block face.

(4) Roof Forms: The building incorporates roof shapes that reflect forms found in the historic context and the block face.

#### 5. Building Character:

a. Facade Articulation aAnd Proportion: The design of the project reflects patterns of articulation and proportion established in the historic context and the block face. As appropriate, facade articulations reflect those typical of other buildings on the block face. These articulations are of similar dimension to those found elsewhere in the context, but have a depth of not less than twelve inches (12”).

(1) Rhythm of Openings: The facades are designed to reflect the rhythm of openings (doors, windows, recessed balconies, etc.) established in the historic context and the block face.

(2) Proportion aAnd Scale of Openings: The facades are designed using openings (doors, windows, recessed balconies, etc.) of similar proportion and scale to that established in the historic context and the block face.

(3) Ratio of Wall to Openings: Facades are designed to reflect the ratio of wall to openings (doors, windows, recessed balconies, etc.) established in the historic context and the block face.

(4) Balconies, Porches, aAnd External Stairs: The project, as appropriate, incorporates entrances, balconies, porches, stairways, and other projections that reflect patterns established in the historic context and the block face.

#### 6. Building Materials, Elements aAnd Detailing:

a. Materials: Building facades, other than windows and doors, incorporate no less than eighty percent (80%) durable material such as, but not limited to, wood,

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1255 brick, masonry, textured or patterned concrete and/or cut stone. These materials  
1256 reflect those found elsewhere in the district and/or setting in terms of scale and  
1257 character.

- b. Materials ~~On~~ Street-Facing Facades: The following materials are not considered to be appropriate and are prohibited for use on facades which face a public street: vinyl siding and aluminum siding.
- c. Windows: Windows and other openings are incorporated in a manner that reflects patterns, materials, profile, and detailing established in the district and/or setting.
- d. Architectural Elements ~~a~~And Details: The design of the building features architectural elements and details that reflect those characteristic of the district and/or setting.
7. Signage Location: Locations for signage are provided such that they are an integral part of the site and architectural design and are complementary to the principal structure.
- I. Standards ~~f~~For Certificate Of Appropriateness For Relocation ~~o~~Of Landmark Site ~~o~~Or Contributing Structure: In considering an application for a certificate of appropriateness for relocation of a landmark site or a contributing structure, the ~~H~~historic ~~L~~andmark ~~E~~commission shall find that the project substantially complies with the following standards:
1. The proposed relocation will abate demolition of the structure;
  2. The proposed relocation will not diminish the overall physical integrity of the district or diminish the historical associations used to define the boundaries of the district;
  3. The proposed relocation will not diminish the historical or architectural significance of the structure;
  4. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
  5. A professional building mover will move the building and protect it while being stored; and
  6. A financial guarantee to ensure the rehabilitation of the structure once the relocation has occurred is provided to the ~~E~~city. The financial guarantee shall be in a form approved by the ~~E~~city ~~A~~ttorney, in an amount determined by the ~~P~~lanning ~~D~~irector sufficient to cover the estimated cost to rehabilitate the structure as approved by the ~~H~~historic ~~L~~andmark ~~E~~commission and restore the grade and landscape the property from which the structure was removed in the event the land is to be left vacant once the relocation of the structure occurs.

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J. Standards ~~fFor Certificate Of Appropriateness For Demolition oOf~~ Landmark Site: In considering an application for a certificate of appropriateness for demolition of a landmark site, the ~~Hh~~historic ~~Ll~~landmark ~~Cc~~commission shall only approve the application upon finding that the project fully complies with one of the following standards:

1. The demolition is required to alleviate a threat to public health and safety pursuant to ~~sSubsection 21A.34.020.F.10 O of this section;~~ or
2. A determination of economic hardship has been granted by the ~~Hh~~historic ~~Ll~~landmark ~~Cc~~commission pursuant to the provisions of ~~sSubsection 21A.34.020.L of this section.~~

K. Standards ~~fFor Certificate Of Appropriateness For Demolition oOf aA~~ Contributing Principal Building ~~In An H Historic Preservation Overlay District:~~ When considering a request for approval of a certificate of appropriateness for demolition of a contributing principal building, the ~~Hh~~historic ~~Ll~~landmark ~~Cc~~commission shall determine whether the request substantially complies with the following standards:

~~1. Standards For Approval Of A Certificate Of Appropriateness For Demolition:~~

~~1a.~~ The historic integrity of the site as defined in ~~subsection~~ Section 21A.62.040 C15b of this section is no longer evident and the site no longer meets the definition of a contributing building or structure in Section 21A.62.040;

~~2b.~~ The streetscape within the context of the H Historic Preservation Overlay District would not be negatively materially affected if the contributing principal building were to be demolished;

~~3e.~~ The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district;

~~4d.~~ The base zoning of the site does not permit land uses that would allow the adaptive reuse of the contributing principal building;

~~5e.~~ The contributing principal building has not suffered from willful ~~willful~~ neglect, as evidenced by the following:

~~a. (1)Willful~~ ~~Willful~~ or negligent acts that have caused significant deterioration of the structural integrity of the contributing principal building to the point that the building fails to substantially conform to applicable standards of the ~~Ss~~state ~~Cc~~construction ~~Cc~~code,

~~b. (2)Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or~~

~~c. (3)Failure to secure and board the contributing principal building, if vacant, per sSection 18.64.045 of this Ccode.~~

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~~2. Historic Landmark Commission Determination Of Compliance With Standards Of Approval: If the Historic Landmark Commission finds that the request for a certificate of appropriateness for demolition substantially complies with the standards in subsection K1 of this section, then the Historic Landmark Commission shall approve the request for a certificate of appropriateness for demolition. If the Historic Landmark Commission does not find that the request for a certificate of appropriateness for demolition substantially complies with the standards in subsection K1 of this section, then the Historic Landmark Commission shall deny the request for a certificate of appropriateness for demolition.~~

L. Economic Hardship Determination: Upon denial of a certificate of appropriateness for demolition of a contributing principal building by the ~~H~~historic ~~L~~andmark ~~C~~ommission, the owner and/or owner's representative will have one year from the end of the appeal period as described in ~~e~~Chapter 21A.16 of this title, to submit an application for determination of economic hardship. In the case of a landmark site, an application for determination of economic hardship shall ~~can~~ be submitted at ~~any~~ the same time as an application for demolition of a landmark site necessary to meet the standard of ~~s~~Subsection 21A.34.020.J.2 of this section.

1. Application ~~f~~For Determination ~~o~~Of Economic Hardship: An application for a determination of economic hardship shall be made on a form provided by the zoning administrator and accompanied by applicable fees as noted in the Salt Lake City consolidated fee schedule. ~~Planning Director and shall be submitted to the Planning Division.~~

2. Evidence ~~f~~For Determination ~~o~~Of Economic Hardship: The burden of proof is on the owner or owner's representative to provide sufficient evidence to demonstrate an economic hardship. Any finding in support of economic hardship shall be based solely on the hardship of the property. Evidence may include, but is not limited to:

a. Physical cCondition of the property at time of purchase and the applicant's plans for the property at time of purchase.

b. The current level of economic return on the property as considered in relation to the following:

(1) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between applicant, and the person from whom the property was purchased;

(2) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;

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- (3) Real Estate Taxes for the previous three (3) years by the Salt Lake County Assessor;
- (4) An appraisal, no older than six (6) months at the time of application for determination of economic hardship conducted by an MAI certified appraiser licensed within the State of Utah. Also all appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- (5) The fair market value of the property taking into consideration the Historic Preservation Overlay District; and
- (6) For non-residential or multifamily properties, any State or Federal Income Tax returns on or relating to the property for the previous three (3) years.
- c. The marketability of the property for sale or lease, as determined by any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
- (1) Any real estate broker or firm engaged to sell or lease the property;
- (2) Reasonableness of the price in terms of fair market value or rent sought by the applicant; and
- (3) Any advertisements placed for the sale or rental of the property.
- d. The feasibility of alternative uses for the property as considered in relation to the following:
- (1) Report from a licensed engineer or architect with demonstrated experience in rehabilitation of older buildings as to the structural soundness of any building on the property;
- (2) An estimate of the cost of the proposed construction or alteration, including the cost of demolition and removal, and potential cost savings for reuse of materials;
- (3) The estimated market values of the property in current condition, after completion of the demolition; and after renovation of the existing property for continued use; and
- (4) The testimony of an ~~experienced~~ professional with demonstrated experience in rehabilitation of older buildings as to the economic feasibility of rehabilitation or reuse of the existing building on the property. An experienced professional may include, but is not limited to, an architect, developer, real estate consultant, appraiser, or any other professional experienced in preservation or rehabilitation of older buildings and licensed within the State of Utah.



