



COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: September 22, 2015

**RE: Solar Panel Installation in
Historic Districts
PLNHLC2014-00883**

PROJECT TIMELINE:

Briefing: September 22, 2015

Set Date: October 6, 2015

Public Hearing: October 20, 2015

Potential Action: November 10, 2015

Council Sponsor: *Land Use Petition Initiated by the Mayor*

[View the Administration's proposal](#)

ISSUE AT-A-GLANCE

The Council will be briefed about a proposal that would change the approval process for small solar panel installations on residences in historic districts and at landmark sites. The proposed changes would allow City staff to approve applications for solar panel installations – except when they are proposed to be located on the front facade directly adjacent to the public right-of way. Currently, applications for panels on the front or side facades must be reviewed and approved by the Historic Landmark Commission.

The Historic Landmark Commission passed a motion in November 2014 asking the Mayor to initiate this petition.

The Planning Commission forwarded a unanimous favorable recommendation.

ADDITIONAL INFORMATION

Since this petition was transmitted to the Council, some applications for solar panels have been submitted for review. Planning Staff realized that property owners need to go through a special exception review process to locate the small solar energy collections systems on their roof when the existing residences are less than six feet from a property line. This was not the intention of the language when it was developed. The intent was to allow them on structures that might be closer than six feet to a property line.



Planning is requesting that the Council consider including the following change in the final ordinance. By adding this change, it would save property owners in this situation from additional review processes with the Planning Division.

21A.40.190.A.1.

- a. A freestanding small solar energy collection system shall be located a minimum of six feet (6') from all property lines and other structures, except the structure on which it is mounted.
- b. A small solar energy collection system may be located on ~~an a principal~~ or accessory structure, including legal principal or accessory structures located less than ~~six feet (6')~~ from the property line the required minimum setback for the zoning district.

Additionally, Planning has found two other clarifications that they would like the Council to consider including in the final draft:

21.A.34.020.F.1.a.6

(6) Installation of solar energy collection systems ~~that are not readily visible from a public right of way, as described in~~ on the front façade of the principal building in a location most compatible with the character defining features of the home ~~and~~ pursuant to ~~chapter~~ subsection 21A.40.190 of this title.

21.A.34.020.F.2.a.6

(6) Installation of solar energy collection systems ~~that may be readily visible from a public right of way, as described in and~~ pursuant to ~~chapter~~ subsection 21A.40.190 of this title.

If the Council is supportive of this clarification, an updated ordinance will be prepared in time for the public hearing.

CC: David Everitt, Nichol Bourdeaux, Karen Hale, Art Raymond, Holly Hilton, Jill Love, Mary De La Mare-Schafer, Nora Shepard, Cheri Coffey, Nick Norris, Michaela Oktay, Maryann Pickering, Orion Goff, Les Koch, Margaret Plane, Paul Nielson, City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Solar Panel Installation in Historic Districts, PLNHLC2014-00883.

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RECEIVED

APR 27 2015

RALPH BECKER
MAYOR

CITY COUNCIL TRANSMITTAL

SCANNED TO: *Mayor*
SCANNED BY: *Pauline*
DATE: *4-27-15*


David Everitt, Chief of Staff

Date Received: *4/27/2015*

Date sent to Council: *5/5/2015*

TO: Salt Lake City Council
Luke Garrott, Chair

DATE: March 23, 2015

FROM: Jill Love, CED Director 

RE: Petition PLNHLC2014-00883: Solar Panel Installations in Historic Districts

STAFF CONTACTS: Maryann Pickering, AICP, Principal Planner
(801) 535-7660 or maryann.pickering@slcgov.com

COUNCIL SPONSOR: Exempt

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council adopts the proposed text changes to the Zoning Ordinance as recommended by the Planning Commission and requested by the Historic Landmark Commission.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: A request by Mayor Ralph Becker, at the recommendation of the Historic Landmark Commission, to revise the ordinance relating to the approval process for installation of solar panels in local historic districts. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front façade directly adjacent to the public right-of-way. The proposed changes would apply Citywide within H Historic Preservation Overlay zoning districts, which includes all local historic districts and landmark sites.

The Zoning Ordinance currently requires review and a decision by the Historic Landmark Commission for installation of a small solar energy collection system or solar panels located on a principal structure or a Landmark Site when the solar panels are readily visible from the public right-of-way. This requirement that the Historic Landmark Commission must review the application was included in the ordinance in order to encourage property owners to locate the solar panels in other locations on the property. However, the rear or side yards are not always the best location to generate solar energy and in all cases reviewed by the Historic Landmark Commission, the applicants have proposed placing the solar panels towards the front of the principal structure on a side roof plane.

