



# Staff Report

PLANNING DIVISION

**To:** Salt Lake City Planning Commission  
**From:** Amy Thompson, Planning Manager – [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com)  
Amanda Roman, Urban Designer – [amanda.roman@slcgov.com](mailto:amanda.roman@slcgov.com)  
**Date:** February 28, 2024  
**Re:** PLNPCM2023-00155 – Text Amendment: Adaptive Reuse & Preservation of Buildings

## Text Amendment

**ZONING DISTRICT:** Citywide

**ADOPTED CITY PLANS:** *Plan Salt Lake, Housing SLC: A Five Year Housing Plan 2023-2027, Sustainable Salt Lake – Plan 2015, Climate Positive 2040, Salt Lake City Community Preservation Plan, and Thriving in Place*

### REQUEST:

This is a petition initiated by Mayor Erin Mendenhall for a text amendment that would make changes to the zoning ordinance to support adaptive reuse and preservation of buildings. The purpose of this proposal is to address zoning barriers that prevent the reuse of existing buildings, offer zoning incentives for preserving buildings, and create a process for reviewing these types of projects.

### RECOMMENDATION:

That the planning commission recommends the city council adopt the proposed ordinance.

### ATTACHMENTS:

- A. [ATTACHMENT A: Proposed Ordinance](#)
- B. [ATTACHMENT B: Historic Sites Map – ‘A’ Incentives](#)
- C. [ATTACHMENT C: Eligibility Map for – ‘B’ Incentives](#)
- D. [ATTACHMENT D: Text Amendment Considerations](#)
- E. [ATTACHMENT E: Public Process and Comments](#)
- F. [ATTACHMENT F: Department Review Comments](#)
- G. [ATTACHMENT G: Prior HLC and PC Meeting Information](#)
- H. [ATTACHMENT H: Zoning Incentive Comparison](#)

### PROJECT DESCRIPTION

Today, as the Salt Lake Valley continues to grow, the City’s older neighborhoods face increasing pressures for redevelopment and infill, presenting both challenges and opportunities. This proposal incorporates zoning incentives into the zoning ordinance for adaptive reuse and preservation of buildings to encourage eligible buildings to be retained rather than demolished.

Utilizing existing buildings is a sustainable practice and vital planning tool that aids in meeting City goals related to sustainability, preservation, housing, and community character as outlined in adopted citywide plans. The reuse and preservation of an existing structure retains a building's original form while bypassing wasteful demolition and reducing carbon emissions associated with the manufacture, transportation, and installation of building materials. Additionally, readaptation of buildings helps maintain neighborhood character and breathes new life into buildings that contribute to neighborhood fabric.

## BACKGROUND

Planning provided a briefing on the proposed changes to the historic landmark commission on August 3, 2023, and to the planning commission on September 27, 2023. On November 2, 2023, a public hearing was held with the historic landmark commission who recommended in favor of the City Council adopting the proposal.

## PROPOSED ORDINANCE CHANGES

The proposed ordinance changes would be in Chapter 21A.52, Zoning Incentives. The proposal creates a new section within that chapter, "Building Preservation Incentives", which is separated into two sub-sections, "Adaptive Reuse for Additional Uses in Eligible Buildings" (21A.52.060.A), and "Preservation of a Principal Building" (21A.52.060.B). Each sub-section is discussed in greater detail below. [Attachment A](#) includes the full text of the draft ordinance language.

The proposal does not change other city requirements, including building codes, fire codes, or public utilities requirements.

### **Adaptive Reuse for Additional Uses in Eligible Buildings – 21A.52.060.A ("A Incentives")**

The main incentive in this section, referred to as the "A Incentives", is primarily a use incentive to allow for flexibility of uses in eligible buildings. Buildings that would be eligible for this incentive are generally those that convey high artistic, historic or cultural values and large underutilized structures that are part of the neighborhood fabric. Often eligible buildings may have outlived their original use but are difficult to reuse without a rezone process due to the limited uses allowed in the zoning districts their former uses are generally located in, such as single family residential and institutional.



*The building above at 1102 W 400 N, known as the 29<sup>th</sup> Ward Meeting House, recently went through the conditional use process for adaptive reuse of a landmark site in a residential district. Approval was granted for the building to be reused for a community center.*

Currently, the zoning ordinance allows for nonresidential use of a Landmark Site in a residential zoning district (even if the use is not allowed in the district), subject to meeting standards related to preserving the buildings character, neighborhood compatibility, and mitigating negative impacts. This process is allowed through either a permitted or conditional use as indicated in the land use tables.

The proposed ordinance expands on this current process with the following changes:

**Eligible Buildings:** The proposed ordinance broadens the scope of eligible buildings beyond landmark sites. If adopted, buildings individually listed on the National Register of Historic Places, buildings formerly used for churches, schools, or hospitals, and other culturally or historically significant buildings would also be eligible. Salt Lake City has approximately 300 historic sites – this includes local landmark sites and sites listed on the National Register. A number of other buildings may be culturally or historically significant and its unknown how many former churches, schools, hospitals, or other similar institutional buildings are within Salt Lake City.