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- 1422 e. Economic incentives and/or funding available to the applicant through Ffederal,  
1423 Sstate, Ccity, or private programs.
- 1424 f. Description of past and current use.
- 1425 g. An itemized report that identifies what is deficient if the building does not meet  
1426 minimum Ccity Bbuilding Ccode standards or violations of this Ccode and  
1427 whether any exceptions within Chapter 12 Historic Buildings of the IEBC, or its  
1428 successor, could be used to resolve those deficiencies.
- 1429 h. Consideration of map amendment, conditional use, ~~special exception~~ or other land  
1430 use processes to alleviate hardship.
- 1431
- 1432 3. Procedure ~~f~~For Determination oOf Economic Hardship: The Planning Director shall  
1433 appoint a qualified expert to evaluate the application and provide advice and/or  
1434 testimony to the Historic Landmark Commission concerning the value of the property  
1435 and whether or not the denial of demolition could result in an economic hardship. The  
1436 extent of the authority of the Planning Director's appointed qualified expert is limited  
1437 to rendering advice and testimony to the Historic Landmark Commission. The  
1438 Planning Director's appointed qualified expert has no decision-making capacity. The  
1439 Planning Director's appointed qualified expert should have considerable and  
1440 demonstrated experience in appraising, renovating, or restoring historic properties,  
1441 real estate development, economics, accounting, finance and/or law. The Historic  
1442 Landmark Commission may also consider other expert testimony upon reviewing the  
1443 evidence presented by the applicant or receiving the advice/testimony of the Planning  
1444 Director's appointed qualified expert as necessary.
- 1445
- 1446 a. Appointment of Qualified Expert: The planning director shall appoint a qualified  
1447 expert to evaluate the application and provide advice and/or testimony to the  
1448 historic landmark commission concerning the value of the property and whether  
1449 or not the denial of demolition could result in an economic hardship.
- 1450
- 1451 (1) The extent of the Authority: The planning director's appointed qualified  
1452 expert is limited to rendering advice and testimony to the historic landmark  
1453 commission and has no decision-making capacity.
- 1454 (2) The planning director's appointed qualified expert shall have considerable and  
1455 demonstrated experience in appraising, renovating, or restoring historic  
1456 properties, real estate development, economics, accounting, finance and/or  
1457 law.
- 1458 (3) The historic landmark commission may also consider other expert testimony  
1459 upon reviewing the evidence presented by the applicant or receiving the  
1460 advice/testimony of the planning director's appointed qualified expert as  
1461 necessary.
- 1462
- 1463 ba. Review ~~O~~Of Evidence: The Hhistoric Landmark Commission shall hold a public  
1464 hearing in accordance with the standards and procedures set forth in Chapter

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21A.10 of this title ~~shall to consider the evidence submitted, an application and the advice and testimony of the Planning Director's appointed qualified expert, for determination of economic hardship after receipt of a complete application.~~

~~cb.~~ Finding ~~O~~of Economic Hardship: If after reviewing all of the evidence presented by the applicant and the advice/testimony of the ~~P~~planning ~~D~~director's appointed qualified expert, and if the Historic Landmark Commission finds that the applicant has presented sufficient information supporting a determination of economic hardship, then the Historic Landmark Commission shall approve the issue a certificate of appropriateness for demolition, in accordance with subsections M and N of this section. In order to show that all beneficial or economically viable use cannot be obtained, the ~~H~~historic ~~L~~landmark ~~C~~commission must find that all of the following are met:

- (1) The contributing principal building or landmark site cannot be economically used or rented at a reasonable rate of return in its present condition or if rehabilitated;
- (2) The contributing principal building or landmark site cannot be put to any reasonable beneficial use in its present condition or if rehabilitated; and
- (3) Bona fide efforts during the previous year to sell or lease the contributing principal building or landmark site at a reasonable price have been unsuccessful.

~~(1) For demolition of non-residential or multifamily property:~~

~~(A) The contributing principal building or landmark site currently cannot be economically used or rented at a reasonable rate of return in its present condition.~~

~~(2) For demolition of a residential property (single or two family):~~

~~(A) The contributing principal building or landmark site cannot be put to any beneficial use in its present condition.~~

~~de.~~ Certificate ~~o~~of Appropriateness ~~f~~for Demolition: If the ~~H~~historic ~~L~~landmark ~~C~~commission finds an economic hardship, a certificate of appropriateness for demolition shall be issued in accordance with Subsection 21A.34.020.F.8. valid for one year. Extensions of time for an approved certificate of appropriateness for demolition associated with economic hardship shall be subject to subsection 21A.10.010D of this title.

~~ed.~~ Denial ~~O~~of Economic Hardship: If the ~~H~~historic ~~L~~landmark ~~C~~commission does not find an economic hardship, then the application for a certificate of appropriateness for demolition shall be denied. No further economic hardship determination applications may be considered for the subject property for three (3) years from the date of the final decision of the ~~H~~historic ~~L~~landmark ~~C~~commission. The ~~H~~historic ~~L~~landmark ~~C~~commission may waive this restriction



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if the Historic Landmark Commission finds there are circumstances sufficient to warrant a new hearing other than the re-sale of the property or those caused by the negligence or intentional acts of the owner.

~~e. Appeal: Any owner adversely affected by a final decision of the Historic Landmark Commission may appeal the decision in accordance with the provisions of chapter 21A.16 of this title.~~

~~M. Requirements For Certificate Of Appropriateness For Demolition: No certificate of appropriateness for demolition shall be issued unless the landmark site or contributing principal building to be demolished is to be replaced with a new building that meets the following criteria:~~

- ~~1. The replacement building satisfies all applicable zoning and Historic Preservation Overlay District standards for new construction.~~
- ~~2. The certificate of appropriateness for demolition is issued simultaneously with the appropriate approvals and permits for the replacement building.~~
- ~~3. Submittal of documentation to the Planning Division of the landmark site or contributing principal building in a historic district. Documentation shall include photos of the subject property and a site plan. Documentation may also include drawings and/or written data if available.~~

~~a. Photographs. Digital or print photographs. Views should include:~~

- ~~(1) Exterior views;~~
- ~~(2) Close-ups of significant exterior features;~~
- ~~(3) Views that show the relationship of the primary building to the overall site, accessory structures and/or site features.~~

~~b. Site plan showing the location of the building and site features.~~

~~N. Revocation Of The Designation Of A Landmark Site: If a landmark site is approved for demolition, the property shall not be removed from the Salt Lake City Register of Cultural Resources (see subsection D of this section).~~

~~O. Exceptions Of Certificate Of Appropriateness For Demolition Of Hazardous Buildings: A hazardous building shall be exempt from the provisions governing demolition if the building official determines, in writing, that the building currently is an imminent hazard to public safety. Prior to the issuance of a demolition permit, the building official shall notify the Planning Director of the decision.~~

~~P. Expiration Of Approvals: Subject to an extension of time granted by the Historic Landmark Commission, or in the case of an administratively approved certificate of appropriateness, by the Planning Director or designee, no certificate of appropriateness shall be valid for a period of longer than one year unless a building permit has been~~

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~~issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion, or unless a longer time is requested and granted by the Historic Landmark Commission, or in the case of an administrative approval, by the Planning Director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period.~~

SECTION 5. Amending the text of Salt Lake City Code Subsection 21A.40.190.B. That

Subsection 21A.40.190.B of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Small Solar Energy Collection Systems: Small Solar Energy Collection Systems and Historic Preservation Overlay Districts or Landmark Sites) shall be, and hereby is amended to read as follows:

B. Small Solar Energy Collection Systems ~~a~~And Historic Preservation Overlay Districts ~~Or Landmark Sites:~~

1. General: In addition to meeting the standards set forth in this section, all applications to install a small solar energy collection system within the Historic Preservation Overlay District shall obtain a certificate of appropriateness in accordance with Section 21A.34.020 prior to installation. Small solar energy collection systems shall be allowed in accordance with the location priorities detailed in ~~s~~Subsection B.3 of this section. If there is any conflict between the provisions of this ~~s~~Subsection B, and any other requirements of this section, the provisions of this ~~s~~Subsection B shall take precedence.
2. Installation Standards: The small solar energy collection system shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device. The system must be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.
3. Small Solar Energy Collection System Location Priorities: In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation ~~approved~~ shall be the least visible from a public right-of-way, not including alleys, and most compatible with the character defining features of the historic building, structure, or site. ~~Systems proposed for locations in subsections B3a through B3e of this section, may be reviewed administratively as set forth in subsection 21A.34.020F1, "Administrative Decision", of this title. Systems proposed for locations in subsection B3f of this section, shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in subsection 21A.34.020F2, "Historic Landmark Commission", of this title.~~

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- a. Rear yard in a location not readily visible from a public right-of-way.
- b. On accessory buildings or structures in a location not readily visible from a public right-of-way.
- c. In a side yard in a location not readily visible from a public right-of-way.
- d. On the principal building in a location not readily visible from a public right-of-way.
- e. On the principal building in a location that may be visible from a public right-of-way, but not on the structure's front facade.
- f. On the front facade of the principal building in a location most compatible with the character defining features of the structure.