The Historic Landmark Commission passed a motion in November 2014 asking that the Mayor initiate a petition to modify the ordinance so that Planning staff can administratively review requests for solar panels except when they are proposed on the front roof plane directly facing the public right-of-way. The reasoning for this requested change by the Historic Landmark Commission was because solar panels typically have the life span of the roof they are located on and are somewhat temporary in nature and could be removed or reversed if needed. The Mayor agreed with this request and initiated a petition for the change in December 2014.

Since the Zoning Ordinance was amended in 2011, the Historic Landmark Commission has reviewed multiple requests for the installation at the front of a principal structure that are visible from the right-of-way. At most of the public hearings, it was noted that the main concern of the Historic Landmark Commission was solar panels on roof planes that are directly visible or adjacent from the public right-of-way, not those that might be on a side roof plane. In order to provide better customer service, the Historic Landmark Commission made the request to allow installations that might occur on a side roof plane to be administratively review and a decision made by Planning Staff. Below are visual examples of what could be approved administratively and what would still need a review by the Historic Landmark Commission.



Administratively approvable location



Location requiring HLC review

PUBLIC PROCESS: A Planning Division Open House was held for the proposed project. There was one member of the public who attended that open house meeting and provided a written comment. There was one written comment in the form of an email that was received regarding the proposed change. No telephone calls were received.

On February 11, 2015, the Planning Commission held a public hearing on the item. There was one member of the public who attended and commented on the item. At that meeting, the Planning Commission voted unanimously to forward a positive recommendation to the City Council based on the finding that the request meet all applicable standards of the Zoning Ordinance and specific policies of the Community Preservation Plan including:

- Encourage the use of sustainable building practices that comply with adopted policy, guidelines and regulations relating to historic preservation in the renovation and maintenance of historic structures (Policy 6.1c).
- Ensure adopted guidelines and regulations allow for the appropriate use of green building practices as they emerge (Policy 6.1d)
- The incorporation of green building practices is encouraged whenever they are compatible with best historic preservation practices (Policy 6.1e)

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1. PROJECT CHRONOLOGY

PROJECT CHRONOLGY
SOLAR PANEL INSTALLATIONS IN HISTORIC DISTRICTS
PLNPCM2014-00883

November 14, 2014	Historic Landmark Commission requests that the petition be initiated.
December 15, 2014	Petition initiated by the Mayor's office.
December 30, 2014	Petition assigned to Maryann Pickering.
January 15, 2015	Planning Division Open House.
February 2, 2015	Planning Commission public hearing notice published in the newspaper and posted on various websites.
February 11, 2015	Planning Commission public hearing. The Planning Commission voted to transmit a favorable recommendation to the City Council.
February 12, 2015	Requested ordinance from the City Attorney's Office.
February 25, 2015	Planning Commission ratified minutes of the January 8, 2014 meeting.
March 4, 2015	Received ordinance from the City Attorney's Office.

2. ORDINANCE

SALT LAKE CITY ORDINANCE
No. ____ of 2015
(An ordinance amending Section 21A.40.190.B
of the *Salt Lake City Code* pertaining to small solar energy collection systems
in historic districts and at landmark sites)

An ordinance amending Section 21A.40.190.B of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2014-00883 to modify regulations pertaining to small solar energy collection systems in historic districts and at landmark sites.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on February 11, 2015 to consider a petition submitted by Mayor Ralph Becker (“Applicant”) (Petition No. PLNPCM2014-00883) to amend Section 21A.40.190.B (Zoning: Accessory Uses, Buildings and Structures: Small Solar Energy Collection Systems) of the *Salt Lake City Code* to modify regulations pertaining to small solar energy collections systems in historic districts and at landmark sites; and

WHEREAS, at its February 11, 2015 hearing, the planning commission voted in favor of transmitting a positive recommendation to the Salt Lake 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.40.190.B. That Section 21A.40.190.B of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Small Solar Energy Collection Systems), shall be, and hereby is, amended to read as follows:

21A.40.190 – Small Solar Collection Systems

B. Small Solar 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 collection system within the historic preservation overlay district shall obtain a ~~C~~certificate of ~~A~~appropriateness prior to installation. Small solar 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 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 B.3.a through ~~B.3.d~~ B.3.e of this section, ~~which are not readily visible from a public right of way~~ may be reviewed administratively as set forth in subsection 21A.34.020.F.1, "Administrative Decision", of this title. Systems proposed for locations in ~~subsections B.3.e and subsection B.3.f~~ of this section, ~~which may be visible from a public right of way~~ shall be reviewed by the ~~H~~historic ~~L~~landmark ~~C~~commission in accordance with the procedures set forth in subsection 21A.34.020.F.2, "Historic Landmark Commission", of this title.
 - a. Rear yard in a location not readily visible from a public right of way.
 - b. On accessory buildings or structures in a location not readily visible from a public right of way.
 - c. In a side yard in a location not readily visible from a public right of way.
 - d. On the principal building in a location not readily visible from a public right of way.
 - e. On the principal building in a location that may be visible from a public right of way, but not on the structure's front ~~façade~~ façade.
 - f. On the front ~~façade~~ façade of the principal building in a location most compatible with the character defining features of the structure.

SECTION 2. 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 _____, 2015.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2015.

Published: _____.

HB_ATTYY-#43658-v1-Ordinance_amending_small_solar_collection_systems_historic_districts.DOCX

SALT LAKE CITY ORDINANCE
No. ____ of 2015
(An ordinance amending Section 21A.40.190.B
of the *Salt Lake City Code* pertaining to small solar energy collection systems
in historic districts and at landmark sites)

An ordinance amending Section 21A.40.190.B of the *Salt Lake City Code* pursuant to
Petition No. PLNPCM2014-00883 to modify regulations pertaining to small solar energy collection
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2015 to consider a petition submitted by Mayor Ralph Becker (“Applicant”) (Petition No.
PLNPCM2014-00883) to amend Section 21A.40.190.B (Zoning: Accessory Uses, Buildings and
Structures: Small Solar Energy Collection Systems) of the *Salt Lake City Code* to modify regulations
pertaining to small solar energy collections systems in historic districts and at landmark sites; and

WHEREAS, at its February 11, 2015 hearing, the planning commission voted in favor of
transmitting a positive recommendation to the Salt Lake 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 21A.40.190.B of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and
Structures: Small Solar Energy Collection Systems), shall be, and hereby is, amended to read as
follows:

21A.40.190 – Small Solar Collection Systems

B. Small Solar Collection Systems 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 collection system within the historic preservation overlay district shall obtain a certificate of appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection 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 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 B.3.a through B.3.e of this section, may be reviewed administratively as set forth in subsection 21A.34.020.F.1, "Administrative Decision", of this title. Systems proposed for locations in subsection B.3.f of this section, shall be reviewed by the historic landmark commission in accordance with the procedures set forth in subsection 21A.34.020.F.2, "Historic Landmark Commission", of this title.
 - a. Rear yard in a location not readily visible from a public right of way.
 - b. On accessory buildings or structures in a location not readily visible from a public right of way.
 - c. In a side yard in a location not readily visible from a public right of way.
 - d. On the principal building in a location not readily visible from a public right of way.
 - e. On the principal building in a location that may be visible from a public right of way, but not on the structure's front façade.
 - f. On the front façade of the principal building in a location most compatible with the character defining features of the structure.

SECTION 2. 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 _____, 2015.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

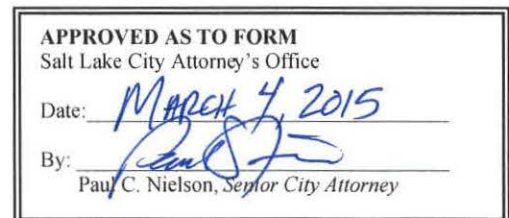
Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2015.
Published: _____.



3. CITY COUNCIL PUBLIC HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNHLC2014-00883 Solar Panel Installations in Historic Districts** – A request by Mayor Ralph Becker, at the recommendation of the Historic Landmark Commission, to revise the ordinance relating to the approval process for installation of solar panels in local historic districts. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane directly adjacent to the public right-of-way. The proposed changes would apply Citywide within all local historic districts and Landmark Sites.

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

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Maryann Pickering at (801) 535-7660 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at maryann.pickering@slcgov.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. 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, (801) 535-7600, or relay service 711.