*Photo above: After decades as a house of worship, the building at 168 W. 500 North has been home to Salt Lake Acting Company since 1982, housing two theaters, rehearsal space, dressing rooms, a box office and more.*

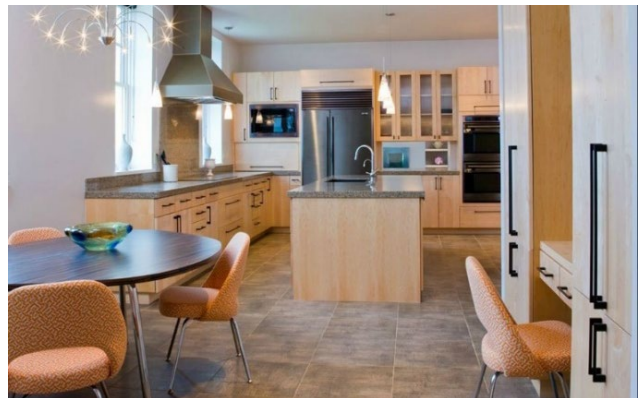
**Residential Uses:** The current process is limited to allow for nonresidential uses in residential zones. The proposed language adds an allowance for residential uses as well, which would enable an eligible building to be converted to a multi-family residential use. If an eligible building is located in a residential district and is currently used for residential purposes, it cannot be converted to nonresidential use. Additionally, this would also allow for residential uses in eligible buildings in the public lands and institutional zones where the only residential use that is currently allowed is living quarters for a caretaker or security guard.



*What was the Irving Junior High School constructed in the late 1920's, is now home to the Irving Schoolhouse Apartments and contains approximately 230 1- and 2-bedroom apartments.*



*The Meridien Residences at Capitol Park involved restoring the old Salt Lake City VA Hospital into a 95,000-square-foot condominium structure overlooking the Salt Lake Valley. The exterior underwent an extensive face-lift to restore its original look, and the interiors were seismically strengthened and renovated. A new 40,000-square-foot underground parking structure was constructed in the back and added a new wing for additional living space.*



**Prohibit Certain Uses:** The proposal lists specific uses that are not allowed through this process. These prohibited uses were identified as uses that may have negative impacts on the surrounding neighborhood as well as the existing structure, which would not be conducive to the preservation of the building. The list of prohibited uses can be found in the draft ordinance, [Attachment A](#).

**Square Footage Requirement:** The ordinance currently requires landmark sites to be 7000 SF in size to qualify for the adaptive reuse process. Because this square footage requirement is so limiting, the proposal does not include a minimum square footage requirement for eligible buildings.

**Land Use Tables:** “Adaptive Reuse for Additional Uses in Eligible Buildings” has been added as a conditional use in the land use tables for PL-2 (Public Lands District) and FB-UN-1 (Form Based Urban Neighborhood District), and a permitted use in the UI (Urban Institutional) zoning district. This use has been completely deleted from the table of permitted and conditional uses for commercial, transit station area, manufacturing, downtown, and gateway zoning districts, because these zones are already permissive in terms of allowed uses, so a use incentive in these zones is not needed. The proposed language also includes amendments to the qualifying provisions of the land use tables to reference requirements for eligibility in 21A.52.060.A.

### **Preservation of a Principal Building – 21A.52.060.B (“B Incentives”)**

The purpose of the incentives in this section, referred to as the “B Incentives”, is to encourage preservation of buildings to lessen the impact that demolition has on the environment. The incentives in this section apply to the building being preserved and can also apply to any new construction on the same development site, which may include multiple abutting parcels. Incentives are being offered to the whole development site because applying the incentives to just an existing building may not be enough to make preservation of the building feasible based on planning staff’s research and feedback from the focus group. In contrast to the “A Incentives”, this incentive is not a use incentive; the incentives in this section are zoning modifications to the base zoning requirements for uses allowed in the zone. However, the “A Incentives” could be combined with the “B Incentives” - such as a landmark site being converted to a different use through the “A Incentives” and new construction on the same development site could take advantage of the “B Incentives”.

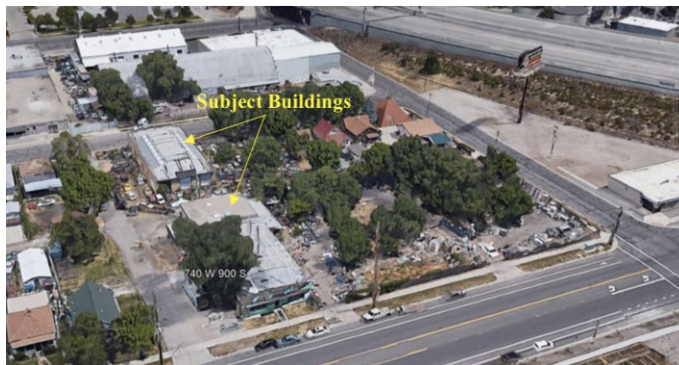


*“The Rose” included renovation of two existing single-family dwellings and new construction of a multi-family structure with 4 units. This is an example of an overall project that could qualify for some of the zoning incentives being considered.*

**Eligibility:** These zoning incentives apply to new development projects that preserve a building that is a minimum age of 50 years. The existing building used to qualify for the incentives must cover a minimum of 25% of the entire development site; a lower percentage may be considered by the Planning Director if the existing building has frontage on a public street, contains a publicly accessible use such as retail, restaurant, or entertainment, or would be highly visible from public spaces within the interior of the site.