SECTION 6. Amending the text of Salt Lake City Code Section 21A.50.020. That

Section 21A.50.020 of the *Salt Lake City Code* (Zoning: Amendments: Authority) shall be, and hereby is amended to read as follows:

**21A.50.020: AUTHORITY:**

The text of this title and the zoning map may be amended by the passage of an ordinance adopted by the city council in accordance with the procedures set forth in this chapter. Applications related to H Historic Preservation Overlay District or Landmark Sites are subject to the procedures in Chapter 21A.51, Local Historic Designations and Amendments.

SECTION 7. Amending the text of Salt Lake City Code Section 21A.50.030. That

Section 21A.50.030 of the *Salt Lake City Code* (Zoning: Amendments: Initiation) shall be, and hereby is amended to read as follows:

**21A.50.030: INITIATION:**

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, the city council, the planning commission, or the owner of the property included in the application, or the property owner's authorized agent. ~~Applications related to H Historic Preservation Overlay Districts or landmark sites or the~~ Homeless Resource Center Overlay shall be initiated as provided in Chapter 21A.34 of this title.

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SECTION 8. Amending the text of Salt Lake City Code Subsection 21A.50.040.B That

Section 21A.50.030.B of the *Salt Lake City Code* (Zoning: Amendments: Procedure: Fees) shall

be, and hereby is amended to read as follows:

- B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by ~~e~~Chapter 21A.10 of this title. Application and noticing fees filed by the city council, planning commission or the mayor shall not be required. Application and noticing fees filed ~~for designation within an H historic preservation overlay district or to establish a character conservation district~~ shall not be required.

SECTION 9. Amending the text of Salt Lake City Code Section 21A.50.060 That

Section 21A.50.060 of the *Salt Lake City Code* (Zoning: Amendments: Limitation on

Amendments) shall be, and hereby is amended to read as follows:

### **21A.50.060: LIMITATION ON AMENDMENTS:**

- A. No application for an amendment to this title shall be considered by the ~~C~~city ~~C~~council or the ~~P~~planning ~~C~~commission within one year of the withdrawal by the applicant or final decision of the ~~C~~city ~~C~~council upon a prior application covering substantially the same subject or substantially the same property.

- ~~B. In the case of a proposed local historic district or thematic designation per section 21A.50.060 of this chapter, if a local historic district or area proposal fails in accordance with the voting procedures set forth in section 21A.50.060.A11, a resident may not initiate the creation of a local historic district, area, or thematic designation that includes more than fifty percent (50%) of the same property as the failed local historic district, area, or thematic designation proposal for four (4) years after the day on which the property owner opinion ballots for the vote were due.~~

- ~~B~~C. This determination shall be made by the ~~Z~~zoning ~~A~~administrator upon receipt of an application pursuant to ~~s~~Section 21A.50.030 of this chapter. This provision shall not restrict the ~~M~~mayor, the ~~C~~city ~~C~~council or the ~~P~~planning ~~C~~commission from proposing any text amendment or change in the boundaries of any of the districts in this title at any time.

SECTION 10. Adopting a new Chapter 21A.51 of Salt Lake City Code 21A. Chapter 21A of the *Salt Lake City Code* (Local Historic Designation and Amendments) shall be and hereby is amended to include a new Chapter 21A.51 Local Historic Designation and Amendments and shall read as follows:

**Chapter 21A.51**  
**LOCAL HISTORIC DESIGNATION & AMENDMENTS**

**21A.51.010: Purpose Statement**

**21A.51.020: Authority**

**21A.51.030: Local Historic Designation Process**

**21A.51.040: Local Historic Designation Criteria**

**21A.51.050: Existing Local Historic Amendment Process**

**21A.51.060: Existing Local Historic Amendment Criteria**

**21A.51.070: Limitations**

**21A.51.080: Historic Resource Surveys**

**21A.51.090: Appeal of Decision**

**21A.51.010: PURPOSE STATEMENT:**

The purpose of this chapter is to provide standards and procedures for making amendments to the zoning map related to the H Historic Preservation Overlay District. The H Historic Preservation Overlay District applies to all properties within the boundaries of a local historic district, part of a thematic designation, or a landmark site.

**21A.51.020: AUTHORITY:**

A. Authority: Pursuant to the procedures and standards in this chapter and the standards for general amendments in Section 21A.50.050, the city council may amend the zoning map and apply the H Historic Preservation Overlay District by the passage of an ordinance and:

1. Designate a landmark site;
2. Designate as a local historic district;
3. Designate as a thematic designation;
4. Amend designations to add or remove features or property to or from a landmark site, local historic district or thematic designation;
5. Revoke designation of a landmark site;
6. Adopt comprehensive historic resource surveys and associated reports for new landmark sites, local historic districts or thematic designations; and

7. Adopt updates to historic resource surveys and associated reports for existing local historic districts or thematic designations in accordance with the provisions in Section 21A.51.080.

**21A.51.030: LOCAL HISTORIC DESIGNATION PROCESS:**

Salt Lake City will consider the local designation of a landmark site, local historic district or thematic designation in order to protect the best examples of historic resources which represent significant elements of the city's prehistory, history, development patterns or architecture. Local designation must be in the best interest of the city and achieve a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage.

A. Process for Designation of a Local Historic District or Thematic Designation:

1. Procedures Required Before an Application Can be Submitted: Prior to the submittal of an application for the designation or amendment local historic district or thematic designation, and prior to gathering any signatures for an application, the following steps must be completed:
  - a. Pre-application Conference: A potential applicant shall attend a pre-application conference with the planning director or designee. The purpose of this meeting is to discuss the merits of the proposed designation and the amendment processes as outlined in this section.
  - b. Notification to Affected Property Owners: Following the preapplication conference outlined in Subsection A.1.a of this section, the city shall send by first class mail a neutral informational pamphlet to owners of record for each property potentially affected by a forthcoming application. The informational pamphlet shall be mailed after a potential applicant submits to the city a finalized proposed boundary of an area to be included in the H Historic Preservation Overlay District. The informational pamphlet shall contain, at a minimum, a description of the process to create a local historic district or thematic designation and will also list the pros and cons of a local historic district or thematic designation. Once the city sends the informational pamphlet, gathering of property owner signatures may begin per Subsection A.2 of this section. The informational pamphlet sent shall remain valid for ninety (90) days. If an application is not filed with the city within ninety (90) days after the date that the informational pamphlet was mailed, the city shall close its file on the matter. Any subsequent proposal must begin the application process again.

2. Application:

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- a. Parties Entitled to Submit Application: The mayor or the city council, by a majority vote, may initiate a petition to consider designation of a local historic district or thematic designation. A property owner submitting such application shall demonstrate, in writing, support of more than thirty three percent (33%) of the property owners of lots or parcels within the proposed boundaries of an area to be included in the H Historic Preservation Overlay District.
- (1) For purposes of this subsection, a lot or parcel of real property may not be included in the calculation of the required percentage unless the application is signed by property owners representing at least fifty percent (50%) of the interest in that lot or parcel.
- (2) Each lot or parcel of real property may only be counted once toward the thirty three percent (33%), regardless of the number of owner signatures obtained for that lot or parcel.
- (3) Signatures obtained to demonstrate support of more than thirty three percent (33%) of the property owners within the boundary of the proposed local historic district or thematic designation must be gathered within a period of ninety (90) days as counted between the date that the informational pamphlet was mailed as required per Subsection 21A.51.030.A.1.b and the date of the last required signature.
- b. Submittal Requirements: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information unless deemed unnecessary by the zoning administrator:
- (1) Information demonstrating the procedures in Subsections 21A.51.030.A.1.a and 21A.51.030.A.1.b have been followed;
- (2) Information demonstrating the requirements in Subsection 21A.51.030.A.2.a have been met;
- (3) Street addresses and parcel numbers of all properties included in the proposed local designation;
- (4) Photos of all properties included in the proposed designation;
- (5) Narrative demonstrating compliance with the standards and considerations in Section 21A.51.040; and

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(6) Any other information the zoning administrator deems necessary for consideration of a particular application.

c. Fees: Application and noticing fees for designation of a local historic district or thematic designation shall not be required.