- 4. PLANNING COMMISSION**
- 4a. Staff Report – February 11, 2015**



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Maryann Pickering, Principal Planner
(801) 535-7660

Date: February 11, 2015

Re: Solar Panels in Local Historic Districts Zoning Text Amendment (PLNPCM2014-00883)

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Citywide

PARCEL ID: Not Applicable

MASTER PLAN: Not Applicable

ZONING DISTRICT: All H Historic Preservation Overlay Districts

REQUEST: A request by Mayor Ralph Becker, at the recommendation of the Historic Landmark Commission, to revise the ordinance relating to the approval process for installation of solar panels in local historic districts. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane directly adjacent to the public right-of-way. The proposed changes would apply Citywide within all local historic districts.

RECOMMENDATION: Based on the findings in the staff report, Planning Staff finds the proposed amendment adequately meets the standards for general text amendments and therefore recommends the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning ordinance text amendment related to review of small solar energy collections system within all local historic districts.

ATTACHMENTS:

- A. Petition to Initiate
- B. Proposed Ordinance Changes
- C. Analysis of Standards
- D. Public Process and Comments
- E. Motions

PROJECT DESCRIPTION:

The Zoning Ordinance currently requires review and a decision by the Historic Landmark Commission for installation of a small solar energy collection system or solar panels located on a principal structure or a Landmark Site when the solar panels are readily visible from the public right-of-way. This requirement that the Historic Landmark Commission must review the application was included in the ordinance in order to encourage property owners to locate the solar panels in other locations on the property. However, the rear or side yards are not always

the best location to generate solar energy and in all cases reviewed by the Historic Landmark Commission, the applicants have proposed placing the solar panels towards the front of the principal structure on a side roof plane.

The Historic Landmark Commission passed a motion in November 2014 asking that the Mayor initiate a petition to modify the ordinance so that Planning staff can administratively review all requests for solar panels except when they are proposed on the front roof plane directly facing the public right-of-way. The reasoning for this requested change by the Historic Landmark Commission was because solar panels typically have the life span of the roof they are located on and are somewhat temporary in nature and could be removed or reversed if needed. The Mayor agreed with this request and initiated a petition for the change in December 2014.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

Issue 1: Administrative Approval

Since the Zoning Ordinance was amended in 2011, the Historic Landmark Commission has reviewed multiple requests for the installation at the front of a principal structure that are visible from the right-of-way. At most of the public hearings, it was noted that the main concern of the Historic Landmark Commission was solar panels on roof planes that are directly visible or adjacent from the public right-of-way, not those that might be on a side roof plane. In order to provide better customer service, the Historic Landmark Commission made the request to allow installations that might occur on a side roof plane to be administratively review and a decision made by Planning Staff. Below are visual examples of what could be approved administratively and what would still need a review by the Historic Landmark Commission.



Administratively approvable location



Location requiring HLC review

DISCUSSION:

The proposal complies with the standards for zoning text amendments. After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that a positive recommendation should be forwarded to the City Council for this request.

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: PETITION TO INITATE



Petition Initiation Request

Planning Division

Community & Economic Development
Department



SCANNED TO: *Hayes*
SCANNED BY: *Pauline*
DATE: *12/12/14*

To: Mayor Becker

From: Cheri Coffey, *cc* Acting Planning Director

Date: December 12, 2014

CC: David Everitt, Chief of Staff; Mary DeLaMare-Schaefer, Community and Economic Development Acting Director; file

Re: Amending the Zoning Ordinance relating to solar panel installations in local historic districts

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Zoning Ordinance to allow administrative approval of Certificates of Appropriateness relating to the installation of solar panels on principal structures in local historic districts and on Landmark Sites where they are proposed for secondary elevations on principal structures.

At the November 2014 Historic Landmark Commission, the Commission passed a motion requesting that the ordinance be revised to give staff the authority to approve solar panels on the secondary facades of buildings. As the ordinance currently stands, any solar panel on the principal structure that is readily visible from the public right of way is required to be reviewed by and a decision made by the Historic Landmark Commission. For all other minor alterations in local historic districts, staff has the authority to approve the changes that meet the standards. Originally, this hierarchy of approval for solar panels was included in the ordinance in order to incentivize owners to look for alternative locations for solar panels on their property. However, in some instances, rear yards and rear elevations are not conducive to solar generation. In addition, the Historic Landmark Commission noted that a solar panel had the life span equivalent to a roof; and therefore, those that were installed on the sides of the roof, even if visible, are somewhat temporary in nature and are reversible.

As part of the process, the Planning Division will follow the City adoption process for amending the City Code and Zoning Ordinance which includes citizen input and public hearings with the Planning Commission and City Council.