## Summary of Proposed Incentives:

- **Planned Development Not Required:** A Planned Development process is currently required for development projects seeking modifications to certain zoning requirements. The planned development would be waived for modifications that are commonly requested through the planned development process, but generally straightforward, such as creating lots without frontage and multiple buildings on the same parcel without all buildings having public street frontage.
- **Administrative Planned Development:** The proposed ordinance adds an administrative planned development process for projects that meet the eligibility requirements of this section for modifications to setbacks, parking location, obstructions in required yards for features like balconies and awnings, and open space and landscaping when the requested modification specifically relates to preservation of the eligible building. This will allow for a more streamlined approval process, while still maintaining some staff oversight since these types of modifications require staff analysis to determine compliance with the planned development standards.
- **Lot Width, Area & Coverage:** This incentive waives any minimum lot width requirements for a use as indicated in the minimum lot width and lot area tables for the zoning district. The incentives to waive any lot area requirements applies to all zones except FR-1, FR-2, FR-3, R - 1/12,000, R-1/7,000 and R-1/5,000. Lot coverage would be calculated using the overall development, not individual lots within the development area. In the RMF-30 zoning district, the required minimum lot size per dwelling unit does not apply.



*“West End” is an adaptive reuse project located along the 9-Line. It includes remodel of two warehouse buildings into commercial space, activation of a midblock walkway with a midblock plaza space with plans for future multi-family residential development to the east. This is another example of an overall project that could qualify for some of the zoning incentives being considered.*

- Height: Additional building height is offered to eligible projects in most zoning districts through administrative design review. There is not a height incentive being offered in the single, two-family and RMF zoning districts.
- Parking: Unless there is a lesser requirement in the parking chapter, multi-family residential requires 0.5 stalls per unit and all other residential uses require 1 space per unit. The minimum number of parking spaces for nonresidential uses may be reduced by 40%.
- Setbacks: Required yards may be applied around the perimeter of the development as opposed to the individual parcels within the development,

### **Additional Requirements**

- Design Standards: For new construction, certain design standards will be required unless there is a stricter design requirement in the base zone or Chapter 21A.37. The proposed design standards relate to durable building materials, glass, blank wall areas, screening of mechanical equipment, street facing building entries, and maximum length of a street facing building façade. These additional design standards do not apply to single or two-family zoning districts.
- Existing Active Commercial Uses: At least 50% of the length and the existing depth or a minimum depth of 20', whichever is less, of active commercial use space with ground level street frontage shall be retained in the existing building or be included as part of the new development. If part of the new development, the active commercial use shall have street frontage with public access from the street frontage. This provision does not apply to nonconforming active commercial uses. Active commercial uses are those that support the vibrancy and usability of the public realm adjacent to a building and encourage pedestrian activity and walk-in traffic such as retail goods/service establishments, restaurants, bars, art and craft studios, or other similar active uses.

## **RESEARCH ON OTHER CITIES**

Planning staff conducted research on several cities that have adopted ordinances that offer incentives for adaptive reuse and preservation of buildings. Subject cities included Austin, El Paso, Los Angeles, Denver, Nashville, Tucson, Tempe, Pittsburgh, St. Petersburg, and Portland. The following key features were researched:

- Location of the Program – Some cities have citywide eligibility, while others are targeted to specific areas of the city such as certain zoning districts, or historic areas.
- Eligibility: The eligibility criteria for each city is generally based on building age, size, economic viability, or historic significance. In terms of age, eligibility varied from buildings at least 50 years old to buildings at least 20 years old.
- Goals: Each city has different goals they are trying to accomplish with their incentives which include providing opportunity for neighborhood services and retail, historic preservation of significant buildings, sustainability, and increasing housing units.
- Incentives Offered: Transfer of development rights, density, additional height, streamlined application process, reduce or in some cases eliminate parking, financial incentives, technical assistance with the application process, and modified development standards such as setbacks, landscaping, etc.

Additionally, a focus group was created to help staff better understand current challenges and barriers to utilizing existing buildings. The focus group was largely made up of architects and developers, some of which have specific experience with adaptive reuse projects or preservation of buildings on a larger

development site. The general feedback they've provided is the incentives need to be enough to make it more worthwhile to keep a building as opposed to knocking it down and redeveloping a property. Currently, the latter is a more attractive option for most properties because of the development potential of vacant property in most zones.

Except for allowing nonresidential uses for adaptive reuse of some landmark sites, requests for additional height in the Downtown zones, and a one- or two-unit density bonus for preservation of existing structures in the RMF-30 zone, the current zoning ordinance offers little in the way of incentives for utilizing existing structures.

## APPROVAL PROCESS AND COMMISSION AUTHORITY

The planning commission is a recommending body for zoning text amendments.

The commission can consider forwarding the proposal to the city council for adoption as is, with modification to any aspect of the proposal provided the modification complies with applicable state and federal laws or recommend that the proposal not be adopted.

If considering modifications, the commission can provide clear direction to the planning staff regarding the changes and ask that the changes be made prior to sending the proposal to the council for consideration, provide staff with exact wording (or deletions) that are desired, or table the matter with clear direction to staff to make specific changes that will be reviewed by the commission at a later date.

## KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. How the Proposal Helps Implement City Goals & Policies Identified in Adopted Plans
2. Changes Made After Commission Briefings

### Consideration 1: How the Proposal Helps Implement City Goals & Policies Identified in Adopted Plans

The city's adopted plans and policies provide a basis for this proposal. This includes the citywide plan, [Plan Salt Lake](#) (2015), [Housing SLC: A Five Year Housing Plan 2023-2027](#) (2023), [Sustainable Salt Lake – Plan 2015](#) (2015), [Climate Positive 2040](#) (2016), [Salt Lake City Community Preservation Plan](#) (2012), and [Thriving in Place](#) (2023). Several neighborhood plans also include elements related to preservation and neighborhood character. These plans were adopted by the City Council after extensive review by the public and city boards and commissions. The principles, objectives, and policies outlined in the various plans that support the proposal are outlined and discussed in greater detail below.