3. Notice of Designation Application Letter: Following the receipt by the city of an application for the designation of a local historic district or thematic designation, the city shall send a notice of designation application letter to owner(s) of record for each property affected by said application along with a second copy of the informational pamphlet described in Subsection 21A.51.030.A.1.b. In the event that no application is received following the ninety (90) day period of property owner signature gathering, the city will send a letter to property owner(s) of record stating that no application has been filed, and that the city has closed its file on the matter.

4. Planning Director Report to the City Council: Following the receipt by the city of an application for the designation to a local historic district or thematic designation and following mailing of the notice of designation application letter described in Subsection 21A.51.030.A.3, the planning director shall submit a report based on the following considerations to the city council:

a. Whether a current historic survey meeting the standards prescribed by the State Historic Preservation Office is available for the landmark site or the area proposed for a local historic district or thematic designation. If a suitable survey is not available, the report shall propose a strategy to gather the needed survey data.

b. The city administration will determine the priority of the petition and determine whether there is sufficient funding and staff resources available to allow the planning division to complete a community outreach process, historic resource analysis and to provide ongoing administration of the new local historic district or thematic designation if the designation is approved by the city council. If sufficient funding is not available, the report shall include a proposed budget.

c. Whether the proposed designation is generally consistent with the purposes, goals, objectives and policies of the city as stated through its various adopted planning documents.

d. Whether the proposed designation would generally be in the public interest.

e. Whether there is probable cause to believe that the proposed landmark site, local historic district or thematic designation may be eligible for designation consistent with the purposes and designation criteria in Section 21A.51.040 and the zoning map amendment criteria in Section 21A.50.050, "Standards for General Amendments", of this title.



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- 1823
- 1824 f. Verification that a neutral informational pamphlet was sent per Subsection
- 1825 21A.51.030.A.3 of this section to all property owners within a proposed local
- 1826 historic district following the preapplication process outlined in Subsections
- 1827 21A.51.030.A.1.a and 21A.51.030.A.1.b.
- 1828
- 1829 5. Notification to Recognized Community Organizations: Notification to recognized
- 1830 community organizations shall be provided as set forth in Section 2.60.050 of this
- 1831 code.
- 1832
- 1833 6. Property Owner Meeting: Following the submission of the planning director's report
- 1834 and acceptance of the report by the city council, the planning division will conduct a
- 1835 community outreach process to inform the owners of property within the proposed
- 1836 boundaries of the proposed local historic district or thematic designation about the
- 1837 following:
- 1838
- 1839 a. The designation process, including determining the level of property owner
- 1840 support, the public hearing process, and final decision-making process by the city
- 1841 council; and
- 1842
- 1843 b. Zoning ordinance requirements affecting properties located within the H Historic
- 1844 Preservation Overlay District, adopted design guidelines, the design review
- 1845 process for alterations and new construction, the demolition process and the
- 1846 economic hardship process.
- 1847
- 1848 7. Open House: The planning division will conduct an open house pursuant to Section
- 1849 2.60.050.
- 1850
- 1851 8. Public Hearings: A public hearing shall be held with both the historic landmark
- 1852 commission and the planning commission in accordance with the standards and
- 1853 procedures set forth in Chapter 21A.10, "General Application and Public Hearing
- 1854 Procedures", of this title. The historic landmark commission and planning
- 1855 commission shall recommend approval or denial of the proposal or the approval of
- 1856 some modification of the proposal.
- 1857
- 1858 9. Property Owner Opinion Balloting:
- 1859
- 1860 a. Following the completion of the historic landmark commission and planning
- 1861 commission public hearings, the city will deliver property owner opinion ballots
- 1862 via first class mail to property owners of record within the boundary of the
- 1863 proposed local historic district or thematic designation. The property owner
- 1864 opinion ballot is a nonbinding opinion poll to inform the city council of property
- 1865 owner interest regarding the designation of a local historic district. Each
- 1866 individual property in the proposed designation boundary, regardless of the

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number of owners having interest in any given property, will receive one property owner opinion ballot.

(1) A property owner is eligible to vote regardless of whether or not the property owner is an individual, a private entity, or a public entity;

(2) The city shall count no more than one property owner opinion ballot for:

(a) Each parcel within the boundaries of the proposed local historic district or area; or

(b) If the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and

(c) If a parcel or unit has more than one owner of record, the city shall count a property owner opinion ballot for the parcel or unit only if the property owner opinion ballot reflects the vote of the property owners who own at least fifty percent (50%) interest in the parcel or unit.

b. Property owners of record will have thirty (30) days from the postmark date of the property owner opinion ballot to submit a response to the city indicating the property owner's support or nonsupport of the proposed designation.

c. A letter shall be mailed to all property owners within the proposed local historic district or thematic designation whose property owner opinion ballot has not been received by the city within fifteen (15) days from the original postmark date. This follow up letter will encourage the property owners to submit a property owner opinion ballot prior to the thirty (30) day deadline date set by the mailing of the first property owner opinion ballot.

10. Notification of Property Owner Opinion Balloting Results: Following the public opinion balloting for the proposed designation, the city will send notice of the results to all property owners within the proposed local historic district or thematic designation.

11. City Council Consideration: Following the transmittal of the recommendations of the historic landmark commission and the planning commission and the results of the property owner opinion ballot process, the city council shall hold a public hearing to consider the designation of a local historic district or thematic designation in accordance with the standards and procedures set forth in Chapter 21A.10, "General Application and Public Hearing Procedures", of this title and the following:

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- a. If the property owner opinion ballots returned equals at least two-thirds ( $\frac{2}{3}$ ) of the total number of returned property owner support ballots and represents more than fifty percent (50%) of the parcels and units (in the case of a condominium) within the proposed local historic district, area, or thematic designation, the city council may designate a local historic district or a thematic district by a simple majority vote.
- b. If the number of property owner opinion ballots received does not meet the threshold identified in Subsection 21A.51.030.A.11.a the city council may only designate a local historic district, area, or a thematic district by an affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the members of the city council.
- c. If the number of property owner opinion ballots received in support and in opposition is equal, the city council may only designate a local historic district or a thematic district by a super majority vote.

### B. Process for Designation of a Landmark Site:

#### 1. Application:

- a. Parties Entitled to Submit Application: Any owner of property proposed for a landmark site, the mayor or the city council, by majority vote, may initiate a petition to consider the designation of a landmark site.
- b. Submittal Requirements: Applications for landmark sites shall provide at least all of the information in Subsection 21A.51.030.A.2.b unless deemed unnecessary by the zoning administrator.
- c. Fees: Application and noticing fees for designation of a landmark site shall not be required.

#### 2. Notification to Community Organizations: Notification to recognized community organizations shall be provided as set forth in Section 2.60.050 of this code.

#### 3. Public Hearings: A public hearing shall be held with both the historic landmark commission and the planning commission in accordance with the standards and procedures set forth in Chapter 21A.10, "General Application and Public Hearing Procedures", of this title. The historic landmark commission and planning commission shall recommend approval or denial of the proposal or the approval of some modification of the proposal and the recommendation will be submitted to the city council.

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4. City Council Consideration: Following the transmittal of the recommendations of the historic landmark commission and the planning commission, the city council shall hold a public hearing to consider the designation of a landmark site in accordance with the standards and procedures set forth in Chapter 21A.10, "General Application and Public Hearing Procedures", of this title. The city council may, by a majority vote, designate a landmark site.

- C. City Council Decision: Following city council designation of a landmark site, local historic district or thematic designation, all of the properties located within the boundaries of the local historic district, landmark site, or thematic designation will be subject to the H Historic Preservation Overlay District and subject to the provisions of Section 21A.34.020. The zoning regulations will go into effect on the date of the publication of the ordinance unless otherwise noted on the adopted ordinance.

1. Designation Adoption: Designation of a landmark site, local historic district or thematic designation includes adoption of the historic survey and associated report submitted for the designation. Historic resource surveys may be updated pursuant to the provisions in Section 21A.51.080 or Subsection 21A.34.020.D.
2. Notice of Designation: Within thirty (30) days following the designation of a landmark site, local historic district or thematic designation, the city shall provide notice of the action to all owners of property within the boundaries of the H Historic Preservation Overlay District. In addition, a notice shall be recorded in the office of the Salt Lake County Recorder for all lots or parcels within the area added to the H Historic Preservation Overlay District.