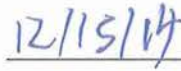
If you have any questions, please contact me.

Thank you.

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



Ralph Becker, Mayor



Date

ATTACHMENT B: PROPOSED ORDINANCE CHANGES

21A.40.190 – Small Solar Collection Systems

B. Small Solar Collection Systems 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 collection system within the historic preservation overlay district shall obtain a Certificate of Appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection 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 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 B.3.a through ~~B.3.d~~ B.3.e of this section, ~~which are not readily visible from a public right of way~~ may be reviewed administratively as set forth in subsection 21A.34.020.F.1, “Administrative Decision”, of this title. Systems proposed for locations in ~~subsections B.3.e and~~ subsection B.3.f of this section, ~~which may be visible from a public right of way~~ shall be reviewed by the Historic Landmark Commission in accordance with the procedures set forth in subsection 21A.34.020.F.2, “Historic Landmark Commission”, of this title.
 - a. Rear yard in a location not readily visible from a public right of way.
 - b. On accessory buildings or structures in a location not readily visible from a public right of way.
 - c. In a side yard in a location not readily visible from a public right of way.
 - d. On the principal building in a location not readily visible from a public right of way.

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

ATTACHMENT C: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	<p>The adopted Community Preservation Plan encourages incorporating renewable energy practices on historic structures. Specifically, several policies are included as follows:</p> <ul style="list-style-type: none"> - Encourage the use of sustainable building practices that comply with adopted policy, guidelines and regulations relating to historic preservation in the renovation and maintenance of historic structures (Policy 6.1c). - Ensure adopted guidelines and regulations allow for the appropriate use of green building practices as they emerge (Policy 6.1d) - The incorporation of green building practices is encouraged whenever they are compatible with best historic preservation practices (Policy 6.1e) <p>In addition, the executive summary section of the City's Futures Commission Report of 1998 states, "Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods." Promoting sustainability by encouraging renewable energy systems is a priority in Salt Lake City. The proposed amendment related to small renewable energy systems in historic districts offer opportunities to continue to improve and sustain the health of citizens and neighborhoods.</p>
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	<p>The proposed changes to the ordinance will further the purpose statement of the Zoning Ordinance by continuing to allow renewable energy systems in all historic preservation zoning districts throughout the City, but with a simpler approval process. The amendments allow renewable energy sources to continue creating new sources of energy while lessening overall dependence on fossil fuels, which also decreases air pollution.</p>
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Complies	<p>The proposed text amendment is citywide and will affect properties within the Historic Preservation Overlay District. The proposed amendment is consistent with and balances the purposes of preserving historic buildings, structures and the associated neighborhoods while encouraging individual properties to utilize structures for renewable energy.</p>
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	<p>The proposed text amendment is consistent with community sustainability and historic preservation practices. These amendments will update planning processes that create and maintain efficient infrastructure and neighborhoods.</p>
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.	Not applicable	<p>The proposed text amendment does not affect the adequacy of any public facilities.</p>

ATTACHMENT D: PUBLIC PROCESS AND COMMENTS

Open House: On January 15, 2015, a community wide Open House was held regarding the proposed text amendment. There was one person who signed in and provided comments regarding the proposal. There were two other people who stopped by the table to ask questions, but did not sign in or provide any comments. The one comment received was positive and that this request is a good idea. In addition to the one comment, one email of support was also received from the Utah Heritage Foundation as a result of the notification for the Open House. That email is attached on the following page.

Public Hearing Notice: A notice of the public hearing for this text amendment includes:

Public hearing notice published in newspaper on January 29, 2015.

Public hearing notice posted on City and State websites on January 29, 2015.

Public hearing notice emailed to the Planning Division listserv on January 29, 2015.

Public Comments: At the time of the publication of this staff report, there had been no additional public comments, other than what was received at the Open House. Any comments received will be forwarded to the Planning Commission.

From: [Kirk Huffaker](#)
To: [Pickering, Maryann](#)
Subject: Open House: Solar panels in historic districts
Date: Wednesday, January 07, 2015 11:05:16 AM

Hi Maryann,

I won't be able to attend the open house on January 15 but I wanted to submit a brief comment on behalf of Utah Heritage Foundation in support of the ordinance change to allow staff to administratively approve solar panel installation in local historic districts and on landmark structures when they are not placed on the front facing roof. I believe this is an adequate change as long as city staff will continue to follow the Historic Landmarks Commission's solar panel policy and guidelines.