**Plan Salt Lake:** The proposal is consistent with the guiding principles of Plan Salt Lake: Neighborhoods, Growth, Housing, Air Quality, Natural Environment, Preservation and Beautiful City. Additional context and guidance are given to these guiding principles through a series of initiatives, many of which directly relate to and support the proposed changes:



**1/Neighborhoods:**

- Maintain neighborhood stability and character.
- Support neighborhoods and districts in carrying out the City’s collective Vision.
- Support neighborhood identity and diversity.

**2/ Growth:**

- Promote infill and redevelopment of underutilized land.
- Accommodate and promote an increase in the City’s population.

**3/Housing:**

- Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented.
- Enable moderate density increases within existing neighborhoods where appropriate.
- Promote energy efficient housing and rehabilitation of existing housing stock.

**5/Air Quality:**

- Reduce greenhouse gas emissions.
- Encourage energy efficiency citywide.
- Incorporate climate adaptation strategies into City planning processes.

**6/Natural Environment:**

- Practice responsible waste management by reusing and repurposing materials, including promoting the reuse of existing buildings over demolition.

**7/ Preservation:**

- Preserve and enhance neighborhood and district character.
- Encourage the incorporation of historic elements into buildings, landscapes, public spaces, streetscapes, neighborhoods, and districts where appropriate.
- Retain areas and structures of historic and architectural value.
- Integrate preservation into City regulation, policy, and decision making.
- Balance preservation with flexibility for change and growth.
- Improve education and outreach about the value of historic preservation.

**8/Beautiful City:**

- Support and encourage architecture, development, and infrastructure that:
  - Is people-focused;
  - Responds to its surrounding context and enhances the public realm;
  - Reflects our diverse cultural, ethnic, and religious heritage; and
- Reinforce and preserve neighborhood and district character and a strong sense of place.

**Potential Tools:**

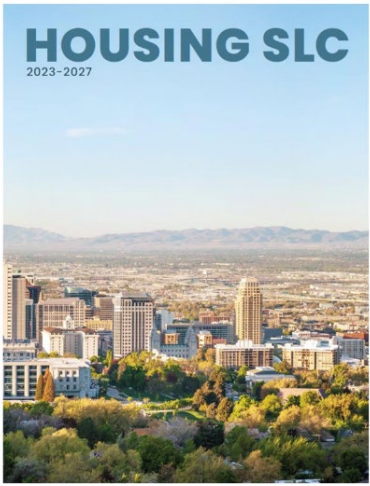
- Zoning Incentives
- Transfer of Development Rights (TDR): A tool that is intended to promote the preservation of open space, historic buildings, and other important places in the city by allowing a property owner to sell their unused development rights to someone else for use on another property.



Discussion - While TDR, as commonly defined, is not being proposed with these incentives, the principle of it is in a sense. Allowing the transfer of development rights from an existing building to another location on the same development site achieves the underlying goals of TDR, which is to preserve important site features while encouraging redevelopment in a more strategic location. In the future, the City may explore a traditional TDR program that transfers the development rights to a different location.

**Housing SLC: A Five-Year Housing Plan 2023-2027**

Housing SLC outlines a comprehensive approach to ensuring housing in Salt Lake City is available and attainable for people of all incomes. The plan outlines policies, land use practices, resources, and funding opportunities to help achieve the City’s housing goals. The goals are supported by more than 40 action items that will be implemented over the next five years. Many of these strategies and actions items support the restoration of existing housing stock and the preservation of historic buildings that can be repurposed into housing units.



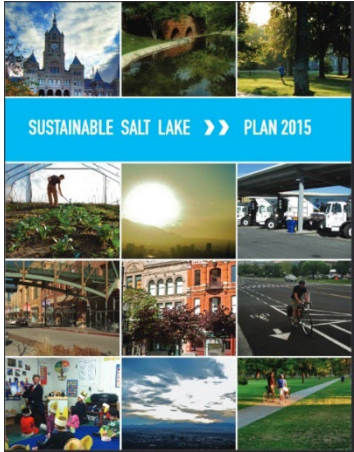
**Housing Strategies:**

- **Strategy:** Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.
- **Strategy:** Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.
  - **Action Item:** Adopt an adaptive reuse ordinance to facilitate the conversion of historic buildings into housing.
- **Strategy:** Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

Along with strategies for action and principles to guide such strategies, the housing plan also identifies constraints the city currently faces in addressing the housing affordability crisis. These constraints may change over the course of the next five years, or the duration of this Plan:

- **Preservation of At-Risk Units:** Naturally occurring affordable housing (NOAH) is housing that is affordable without government restriction or subsidy. This is likely to be older housing that has not been updated and may lack the amenities included in newer housing developments. In a hot market, however, NOAH is at risk of being lost due to market-induced rent rises, renovations that lead to rent rises, sale of properties, or redevelopment.

**Sustainable Salt Lake – Plan 2015:** Sustainable Salt Lake reflects the City’s resiliency goals, which can be achieved through the protection of natural resources, an increase in renewable energy, and implementing sustainable infrastructure and construction. The proposed incentives support this effort by decreasing the amount of carbon energy lost through demolition and facilitating the adaptation of existing structures into housing or alternative uses.