### **21A.51.040: LOCAL HISTORIC DESIGNATION CRITERIA:**

- A. Standards for the Designation of a Landmark Site, Local Historic District or Thematic Designation: The proposed landmark site, local historic district, or thematic designation shall be evaluated according to the following:

1. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:
- a. Events that have made significant contribution to the important patterns of history, or
  - b. Lives of persons significant in the history of the city, region, state, or nation, or
  - c. The distinctive characteristics of a type, period of significance, or method of construction; or the work of a notable architect or master craftsman, or

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- d. Information important in the understanding of the prehistory or history of Salt Lake City; and
2. Historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined in Section 21A.62.040. When analyzing historic integrity, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district.
3. The proposed landmark site, local historic district or thematic designation is listed, or is eligible to be listed on the National Register of Historic Places;
4. The proposed designation contains notable examples of elements of the city's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City;
5. The designation is generally consistent with adopted planning policies; and
6. The designation would be in the overall public interest.
- B. Factors to Consider: The following factors may be considered by the historic landmark commission and the city council to help determine whether the proposed designation of a landmark site, local historic district or thematic designation meets the criteria listed above:
1. Sites are of an age that allows insight into whether a property is sufficiently important in the overall history of the community as identified in one or more periods of significance in a historic survey report. Typically, this is at least fifty (50) years but could be less if the property has exceptional importance.
2. Whether the proposed local historic district or thematic designation contains examples of elements of the city's history, development patterns and/or architecture that may not already be protected by other local historic districts within the city.
3. Whether designation of the proposed local historic district or thematic designation would add important knowledge that advances the understanding of the city's history, development patterns and/or architecture.
4. Whether approximately seventy five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by the most recent applicable historic survey and those relate to identified significance and periods of significance.

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- C. Boundaries of a Proposed Landmark Site: When applying the evaluation criteria in Subsection 21A.51.040.A, the boundaries of a landmark site shall be drawn to ensure that historical associations, that best enhance the integrity of the site comprise the boundaries.
- D. Boundaries of a Proposed Local Historic District: When applying the evaluation criteria in Subsection 21A.51.040.A, the boundaries shall be drawn to ensure the local historic district:
1. Contains a significant density of documented sites, buildings, structures or features rated as contributing structures in a recent historic survey;
  2. Coincides with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;
  3. Coincides with logical physical or manmade features and reflect recognized neighborhood boundaries; and
  4. Contains noncontributing resources or vacant land only where necessary to create appropriate boundaries to meet the criteria in Subsections 21A.51.040.A and 21A.51.040.D.
- E. Boundaries of a Proposed Thematic Designation: When applying the evaluation criteria of this section, the boundaries shall be drawn to ensure the thematic designation contains a collection of sites, buildings, structures, or features that are associated by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value.

### **21A.51.050: EXISTING LOCAL HISTORIC AMENDMENT PROCESS:**

- A. Applicability: Existing Local Historic Amendments applies to the following:
1. Expanding the boundaries of an existing landmark site, local historic district, or adding additional properties to an existing thematic designation;
  2. Reducing the boundaries of an existing landmark site, local historic district, or removing properties from an existing thematic designation; and
  3. Revocation of the designation of a landmark site.
- B. Process for Amendments to Existing Local Historic Districts and Thematic Designations:
1. Boundary Expansion: The process for expanding the boundaries of an existing local historic district or adding properties to a thematic designation shall be the same as outlined in Subsection 21A.51.030.A except that the following shall only apply to the properties being added into the proposed expanded boundary and do not apply to

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those properties already designated in a local historic district or thematic designation and already subject to the H Historic Preservation Overlay District:

- a. The notification to affected property owners described in Subsection 21A.51.030.A.1.b;
  - b. The application submittal requirements for demonstrating support of 33% of the property owners described in Subsection 21A.51.030.A.2;
  - c. The property owner meeting described in Subsection 21A.51.030.A.6;
  - d. The opinion ballot described in Subsection 21A.51.030.A.9;
  - e. Notification of property owner opinion balloting results in Subsection 21A.51.030.A.10; and
  - f. City council consideration opinion ballot thresholds described in Subsection 21A.51.030.A.11.
2. Boundary Reduction: The process for reducing the boundaries of an existing local historic district or removing properties from a thematic designation shall be the same as outlined in Subsection 21A.51.030.A except that:
- a. The requirements described in Subsection 21A.51.050.B.1.a through f, shall only apply to those properties proposed to be removed from the local historic district or thematic designation and do not apply to those properties already designated in a local historic district or thematic designation and already subject to the H Historic Preservation Overlay District.
  - b. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this title. Applications filed by the city council, planning commission or the mayor shall not be required.

### C. Amendments to Existing Landmark Sites:

1. Boundary Expansion or Reduction or Revocation: The process for expanding or reducing the boundaries of an existing landmark site or the revocation of the designation of a landmark site shall follow the steps outlined in Subsection 21A.51.030.B in addition to:
  - a. Fees: Applications for reducing the boundaries of a landmark site or for the revocation of the designation of a landmark site shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The

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applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this title. Applications filed by the city council, planning commission or the mayor shall not be required.

### **21A.51.060: EXISTING LOCAL HISTORIC AMENDMENT CRITERIA:**

- A. Expansion: A proposed expansion of the boundaries of an existing landmark site, local historic district, or the addition of properties to a thematic designation shall be considered utilizing the provisions of Subsections 21A.51.040.A through E and provided that new information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the landmark site, local historic district or thematic designation.
- B. Reduction: A proposed reduction of the boundaries of an existing landmark site, local historic district or the removal of properties from a thematic designation shall demonstrate the properties have no longer met the criteria in Subsection 21A.51.040.A for inclusion within the landmark site, local historic district or thematic designation. The qualities that caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the historic landmark commission recommendation and adoption of the designation.
- C. Revocation of the Designation of a Landmark Site: A proposal for revocation of a landmark site shall demonstrate the property no longer meets the criteria in Subsection 21A.51.040.A for which it was originally designated.

### **21A.51.070: LIMITATIONS:**

- A. If a local historic district or thematic designation proposal fails in accordance with the voting procedures set forth in Subsection 21A.51.030.A.9, a resident may not initiate the creation of a local historic district or thematic designation that includes more than fifty percent (50%) of the same property as the failed local historic district or thematic designation proposal for four (4) years after the day on which the property owner opinion ballots for the vote were due.

1. This determination shall be made by the zoning administrator upon receipt of an application pursuant to Section 21A.51.030 of this chapter. This provision shall not restrict the mayor or the city council from initiating a petition at any time for a new local historic district or thematic designation, or to amend the boundaries of a local historic district or the removal or addition of properties in a thematic designation.

### **21A.51.080: HISTORIC RESOURCE SURVEYS**



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A. Existing Historic Resource Surveys: Any historic resource survey that was conducted for the city prior to the amendment of this chapter shall be utilized by the planning director and the historic landmark commission in applying provisions of Section 21A.34.020 the H Historic Preservation Overlay District. Any subsequent adoption of a historic resource survey will be done by ordinance in accordance with the provisions in this chapter and will supersede previous surveys.

B. Updates to Historic Resource Surveys:

1. Applicability: The city aims to update historic resource surveys on a periodic basis as recommended by the National Park Service. Updates to surveys are for land use purposes to determine periods of significance, to determine historic status of individual properties, to update the national register, and to keep archival records on historic properties. Updates to a historic resource survey for existing local historic district is subject to the following:

a. The standards of the H Historic Preservation Overlay apply to those properties within an adopted local historic district. Any other properties evaluated in a historic resource survey outside the boundary of a designated local district or thematic designation will not be subject to the land use regulations associated with historic status designations in the H Historic Preservation Overlay District.

b. An updated historic resource survey maintains the boundaries of a local historic or the properties within a thematic designation but may update the historic status of properties within the adopted H Historic Preservation Overlay District.

c. Historic Status Determinations: Instances where the historic status of an individual property within a local historic district is in question, the zoning administrator will use the provisions of Subsection 21A.34.020.D to make a timely determination.