Kirk

Kirk Huffaker
Executive Director
Utah Heritage Foundation
(801) 533-0858 ext. 105
www.utahheritagefoundation.org

ATTACHMENT E: MOTIONS

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for zoning text amendments and therefore recommends that the Planning Commission forward a positive recommendation to the City Council.

Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission forward a positive recommendation for PLNPCM2014-00883 to allow Planning Staff to administratively review requests for solar panels located on the side roof plane of principal residences within all local historic districts.

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission forward a negative recommendation for PLNPCM2014-00883 to allow Planning Staff to administratively review requests for solar panels located on the side roof plane of principal residences within all local historic districts. Planning Commission must support this determination with findings.

- 4. PLANNING COMMISSION**
- 4b. Agenda and excerpt of approved minutes – February 11, 2015 meeting**

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, February 11, 2015, at 5:30 p.m.
(The order of the items may change at the Commission's discretion.)

The field trip is scheduled to leave at 4:00 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR JANUARY 28, 2015

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

Administrative Matters

1. **9+9 Mixed Use at approximately 932 E 900 South** - 9th and 9th Property, LLC, represented by Rinaldo Hunt is requesting Conditional Building and Site Design Review approval from the City to construct a mixed use development that exceeds more than 15,000 square feet for the first floor or 20,000 square feet overall at the above listed address. Currently, the land is developed with a retail store and surface parking lot and is zoned CB (Community Business). This type of project must be reviewed as a Conditional Building and Site Design Review by the Planning Commission. The subject property is located within Council District #5, represented by Erin Mendenhall. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case number PLNPCM2014-00890
2. **Atmosphere Studios Industrial Assembly Conditional Use at approximately 336 W 700 South and 650 S 300 West** - Atmosphere Studios, LLC is requesting approval from the City to place a new use in an existing warehouse building that includes approximately 16 percent of the building for industrial assembly use at the above listed address. Currently the land consists of a vacant warehouse and the property is zoned D-2 Downtown and CG General Commercial. The industrial assembly portion of the project must be reviewed as a conditional use. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Everett Joyce at 801-535-7930 or everett.joyce@slcgov.com. Case number PLNCM2014-00875).

Legislative Matters

3. **Solar Panel Installations in Historic Districts** - Mayor Ralph Becker is requesting to revise the ordinance relating to the approval process for installation of solar panels in all H Historic Preservation Overlay Zones. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane facing a street. The proposed changes would apply Citywide within all H Historic Preservation Overlay Zones. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case number PLNPCM2014-00883
4. **Pedestrian and Bicycle Master Plan** - Mayor Ralph Becker is proposing a major update to the City's existing Pedestrian and Bicycle Master Plan. The Pedestrian and Bicycle Master Plan is a citywide master plan that will guide the development and implementation of the City's pedestrian and bicycle infrastructure and programs. (Staff contact: Becka Roolf at (801) 535-6630 or becka.roolf@slcgov.com.)

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

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

**Excerpt of
SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 11, 2015**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:34:05 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Vice Chair Matt Lyon, Commissioners Angela Dean, Emily Drown, Michael Fife, Michael Gallegos, James Guilkey, Carolyn Hoskins and Marie Taylor. Chairperson Clark Ruttinger was excused.

Planning Staff members present at the meeting were: Nick Norris, Planning Manager; Everett Joyce, Senior Planner; Maryann Pickering, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Carolyn Hoskins, Michael Fife and Marie Taylor. Staff members in attendance were Nick Norris, Maryann Pickering and Everett Joyce.

The following site were visited

- **336 W 700 S** - Staff gave an overview of the proposal.
- **9 + 9** - Staff gave an overview of the proposal and the comments received related to parking. The Commission asked if on street parking was limited. Staff stated yes, to one side of Lincoln. The Commission asked if the building was stepped back from the home to the south. Staff stated yes a setback was required and provided.

[7:40:46 PM](#)

[Solar Panel Installations in Historic Districts](#) - Mayor Ralph Becker is requesting to revise the ordinance relating to the approval process for installation of solar panels in all H Historic Preservation Overlay Zones. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane facing a street. The proposed changes would apply Citywide within all H Historic Preservation Overlay Zones. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case number PLNPCM2014-00883

Ms. Maryann Pickering, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending that the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The process for reviewing the panels on different types of the roofs.
- The percentage of a roof allowed to be covered by fire code.