**Recycling & Materials Management Goals:**

- Reduce waste
- Increase recycling and eliminate waste by 2040
- Foster the highest and best use of materials

**Strategy:** Increase recycling of construction and demolition materials.

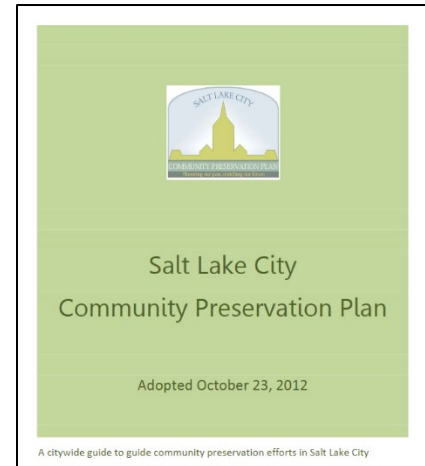
## Housing Goals:

- Cultivate urban living by supporting renovation and creative reuse of historic structures
- Promote a diverse and balanced community by ensuring a wide variety of housing types
- Promote green building and energy efficiency

**Strategy:** Support the renovation and use of historic and other older apartment buildings as well as adaptive reuse of other historic buildings.

### **Salt Lake City Community Preservation Plan:**

The Community Preservation Plan is the City's comprehensive historic preservation plan that provides a vision, policies, and actions that will help preserve areas of the City that are unique in character and historical significance. The proposed ordinance is reflective of the policies below that provide direction on regulating change, incentivizing historic preservation, achieving sustainability benefits, and retaining existing housing while promoting compatible growth.



### **Shared Understanding of Preservation Benefits**

- Policy 2.3a: Identify historic preservation as an important component of the City's sustainability efforts based on its important economic, environmental and cultural benefits to the City.

### **Regulation**

- Policy 3.3d: Greater flexibility for change is allowed on secondary facades of structures where alterations are less likely to negatively affect the significant character defining features of the site or historic district.
- Policy 3.3i: Encourage amendment of the building development code to clearly enable appropriate historic renovation and remodels as well as adaptive reuse of historic structures.
- Policy 3.3k: Support modification of existing historic resources to allow for changes in use that will encourage the use of the structure for housing or other appropriate uses in historic districts in an effort to ensure preservation of the structure.
- Regulatory Incentives: Flexibility in zoning regulations, adaptive reuse of historic buildings, and density bonuses.

### **Incentives**

- Policy 3.4a: Continue to broaden the range of regulatory tools available to encourage the preservation of historic properties.
- Policy 3.4b: Develop a wide range of incentives to encourage the protection of historic properties.
- Policy 3.4d: Adaptive Reuse of Historic Structures should be allowed for a variety of uses in appropriate locations where it is found that the negative impacts can be mitigated and where the uses do not require significant alterations to the historic integrity of the interior of the structure.
- Policy 3.4j: Streamline the approval process for renovation or restoration projects that meet the standards for approval.

## Energy

- Policy 6.1a: Historic Preservation is a primary tool to implement the sustainable goals of Salt Lake City.
- Policy 6.1b: The energy benefits, including life-cycle costs of preserving older buildings, should be understood by property owners, development professionals, decision makers, City Staff and the general public.
- Policy 6.1f: Encourage architectural salvage efforts to promote the reuse of historic building materials and to decrease the need to create new building materials from raw materials that have to be harvested, manufactured and transported from far away.

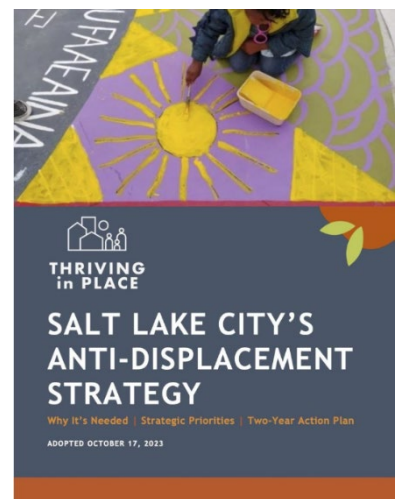
## Housing

- Policy 6.5a: Ensure zoning supports the retention and reuse of existing historic apartment and non-residential buildings.
- Policy 6.5b: Support the renovation and use of historic apartment buildings and the adaptive reuse of historic non-residential buildings for residential units.
- Policy 6.5e: Allow the development of additional dwelling units as an incentive for preservation of historic structures.

### Thriving in Place

Thriving in Place (TIP) focuses on the prevention of involuntary displacement of people from their homes and neighborhoods.

The plan describes two types of displacement: direct displacement and indirect displacement. Direct displacement happens when a household is forced to move because they are evicted, or their housing is demolished to make way for redevelopment of the site. Indirect displacement forces residents to relocate due to unaffordable rent increases. Indirect displacement is more common than direct displacement in Salt Lake City. A key objective of TIP is to “Preserve the affordable housing we have”. The proposed amendment supports the goals of TIP by providing incentives to preserve existing housing stock which is often “Naturally Occurring Affordable Housing”, (sometimes called “NOAH”). NOAH is at risk throughout the city as properties continue to redevelop and older housing is replaced with new housing often with higher rents.



**Neighborhood Plans:** Additionally, preservation and community character objectives are an element of a number of Salt Lake City’s neighborhood master plans. What follows is a sample of pertinent passages, policies and objectives from some of these documents.

#### Central Community Master Plan:

- Central Community gives high priority to the preservation of historic structures and development patterns.
- Use building codes and regulations to support preservation.

#### Avenues Master Plan:

- Encourage preservation of historically and architecturally significant sites and the established character of the avenues and South Temple Historic Districts.

#### Capitol Hill Master Plan:

- Provide for the preservation and protection of the historically and architecturally important districts.