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

2. Process for Updating Historic Resource Surveys:

a. Public Hearings: A public hearing shall be held with both the historic landmark commission and the planning commission in accordance with the standards and procedures set forth in Chapter 21A.10, "General Application and Public Hearing Procedures", of this title. The historic landmark commission and planning commission shall recommend approval or denial of the updated historic resource

## LEGISLATIVE DRAFT

survey or the approval of some modification of the updated historic resource survey and the recommendation will be submitted to the city council.

b. City Council: Following the transmittal of the historic landmark commission's recommendation, the city council shall hold a public hearing to consider adopting the updated historic survey in accordance with the procedures set forth in Chapter 21A.10, "General Application and Public Hearing Procedures", of this title. The city council may, by a majority vote, adopt the updated historic resource survey. In deciding to adopt an updated historic resource survey, the city council may consider the following in their decision making:

(1) Any benefit or impact that extending the period of significance would have on the local district or thematic designation and the city;

(2) Any new period of significance in the updated survey is identified and associated with at least one of the following:

(a) Events that have made significant contribution to the important patterns of history, or

(b) Lives of persons significant in the history of the city, region, state, or nation, or

(c) The distinctive characteristics of a type, period of significance or method of construction; or the work of a notable architect or master craftsman, or

(d) Information important in the understanding of the prehistory or history of Salt Lake City; and

(3) Any properties within a new period of significance will be assessed for aspects of integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service Aspects of integrity. When analyzing integrity, the collective historic value of the buildings and structures in a local historic district taken together may be greater than the historic value of each individual building or structure in a district. If integrity is intact, the property is denoted as contributing in the updated survey;

(4) Any notable examples of elements of the city's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City are specifically identified for any new periods of significance in the updated survey;

(5) The historic survey update would be in the overall public interest.

C. City Council Action: If an updated historic resource survey is adopted by the city council, the updated historic resource survey including any updated historic status designations shall be used when applying provisions of the H Historic Preservation Overlay District in Section 21A.34.020. The decision to update a historic resource survey will go into effect on the date of the publication of the related ordinance unless otherwise noted on the adopted ordinance.

**21A.51.090: APPEAL OF DECISION:**

Any party adversely affected by the decision of the city council may, within thirty (30) days after such decision, file a petition for review to the District Court pursuant to the Municipal Land Use Development and Management Act, Section 10-9a-801, of the Utah Code.

SECTION 11. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section

21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Contributing Structure  
Noncontributing Structure  
Demolition (as it applies to properties within the H Historic Preservation Overlay District)  
Demolition, Partial (as it applies to properties within the H Historic Preservation Overlay District)  
Historic Design Guidelines  
Historic Integrity  
Economic Hardship  
Historic Resource Survey  
Landmark Site  
Local Historic District  
Period of Significance  
Thematic Designation  
Willful Neglect

SECTION 12. Amending the Text of *Salt Lake City Code* Section 21A.62.040. That

Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms) shall

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be and hereby is amended to add the following definitions, which shall be inserted in alphabetical order and shall read as follows:

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

DEMOLITION (AS IT APPLIES TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY DISTRICT): Any act or process which destroys a structure, object or property within the H Historic Preservation Overlay District or a landmark site. (See definition of demolition, partial.)

DEMOLITION, PARTIAL (AS IT APPLIES TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY DISTRICT): Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the structure to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty five percent (25%) when the demolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

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

HISTORIC DESIGN GUIDELINES: The historic design guidelines provide guidance in determining the suitability and architectural compatibility of proposed maintenance, repair, alteration or new construction while at the same time, allowing for reasonable changes that meet current needs of properties located within the H Historic Preservation Overlay District. For architects, designers, contractors and property owners, they provide guidance in planning and designing future projects. For city staff and the historic landmark commission, they provide guidance for the interpretation of the zoning ordinance standards. Design guidelines are officially adopted by city council.

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

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

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

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

Materials: Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

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

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

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

HISTORIC RESOURCE SURVEY: A systematic resource for identifying and evaluating the quantity and quality of historic resources for land use planning purposes following the guidelines and forms of the Utah State Historic Preservation Office. Historic resource surveys shall be prepared by a qualified professional meeting the minimum professional qualifications defined by the U.S. National Park Service in the fields of history, archeology, architectural history, architecture, or historic architecture.

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

LOCAL HISTORIC DISTRICT: A contiguous geographically definable area with a minimum district size of one "block face", as defined in Section 21A.62.040, designated by the city council pursuant to the provisions in Subsection 21A.51.030.A, which contains buildings, structures, sites, objects, landscape features, archaeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City. All properties within a local historic district are subject to the regulations of Section 21A.34.020 the H Historic Preservation Overlay District.

NONCONTRIBUTING STRUCTURE: A structure or site within the H Historic Preservation Overlay District that has been determined noncontributing through the process outlined in Section 21A.51.040, or an adopted historic resource survey, or

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2369 Subsection 21A.34.020.D, and does not retain historic integrity. The major character  
 2370 defining features have been so altered as to make the historic form, materials or details  
 2371 indistinguishable and such alterations are irreversible. Noncontributing structures may  
 2372 also include those rated out of period, and therefore, they are not representative of a  
 2373 period of significance as identified in an adopted historic resource survey.

2374 PERIOD OF SIGNIFICANCE: The period of significance is the period when the historic  
 2375 events associated with a local historic district, thematic designation, or landmark site  
 2376 occurred. This period must reflect the dates associated with the property or site, or in the case  
 2377 of a district, the collection of properties within the district. A period of significance may be  
 2378 thousands of years (in the case of an archeological property), several years, or even a few  
 2379 days, depending on the duration of the event. There may be multiple periods of significance  
 2380 associated with a local historic district, thematic designation, or landmark site.

2381 THEMATIC DESIGNATION: A collection of individual sites, buildings, structures, or  
 2382 features designated by City Council pursuant to the provisions in Subsection 21A.51.030.A,  
 2383 which are contained in two (2) or more geographically separate areas that are united together  
 2384 by historical, architectural, or aesthetic characteristics and contribute to the historic  
 2385 preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic  
 2386 interest or value. All properties within a thematic designation are subject to the regulations of  
 2387 Section 21A.34.020 the H Historic Preservation Overlay District.

2388  
 2389 WILLFUL NEGLECT: The intentional absence of routine maintenance and repair of a  
 2390 building over time.

2391  
 2392 SECTION 13. Amending the Consolidated Fee Schedule. That the section of the Salt  
 2393 Lake City consolidated fee schedule titled, “Zoning Fees” shall be and hereby is amended to read  
 2394 as follows:

ZONING FEES			
For question regarding Zoning fees contact: 801.535.7700			
Service	Fee	Additional Information	Section
Determination of Nonconforming Use	\$214		<a href="#">21A.38.025.4</a>
Administrative Interpretation	\$71	Plus \$61 per hour for research after the first hour	<a href="#">21A.12.040.A.6</a>
Alley Vacation/Closure	\$285	Fee waiver available if adequate signatures are obtained. See also fee for required public notices (21A.10.010.E)	<a href="#">14.52.030. A.5</a>
<b>Alternative Parking</b>			
Residential	\$428		<a href="#">21A.52.040 .A.3</a>
Nonresidential	\$785		<a href="#">21A.52.040 .A.3</a>
<b>Amendments</b>			
Master plan	\$1,070	Plus \$121 per acre in excess of one acre. See also fee for required public notices (10.9a.204).	<a href="#">Utah Code Annotated 10.9A.510</a>