PUBLIC HEARING [7:44:23 PM](#)

Vice Chairperson Lyon opened the Public Hearing.

The following individual spoke in favor of the petition: Ms. Cindy Cromer

The following comments were made:

- A gap of thirty inches from the ridgeline was required per the fire code.
- The proposal would benefit everyone involved in reviewing solar panel petitions.

Vice Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- The process of review for solar panel petitions.

MOTION [7:46:53 PM](#)

Commissioner Dean stated regarding petition PLNPCM2014-00883 Zoning Text Amendment for Historic Preservation Overlay, based on the findings in the Staff Report, testimony and Staff presentation, she moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed zoning ordinance text amendment related to review of small solar energy collection systems within all Historic Districts. Commissioner Gallegos seconded the motion.

Staff clarified that the proposal was for landmark sites also.

Commissioner Dean amended the motion to include landmark sites. The motion passed unanimously.

- 4c. Proof of Publication for the February 11, 2015 Planning Commission meeting**
- 4. PLANNING COMMISSION**

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

The Salt Lake Tribune

WWW.SLTTRIB.COM

MEDIAOne
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONEUTAH.COM

Deseret News

WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION, 451 SOUTH STATE STREET, ROOM 4 SALT LAKE CITY UT 84111	9001394298	2/2/2015

ACCOUNT NAME			
PLANNING DIVISION,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8015357759		0001008303 /	
SCHEDULE			
Start 01/31/2015		End 01/31/2015	
CUST. REF. NO.			
Plan Comm PH 2/11			
CAPTION			
Notice of Public Hearing On February 11, 2015, at 5:30 p.m. in room 326 of the			
SIZE			
31	Lines	2.00	COLUMN
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
		TOTAL COST	
		90.00	

Notice of Public Hearing
On February 11, 2015, at 5:30 p.m. in room 326 of the City and County Building, 451 South State Street, Salt Lake City, UT the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

Solar Panel Installations in Historic Districts - Mayor Ralph Becker is requesting to revise the ordinance relating to the approval process for installation of solar panels in all H Historic Preservation Overlay Zones. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane facing a street. The proposed changes would apply Citywide within all H Historic Preservation Overlay Zones. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case number PLNPCM2014-00883

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1008303 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF Notice of Public Hearing On February 11, 2015, at 5:30 p.m. in room 326 of the City and County Building, 451 South State Street, Salt Lake City, UT the Salt Lake PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

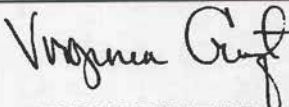
PUBLISHED ON Start 01/31/2015 End 01/31/2015

SIGNATURE 

DATE 2/2/2015

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT




NOTARY SIGNATURE

- 4. PLANNING COMMISSION**
- 4d. Record of Decision – February 11, 2015 meeting**

Salt Lake City Planning Division
Record of Decision
Wednesday, February 11, 2015, 5:30 p.m.
City & County Building
451 South State Street, Room 326

1. [9+9 Mixed Use at approximately 932 E 900 South](#) - 9th and 9th Property, LLC, represented by Rinaldo Hunt is requesting Conditional Building and Site Design Review approval from the City to construct a mixed use development that exceeds more than 15,000 square feet for the first floor or 20,000 square feet overall at the above listed address. Currently, the land is developed with a retail store and surface parking lot and is zoned CB (Community Business). This type of project must be reviewed as a Conditional Building and Site Design Review by the Planning Commission. The subject property is located within Council District #5, represented by Erin Mendenhall. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case number PLNPCM2014-00890

Decision: Denied

2. [Atmosphere Studios Industrial Assembly Conditional Use at approximately 336 W 700 South and 650 S 300 West](#) - Atmosphere Studios, LLC is requesting approval from the City to place a new use in an existing warehouse building that includes approximately 16 percent of the building for industrial assembly use at the above listed address. Currently the land consists of a vacant warehouse and the property is zoned D-2 Downtown and CG General Commercial. The industrial assembly portion of the project must be reviewed as a conditional use. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Everett Joyce at 801-535-7930 or everett.joyce@slcgov.com. Case number PLNCM2014-00875).