### Downtown Master Plan:

- Preserving the character of many of our older buildings is an important component of downtown's image.

### **Consideration 2: Changes Made After Commission Briefings**

Planning provided a briefing on the proposed changes to the historic landmark commission on August 3, 2023, and to the planning commission on September 27, 2023. A link to the briefing memos and recording of the briefings can be found in [Attachment G](#). The following summarizes changes made to the draft ordinance after the briefings, largely in response to feedback received from the commissions:

#### **Parking:**

- Multi-Family: The minimum parking requirement for multi-family uses that qualify for the incentives has been revised from 1 space per dwelling unit, to 0.5 spaces per dwelling unit. Currently, the general context area – which has the highest minimum parking requirement for multi-family – requires 1 parking space for studio and 1 bedrooms, and 1.25 spaces for 2+ bedrooms. The initial proposal of 1 space per dwelling unit was not a significant incentive, particularly in the RMF zones, where reduced parking would be advantageous since other incentives like additional height are not being offered.
- Existing Building Parking: Added clarification that if the existing parking for the eligible building exceeds the minimum parking authorized by the proposed incentive, only the minimum is required to be retained, rather than retaining all existing parking.

#### **“A Incentives” – Adaptive Reuse for Additional Uses in Eligible Buildings:**

- Multi-Family: The proposal adds multi-family as a permitted use for buildings meeting the eligibility requirements of the ‘A Incentives’ in the FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000 and R-1/5,000, SR-1, SR-1A, SR-3, and PL, PL-2, and I zoning districts. In the previous draft, multi family was allowed with the adaptive reuse incentives subject to a conditional use process. This change was made after further analysis of comments from the planning commission during the briefing. Through this process, multi-family would only be permitted in an existing eligible building. As a result, potential impacts on adjacent properties that would be looked at through the conditional use process, such as intensity, mass, scale and design may not be as impactful with an existing building.

#### **“B Incentives” – Preservation of a Principal Building:**

- Building Eligibility: In the earlier draft reviewed at the briefing, for a building to be eligible, it had to be at least 30 years old. The proposal has been modified to require buildings to be at least 50 years old. This modification was made to address the fact that 30-year-old buildings are typically at a lower risk of demolition compared to 50-year-old structures. Additionally, there are some building code exemptions in the International Existing Building Code (IEBC) for historic buildings and buildings that would meet the requirements for historic exemptions generally have to be 50 years or older.
- Single- and Two-Family Zoning Districts: The previous draft excluded single- and two-family zoning districts from the “B” incentives. The revised draft includes some incentives for single- and two-family zones. Mainly, creating a lot without public street frontage and reduced lot width would not require a planned development. Lot area requirements of the base zoning district would still apply for properties in the FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000 and R-1/5,000 zoning districts.

Lot area requirements would not apply to the following zoning districts: SR-1, SR-1A, and R-2. In these zones, this could incentivize dividing existing properties to create an additional unit in zones where two-family and twin home dwellings are permitted but lot

width and lot area requirements for these uses is limiting. Additionally, it would allow for infill development on these properties.

## **STAFF RECOMMENDATION**

The proposed ordinance amendments have been reviewed against the Zoning Amendment consideration criteria in [Attachment D](#).

The proposed amendment implements professional best practices, aligns with the City's zoning purposes. The proposed amendment also furthers the purpose of the City's policies and goals, as stated in various master plans as discussed in the staff report. Therefore, planning staff recommends the commission forward a favorable recommendation to the city council to adopt the proposed text amendment.

## **NEXT STEPS**

The recommendation of the planning commission will be forwarded to the city council who has final approval authority for all city code amendments. The city council will hold a briefing and additional public hearing on the proposed amendments. The city council may make modifications to the proposal during this process. If the code changes are ultimately adopted by the city council, the changes would be incorporated into the Salt Lake City Zoning Ordinance.

# **ATTACHMENT A: Proposed Ordinance**

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Underline = New Text

~~Strikethrough~~ = Removed Text

All other text is existing and unchanged

SECTION 1. Amending the text of Salt Lake City Code Subsection 21A.10.015.A. That Subsection 21A.10.015.A of the *Salt Lake City Code* (Zoning: General Application, Public Engagement, and Public Noticing Procedures: Public Engagement: Land Use Projects Subject to Public Engagement) shall be, and hereby is amended to read as follows:

**21A.10.015: PUBLIC ENGAGEMENT:**

The purpose of the public engagement process is to inform the public of certain land use projects early in the process, provide a reasonable timeframe for feedback on a proposal, and establish a process to hear from the public prior to making a decision on a particular land use project.

- A. Land Use Projects Subject to Public Engagement: The following are considered land use projects for purposes of this chapter and are subject to the public engagement process and requirements herein:
1. Request for an alley/street closure or vacation;
  2. Amendments to Title 21A;
  3. Conditional use applications;
  4. Design review applications, that are subject to review by the planning commission as provided in Chapter 21A.59;
  5. Applications to demolish one or more landmark sites or contributing structures located within a local historic district;
  6. Master plans, including amendments, to be adopted by the city council;
  7. Requests for certificates of appropriateness required for new construction of principal structures, except for single family and two family dwellings;
  8. Planned development applications, that are subject to review by the planning commission as provided in Chapter 21A.55;
  9. Zoning map amendment

SECTION 2. Amending the text of Salt Lake City Code Subsection 21A.10.020.B. That Subsection 21A.10.020.B of the *Salt Lake City Code* (Zoning: General Application, Public Engagement, and Public Noticing Procedures: Public Notice Requirements: Special Noticing Requirements for Certain Administrative Approvals) shall be, and hereby is amended to read as follows:

**21A.10.020: PUBLIC NOTICE REQUIREMENTS:**

- B. Special Noticing Requirements for Certain Administrative Approvals:

1. Notice of Application for Design Review and Planned Development:
  - 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, or an administrative planned development as authorized by Chapter 21A.55 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, or the planned development not complying the requirements of 21A.55, the planning director may refer the matter to the planning commission for their review and decision on the application.