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	Zoning map amendment	\$1,142	Plus \$121 per acre in excess of one acre. See also fee for required public notices (21A.10.010.E).	<a href="#">21A.50.040.B</a>
	Zoning text amendment	\$1,142	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.50.040.B</a>
<b>Annexation</b>		\$1,427	See also fee for required public notices (21A.10.010.E)	<a href="#">Utah Code Annotated 10.2.401.5</a>
<b>Appeal of a Decision</b>				
	Administrative decision	\$285	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.16.030.B</a>
	Historic Landmark Commission	\$285	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.16.030.B</a>
	Planning Commission	\$285	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.16.030.B</a>
<b>Appearance Before the Zoning Enforcement Hearing Office</b>				
	First scheduled hearing	No charge		<a href="#">21A.20.90</a>
	Second scheduled hearing	\$71		<a href="#">21A.20.90</a>
<b>Billboard Construction or Demolition including the demolition of a non-conforming billboard</b>		\$285		<a href="#">21A.46.160.D.3 &amp; 21A.46.160.L.2</a>
<b>Conditional Building and Site Design Review</b>		\$856	Plus \$121 per acre in excess of one acre. See also fee for required public notices (21A.10.010.E).	<a href="#">21A.59.070.B</a>
<b>Conditional Use</b>		\$856	See also fee for required public notices (21A.10.010.E).	<a href="#">21A.54.060.C</a>
<b>Condominium</b>				
	Preliminary	\$571	Plus \$37 per unit. See also fee for required public notices (21A.10.010.E).	<a href="#">20.56.40.B</a>
	Final	\$428	Plus \$24 per unit.	<a href="#">20.56.40.B</a>
<b>Declaration of Surplus Real Property</b>		\$428		<a href="#">2.58.040</a>
<b>Historic Landmarks Commission Review (Application)</b>				
	Major Alterations of a principal building	<del>\$36</del> <del>\$100</del>	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.34.020</a>
	New construction of a principal building	<del>\$285</del> <del>\$2,982</del>	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.34.020</a>
	Demolition of a contributing principal building	<del>\$571</del> <del>\$2,406</del>	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.34.020</a>
	Relocation of a contributing principal building	<del>\$285</del> <del>\$303</del>	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.34.020</a>
	<u>Reduction to boundaries of the H Historic Pres. Overlay District</u>	\$2,999	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.51.050</a>
	<u>Revocation of a Landmark Site</u>	\$2,999	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.51.050</a>
	<u>Economic Hardship</u>	\$2,050	Plus \$200/hour up to \$20,000. See also fee for required public notices (21A.10.010.E)	<a href="#">21A.34.020</a>
<b>Home Occupation</b>				
	Non-conditional	No charge	Fee could be assessed in future as per ordinance	<a href="#">21A.36.030</a>
	Conditional	No charge	Fee could be assessed in future as per ordinance	<a href="#">21A.36.030</a>
<b>Outdoor Dining</b>				
	Outdoor Dining Application	\$30		<a href="#">21A.40.065</a>
	Outdoor Dining Permit Fee (1-5 tables)	\$120		<a href="#">21A.40.065</a>
	Outdoor Dining Permit Fee (6 or more tables)	\$180		<a href="#">21A.40.065</a>
<b>Planned Development</b>		\$856	Plus \$121 per acre in excess of (1) acre. See also fee for required public notices (21A.10.010.E)	<a href="#">21A.55</a>
<b>Signs</b>				

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	Permit fee for signs	Based on the adopted Building Permit Fee Schedule		<a href="#">21A.46.030</a>
	Plan checking fee	\$0.13	Of building permit value	<a href="#">21A.46.030</a>
	Inspection tag	\$14		<a href="#">21A.46.030</a>
<b>Site Development Permit</b>		\$285	Plus \$61 per acre in excess of one (1) acre	<a href="#">18.28.040.E</a>
<b>Special Exception</b>		\$285	For historic structures, see Section 21A.34.020 and 21A.46.070V. See also fee for required public notices (21A.10.010.E)	<a href="#">21A.52.040.A-3</a>
<b>Street Closure</b>		\$428	See also fee for required public notices.	<a href="#">2.58.040</a>
<b>Subdivision Amendments</b>		\$428	Plus \$121 per lot. See also fee for required public notices (20.36)	<a href="#">20.04.120</a>
<b>Subdivision Preliminary Plat</b>		\$428	Plus \$121 per lot. See also fee for required public notices (20.36)	<a href="#">20.04.120</a>
<b>Subdivision Final Plat</b>		\$856	Plus \$121 per lot.	<a href="#">20.04.120</a>
<b>Subdivision Vacations</b>		\$428	See also fee for required public notices (20.36)	<a href="#">20.04.120</a>
<b>Engineering Review and Inspection Fee</b>		5% of the 1st \$100,000 of public improvements & 2% for the amount above \$100,000		<a href="#">20.04.120</a>
<b>Subdivision Lot Line Adjustment</b>		\$284		<a href="#">20.04.120</a>
<b>Subdivision Consolidating Lots</b>		\$273		<a href="#">20.04.120</a>
<b>Temporary Uses</b>		\$285		<a href="#">21A.42.060.B</a>
<b>Zoning Variance</b>		\$428	See also fee for required public notices (21A.10.010.E)	<a href="#">21A.18.040.B</a>

As per applicable sections of the City and / or State Code, a fee will be assessed for required public notices. This may include sending notice by 1st class U.S. Mail to property owners within a certain radius of the subject property and / or advertising required public hearings in a newspaper of general circulation. A fee for each required public hearing will be assessed. The noticing fee is authorized through the following sections of the Zoning Ordinance and State Law: Salt Lake City Code Subsection 21A.10.010.E and Utah State Code Annotated 10-9a-204 Section 10-9a-501, and 510

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2397           SECTION 14. Effective Date. This Ordinance shall become effective on the date of its

2398   first publication.

2399           Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_,

2400   2023.

2401

2402

\_\_\_\_\_  
CHAIRPERSON

2403   ATTEST AND COUNTERSIGN:

2404

2405

\_\_\_\_\_



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2406 CITY RECORDER

2407

2408 Transmitted to Mayor on \_\_\_\_\_.

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2411 Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

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2414

\_\_\_\_\_  
MAYOR

2415

2416 CITY RECORDER

2417 (SEAL)

2418

2419 Bill No. \_\_\_\_\_ of 2023.

2420 Published: \_\_\_\_\_.

2421 Ordinance amending H Historic Preservation Overlay District regs (legislative) 6.29.23

## **2) PROJECT CHRONOLOGY**

**Petition: PLNPCM2023-00123**

February 8, 2023	Mayor Mendenhall initiated the petition 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	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
April 28, 2023	Staff Report posted online and sent to the Historic Landmark Commission
May 3, 2023	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 City Council
May 11, 2023	Planning Commission public hearing notices were posted on City and State websites and Planning Division listserv
May 18, 2023	Staff Report posted online and sent to the Planning Commission
May 24, 2023	Planning Commission held a public hearing and forwarded a unanimous positive recommendation to City Council
May 30, 2023	Draft ordinance forwarded to the Attorney's Office for review
June 29, 2023	Revised draft ordinance sent to Attorney's office for review (technical changes were made to the draft during the month of June)
June 29, 2023	Final ordinance received from the Attorney's Office
June 30, 2023	Transmitted

### **3) NOTICE OF CITY COUNCIL HEARING**

## **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is considering Petition **PLNPCM2023-00123** – A petition initiated by Mayor Erin Mendenhall for a text amendment that would generally impact the H Historic Preservation Overlay District which applies to landmark sites or properties within a local historic district. The H Historic Preservation Overlay District also outlines process and standards for local historic designations, boundary adjustments, and revocation of local historic designation. The purpose of the proposed text amendments is to make the ordinance easier to use for applicants, property owners, staff, and the historic landmark commission in its administration, as well as create new processes for adopting and updating historic resource surveys. The proposed amendments involve multiple chapters of the zoning ordinance related to the H Historic Preservation Overlay District and changes would apply citywide.

**DATE: Date #1 and Date #2**

**TIME: 7:00 p.m.**

**All persons interested and present will be given an opportunity to be heard in this matter. his meeting will be held via electronic means, while potentially also providing for an in person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. If you are interested in participating during the Public Hearing portion of the meeting, please visit the website [www.slc.gov/council/virtual-meetings/](http://www.slc.gov/council/virtual-meetings/) or call 801-535-7654 to obtain connection information.**

**Comments may also be provided by calling the 24-Hour comment line at (801)535-7654 or sending an email to [council.comments@slcgov.com](mailto:council.comments@slcgov.com). All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Amy Thompson at 801-535-7281 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com)

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to participate in this hearing. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at [council.comments@slcgov.com](mailto:council.comments@slcgov.com) , 801-535-7600, or relay service 711.

#### **4) PETITION INITIATION**



# MEMORANDUM

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Lisa Shaffer, Chief Administrative Officer; Blake Thomas, Department of Community and Neighborhoods Director; Nick Norris, Planning Director

From: Michaela Oktay, Deputy Planning Director

Date: February 8, 2023

Re: Initiate Petition to Amend Text in the Zoning Ordinance to update the H Historic Preservation Overlay

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The Planning Division is requesting that a text amendment be initiated to primarily update the H Historic Preservation Overlay zoning district subchapter within the zoning ordinance.

The purpose of this effort is twofold; to make the ordinance easier to use for applicants, property owners staff, and the Historic Landmark Commission in its administration. Doing so will add clarity to existing processes as well as create new processes to strengthen our confirmation of historic districts and buildings within Salt Lake City.