Decision: Approved

3. [Solar Panel Installations in Historic Districts](#) - Mayor Ralph Becker is requesting to revise the ordinance relating to the approval process for installation of solar panels in all H Historic Preservation Overlay Zones. The proposed change would allow staff to administratively approve applications unless the solar panels are proposed to be located on the front roof plane facing a street. The proposed changes would apply Citywide within all H Historic Preservation Overlay Zones. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com.) Case number PLNPCM2014-00883

Decision: A positive recommendation was forwarded to the City Council.

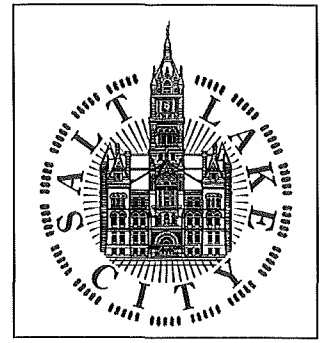
4. [Pedestrian and Bicycle Master Plan](#) - Mayor Ralph Becker is proposing a major update to the City's existing Pedestrian and Bicycle Master Plan. The Pedestrian and Bicycle Master Plan is a citywide master plan that will guide the development and implementation of the City's pedestrian and bicycle infrastructure and programs. (Staff contact: Becka Roolf at (801) 535-6630 or becka.roolf@slcgov.com.)

Decision: A positive recommendation was forwarded to the City Council.

Dated at Salt Lake City, Utah this 12th day of February, 2015
Michelle Moeller, Administrative Secretary

5. PUBLIC COMMENT
 - 5a. Correspondence

Solar Panel Installations
Zoning Text Amendment
Public Comment Form
January 15, 2015



Planning and Zoning Division
Department of Community
and Economic Development

Name: Cindy Cromer

Address: 816 E 100 S

Zip Code: 84102

Phone: _____

Email: 3cinslive.com

Comments: great idea!

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the workshop or you can provide your comments via e-mail at maryann.pickering@slcgov.com or via mail at the following address: Maryann Pickering, Principal Planner Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by Friday, January 23, 2015.

From: [Kirk Huffaker](#)
To: [Pickering, Maryann](#)
Subject: Open House: Solar panels in historic districts
Date: Wednesday, January 07, 2015 11:05:16 AM

Hi Maryann,

I won't be able to attend the open house on January 15 but I wanted to submit a brief comment on behalf of Utah Heritage Foundation in support of the ordinance change to allow staff to administratively approve solar panel installation in local historic districts and on landmark structures when they are not placed on the front facing roof. I believe this is an adequate change as long as city staff will continue to follow the Historic Landmarks Commission's solar panel policy and guidelines.

Kirk

Kirk Huffaker
Executive Director
Utah Heritage Foundation
(801) 533-0858 ext. 105
www.utahheritagefoundation.org

6. ORIGINAL REQUEST/PETITION INITIATION



Petition Initiation Request

Planning Division

Community & Economic Development
Department



SCANNED TO: *Hayes*
SCANNED BY: *Pauline*
DATE: *12/12/14*

To: Mayor Becker

From: Cheri Coffey, *cc* Acting Planning Director

Date: December 12, 2014

CC: David Everitt, Chief of Staff; Mary DeLaMare-Schaefer, Community and Economic Development Acting Director; file

Re: Amending the Zoning Ordinance relating to solar panel installations in local historic districts

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Zoning Ordinance to allow administrative approval of Certificates of Appropriateness relating to the installation of solar panels on principal structures in local historic districts and on Landmark Sites where they are proposed for secondary elevations on principal structures.

At the November 2014 Historic Landmark Commission, the Commission passed a motion requesting that the ordinance be revised to give staff the authority to approve solar panels on the secondary facades of buildings. As the ordinance currently stands, any solar panel on the principal structure that is readily visible from the public right of way is required to be reviewed by and a decision made by the Historic Landmark Commission. For all other minor alterations in local historic districts, staff has the authority to approve the changes that meet the standards. Originally, this hierarchy of approval for solar panels was included in the ordinance in order to incentivize owners to look for alternative locations for solar panels on their property. However, in some instances, rear yards and rear elevations are not conducive to solar generation. In addition, the Historic Landmark Commission noted that a solar panel had the life span equivalent to a roof; and therefore, those that were installed on the sides of the roof, even if visible, are somewhat temporary in nature and are reversible.

As part of the process, the Planning Division will follow the City adoption process for amending the City Code and Zoning Ordinance which includes citizen input and public hearings with the Planning Commission and City Council.

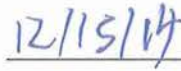
If you have any questions, please contact me.

Thank you.

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



Ralph Becker, Mayor



Date