SECTION 3. Amending the text of Salt Lake City Code Subsection 21A.24.010.S. That Subsection 21A.24.010.S of the *Salt Lake City Code* (Zoning: Residential Districts: General Provisions: Adaptive Reuse Of a Landmark Building In Residential Districts) shall be, and hereby is amended to read as follows:

**21A.24.010: GENERAL PROVISIONS:**

- S. Compliance With Noise Regulations Required: Any construction work in residential zoning districts shall comply with section 9.28.040, "Noises Prohibited", of this Code. (Ord. 64-21, 2021; Ord. 46-17, 2017 Adaptive Reuse Of A Landmark Building In Residential Districts:

~~— 1. Purpose Statement: The purpose of the adaptive reuse of a landmark site in a residential district is to preserve landmark sites as defined in subsection 21A.34.020B of this title. In some instances these sites have outlived their original use due to economic conditions, size of the building, and/or a substantial degree of deterioration of the historic property. Such sites, however, still contribute to the welfare, property and education of the people of Salt Lake City because of their historic, architectural or cultural significance. The Planning Commission shall consider the allowance of a nonresidential use of a landmark site in a residential district according to the qualifying provisions outlined in subsection S2a of this section and pursuant to chapter 21A.54 of this title, in order to ensure that the residential character of the surrounding environment is preserved.~~



~~— 2. Conditional Use Required: Where authorized by this title as shown in section [21A.93.020](#), "Table Of Permitted And Conditional Uses For Residential Districts", of this title, landmark sites in any residential district may be used for certain nonresidential uses.~~

~~— a. Qualifying Provisions: In order to qualify for conditional use review by the Planning Commission under section [21A.54.080](#), "Standards For Conditional Uses", of this title, the applicant must demonstrate compliance with the following:~~

~~— (1) The building is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the City accepting a conditional use application for the structure unless the Planning Director determines that it is in the best interest of the City to process the designation and conditional use applications together.~~

~~— (2) The landmark building shall have a minimum of seven thousand (7,000) square feet of floor area, excluding accessory buildings.~~

~~— (3) The new use will require minimal change as these features are important in defining the overall historic character of the building and environment.~~

~~— (4) The use is conducive to the preservation of the landmark site.~~

~~— (5) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.~~

~~— (6) The use is compatible with the surrounding residential neighborhood.~~

~~— (7) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.~~

~~— (8) The use does not result in the removal of residential characteristics of the structure or site including mature landscaping.~~

~~— (9) The change in use from residential to nonresidential is necessary due to the excessive size of the landmark site for residential uses allowed in the residential district, and/or demonstration that the building cannot reasonably be used for its original intended use.~~

~~— (10) The proposed use will not have a material net cumulative adverse impact on the neighborhood or the City as a whole by considering the following:~~

~~— (A) The spatial distribution of:~~

~~— (i) Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between 100-series addresses; and~~

~~— (ii) Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map of planning communities maintained by the Zoning Administrator.~~

~~— (B) Impacts on neighboring properties including, but not limited to:~~

~~— (i) Traffic;~~

~~— (ii) Parking;~~

~~— (iii) Signs;~~

~~— (iv) Lighting;~~

\_\_\_\_\_ (v) ~~Removal of landscaping; and~~

\_\_\_\_\_ (vi) ~~For the purposes of evaluating subsections S2a(10)(B)(i) through S2a(10)(B)(v) of this section, professionally prepared impact studies shall not be required unless specifically requested by the Zoning Administrator;~~

\_\_\_\_\_ (vii) ~~Noise, fumes or odors;~~

\_\_\_\_\_ b. ~~Credit For On Street Parking: Some or all of the off street parking spaces required in section 21A.44.030 of this title may be met by the provision of on street spaces. Such credit shall require the site plan review approval. Requests for on street parking shall meet the following requirements:~~

\_\_\_\_\_ (1) ~~All on street parking facilities shall be designed in conformance with the standards established by the City Transportation Engineer;~~

\_\_\_\_\_ (2) ~~Prior to approving any requests for on street parking, the development review team shall determine that the proposed on street parking will not materially adversely impact traffic movements and related public street functions; and~~

\_\_\_\_\_ (3) ~~Credit for on street parking shall be limited to the number of spaces provided along the street frontage adjacent to the use.~~

SECTION 4. Amending the text of Salt Lake City Code Subsection 21A.24.010.W. That Subsection 21A.24.010.W of the *Salt Lake City Code* (Zoning: Residential Districts: General Provisions: Compliance With Noise Regulations Required) shall be, and hereby is amended to read as follows:

~~W. Compliance With Noise Regulations Required: Any construction work in residential zoning districts shall comply with section 9.28.040, "Noises Prohibited", of this Code. (Ord. 64 21, 2021; Ord. 46 17, 2017~~

SECTION 5. Amending the text of Salt Lake City Code Subsection 21A.24.010.E. That Subsection 21A.24.010.E of the *Salt Lake City Code* (Zoning: Residential Districts: RMF-35 Moderate Density Multi-Family Residential District: Minimum Yard Requirements) shall be, and hereby is amended to read as follows:

**21A.24.130: RMF-35 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:**

E. Minimum Yard Requirements:

6. Existing Yards: For buildings legally existing on April 12, 1995, the required yard shall be no greater than the established setback line of the existing building ~~unless~~

the proposed yard encroachment is to accommodate additional units. New principal buildings must conform to current yard area requirements, unless the new principal two-family dwelling or twin home has legal conforming status as outlined in section ~~21A.24.160~~ 21A.24.160 of this title.