The amendment supports the City's adopted policies related to maintaining places that provide a foundation for the city to affirm our past by reinforcement and preservation of district character through a survey adoption process that is robust in its review and transparent to the public. Part of this effort is to create a survey adoption process that will aid in understanding of the historic value of our districts but also of individual buildings. In the end, the amendment helps the city balance the need for preservation with flexibility for change in growth when the situation arises.

This amendment is intended to do the following:

- Clarify and reorganize the chapter so repetition is removed and process steps are clear.
- Adds the ability to deny a Certificate of Appropriateness at an administrative level when standards are not met as a streamlining measure for the Historic Landmark Commission's time.
- Adds jurisdiction & authority language to reflect duties that aren't currently listed:
  - a. Reviewing local historic district amendments.
  - b. Review of National Register nominations/amendments which is a Certified Local Govt. duty.
  - c. Recommend to the City Council development of incentive programs.
  - d. Any other needed language not currently reflected.
- Adds language to local historic district standards/factors to record, consider and finally adopt periods of significance as part of a local historic district designation. Adds process to have City Council adopt accompanying historic survey.
- Creates a new process for City Council adoption of and amendments to historic resource surveys which is currently absent from the code. Allows the administration to use existing surveys until new surveys are conducted, reviewed and adopted by Council.


- Creates a new process and factors to consider historic survey property status changes in city records, ie. Contributing or noncontributing status.
- Moves definitions to the Definition chapter of the zoning ordinance.
- Amends several definitions to be clearer and to reflect the newly created processes, specifically contributing buildings, landmark sites, noncontributing buildings and any other identified definition that needs clarity.
- Moves the local historic designation process, which is an amendment process, to the map amendment chapter of the ordinance.
- Adds in the ability to review all solar panels at an administrative level. Currently, the Historic Landmark Commission is required to review solar panels on the front façade of a building.
- Any other fine tuning in language needed to clarify current processes, practices, policies to aid in administration of the H Historic Preservation Overlay.

As part of the process, the Planning Division will follow the City adoption process for zoning text amendments, which includes citizen input and public hearings with the Historic Landmark Commission, Planning Commission and City Council. Changes will be made to Title 21A: Zoning Ordinance but other chapters within the city code may also be changed if identified as necessary.

This memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made to not initiate the petition.

Please contact me at 385-214-5311 or [michaela.oktav@slcgov.com](mailto:michaela.oktav@slcgov.com) if you have any questions. Thank you.

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

  
 Erin Mendenhall (Feb 8, 2023 14:43 MST)  
 Erin Mendenhall, Mayor

02/08/2023  
 Date



**5) PUBLIC COMMENT RECEIVED AFTER  
PUBLICATION OF THE STAFF REPORT**

**From:** [cindy.cromer](#)  
**To:** [Thompson, Amy](#)  
**Subject:** (EXTERNAL) comment to the Planning Commission re the Ordinance for Historic Preservation  
**Date:** Wednesday, May 24, 2023 3:35:14 PM

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

I am addressing Section D, Historic Status Determination in the proposal.

I failed in my effort to convince the Landmarks Commission that the process of changing the contributory or noncontributory status of a building in an historic district would have inadequate public participation under the proposal. There is no question that there is a robust public process for identifying the status during the survey process. Currently there is nothing specified in the adopted ordinance at all about changing the determination made in the survey. We do need a process adopted as ordinance. I am arguing that interested parties should reasonably be able to find out about reversing the previous public process. This proposal does not offer that. It is silent regarding notification.

So I am going to walk to you through what I would have to do under this proposal to challenge a decision made by the Zoning Administrator about contributory status.

I would not be notified of the request through the community council, as someone who had spoken at an initial public hearing, or as a nearby property owner.

I would not be able to submit information prior to the Zoning Administrator's decision.

I have no idea where to find the decision. The proposed ordinance specifies that the property owner and the members of the Landmarks Commission would be informed. The decision is "on file" in city records.

I would have 10 days from the decision to file an appeal, which of course assumes that I could find out about the decision before the 10 days expired.

I would have to establish standing and pay a fee to appeal a decision which could affect my investments in the Central City and Avenues Historic Districts significantly.

My appeal would have to be based on very narrow requirements.

The distinction between contributory and noncontributory buildings in local historic districts is the essence of the City's regulation of land use. To illustrate just how significant this authority is-An owner has the right to demolish a noncontributory structure but should expect to encounter significant obstacles if trying to demolish a contributory structure. The distinction between contributory and noncontributory structures is the core of land use regulation in historic districts.

## H Historic Preservation Overlay Text Amendment Proposal

Thompson, Amy <Amy.Thompson@slcgov.com>

Mon 3/13/2023 4:12 PM

To: Central City 3 <[REDACTED]>

📎 1 attachments (739 KB)

Ordinance Combined\_March 10, 2023.pdf;

Hi Cindy,

This is a courtesy email related to the draft for changes to the H Historic Preservation Overlay District – I know this is one you will be particularly interested in, so I wanted to get it to you as early as possible. I just started the 45-day notice period for recognized organizations today and the virtual open house with all this info will be posted next Monday. I've attached the draft for your review and comments. I've added a few comments within the PDF that explain what's happening (ie: this is new, this is being moved, etc.). This proposed text amendment is intended to do the following:

- Clarify and reorganize chapter 21A.34.020 (the H Historic Preservation Overlay) so repetition is removed, and process steps are clear;
- Adds the ability for the Planning Director to deny a Certificate of Appropriateness when standards are not met as a streamlining measure for the Historic Landmark Commission's time;
- Adds jurisdiction & authority language to reflect duties that aren't currently listed;
- Adds process to have City Council adopt accompanying historic survey for local historic designations and subsequent survey updates;
- Creates a new process and considerations for historic status determinations (ie: whether the structure is contributing or noncontributing) for individual properties within local historic districts in certain circumstances;
- Moves the process and standards for local historic amendments and designation from chapter 21A.34.020 to a new chapter— 21A.51 – Local Historic Designation and Amendments;
- Moves definitions from 21A.34.020 to the Definition chapter of the zoning ordinance – 21A.62;
- Amends several definitions to be clearer and to reflect the newly created processes, specifically contributing buildings, landmark sites, noncontributing buildings and any other identified definition that needs clarity;
- Adds in the ability to review all solar panels at an administrative level. Currently, the Historic Landmark Commission is required to review solar panels on the front façade of a building;
- Any other fine tuning in language needed to clarify current processes, practices and policies to aid in administration of the H Historic Preservation Overlay.

Please reach out if you have any questions or comments. Thanks!



AMY THOMPSON | (She/Her)

Planning Manager

PLANNING DIVISION | SALT LAKE CITY CORPORATION

phone: (801) 535-7281

Email: [Amy.Thompson@slcgov.com](mailto:Amy.Thompson@slcgov.com)

[WWW.SLC.GOV/PLANNING](http://WWW.SLC.GOV/PLANNING) [WWW.SLC.GOV](http://WWW.SLC.GOV)

comment to the HLC re Preservation Ordinance, 5/4

cindy cromer

Tue 5/23/2023 7:18 AM

To: cindy cromer <[REDACTED]>

Amy-I have typed my remarks on the proposed ordinance which were hand-written when I delivered them to the Landmarks Commission on 5/4/23. Please forward them to the Planning Commission. I will have additional remarks Wednesday night for the Planning Commission since the remarks below were obviously not sufficient to get the Landmark Commissioners' attention on 5/4.

Sincerely, cindy c.

I grew up in the South. When you enter by the front door, you leave by the front door, thanking the hosts on your way out. What the City is doing by establishing a process to change contributory status without a public process amounts to going in the front door and slipping out the back door without saying a word.

When Amy Thompson thoughtfully sent me information about the project on March 13, she wrote (highlighted on the next page), "Adds process to have City Council adopt accompanying historic survey for local historic designations and subsequent survey updates." What this says to me is that surveys will be ordinances under this proposal although I believe historic districts and the designations of contributory and noncontributory are already ordinances. They are clearly functioning as land use regulations. How else would the City be regulating changes? Through what authority? If a property owner wants to change the status, then the change affects land use. Reversing the public process which occurs during the survey cannot occur administratively, as the proposal suggests.

Even if you don't buy my argument about leaving through the back door, or my argument about land use regulation, you can certainly understand that if an abutting property owner is intent on demolition and wants to change the status of his/her building, I need to know to protect my own investment because the reality is increased risk of trespass, fire, vacancy, and vandalism. I have been tracking fires in the Central City and Bryant neighborhoods for 40 years. I have a right to know when the City changes the ground rules around my investments without a public process.