SECTION 6. Amending the text of Salt Lake City Code Subsection 21A.24.160.D. That Subsection 21A.24.160.D of the *Salt Lake City Code* (Zoning: Residential Districts: RB Residential/Business District: Minimum Lot Area And Lot Width) shall be, and hereby is amended to read as follows:

**21A.24.160: RB RESIDENTIAL/BUSINESS DISTRICT:**

D. Minimum Lot Area and Lot Width: The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
<del>A single dwelling unit located above first floor retail or office uses</del>	<del>Included in principal use</del>	<del>Included in principal use</del>
Municipal service uses, including City utility uses and police and fire stations	No minimum	No minimum
Natural open space and conservation areas, public and private	No minimum	No minimum
Offices, when located within an existing building originally designed for residential use	5,000 square feet	50 feet
Places of worship less than 4 acres in size	5,000 square feet	50 feet
Public pedestrian pathways, trails and greenways	No minimum	No minimum
Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
Retail goods establishments, when located within an existing building originally designed for residential use	5,000 square feet	50 feet
Retail service establishments, when located within an existing building originally designed for residential use	5,000 square feet	50 feet

Single-family detached dwellings	5,000 square feet	50 feet
Two-family dwellings	8,000 square feet	50 feet
Utility substations and buildings	5,000 square feet	50 feet
Other permitted or conditional uses as listed in section <a href="#">21A.33.020</a> of this title	5,000 square feet	50 feet

SECTION 7. Amending the text of Salt Lake City Code Subsection 21A.24.180.I. That Subsection 21A.24.180.I of the *Salt Lake City Code* (Zoning: Residential Districts: RO Residential/Office District: Offices In Existing Buildings On Lots Less Than Twenty Thousand Square Feet) shall be, and hereby is amended to read as follows:

**21A.24.180: RO RESIDENTIAL/OFFICE DISTRICT:**

- I. Offices ~~in~~ Existing Buildings ~~on~~ Lots Less Than Twenty Thousand Square Feet: Offices occupying existing buildings are permitted on a five thousand (5,000) square foot minimum lot. Additions to existing buildings that are greater than fifty percent (50%) of the existing building footprint or that exceed the height of the existing building shall be subject to design review ([chapter 21A.59](#) of this title) unless the existing building is using the incentives in 21A.52.060.

SECTION 8. Amending the text of Salt Lake City Code Subsection 21A.26.010.K. That Subsection 21A.26.010.K of the *Salt Lake City Code* (Zoning: Commercial Districts: General Provisions: Bed And Breakfast Establishments And Reception Centers in Landmark Sites in the CN Neighborhood Commercial And CB Community Business Districts) shall be, and hereby is amended to read as follows:

**21A.26.010: GENERAL PROVISIONS:**

~~K. Bed And Breakfast Establishments And Reception Centers In Landmark Sites In The CN Neighborhood Commercial And CB Community Business Districts:~~

- ~~1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the Planning Commission pursuant to [chapter 21A.54](#) of this title, landmark sites in a CN or CB District may be used for a bed and breakfast establishment or reception center subject to the following standards:~~

~~a. Standards: In addition to the standards for conditional uses, section 21A.54.080 of this title, the Planning Commission shall find the following:~~

- ~~(1) The structure is designated as a landmark site on the Salt Lake City Register of Cultural Resources. The designation process must be completed prior to the City accepting a conditional use application for the structure unless the Planning Director determines that it is in the best interest of the City to process the designation and conditional use applications at the same time because of the risk of probable demolition;~~
- ~~(2) The use is conducive to the preservation of the landmark site;~~
- ~~(3) The use is compatible with the surrounding residential neighborhood; and~~
- ~~(4) The use does not result in the removal of residential characteristics of the structure (if the structure is a residential structure), including mature landscaping.~~

~~b. Condition Of Approval: A preservation easement in favor of the City shall be placed upon the landmark site.~~

SECTION 9. Amending the text of Salt Lake City Code Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be repealed only for the use category “Temporary use of closed schools and churches”, and shall be and hereby is amended only for the use categories “Adaptive reuse of a landmark site”, “Dwelling, multi-family” and “Mixed use development” in the Table of Permitted and Conditional Uses for Residential Districts, in alphabetical order with other use categories in the table, which use categories shall read and appear in that table as follows:

**21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:**

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	R-M F-30	R-M F-35	R-M F-45	R-M F-75	R-B	R-M U-35	R-MU-45	R-MU	RO
Adaptive reuse for additional uses in eligible buildings of a landmark site	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>		C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	C <sup>B</sup>	P <sup>B</sup>	P <sup>B</sup>	P <sup>B</sup>	P <sup>B</sup>	P <sup>B</sup>

Dwelling, multi-family	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P	P	P	P	P	P	P	P	
Mixed use development															P <sup>2</sup>	P	P	P	P
Temporary use of closed schools and churches	C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>		C <sup>19</sup>		C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>	C <sup>19</sup>		C <sup>19</sup>	C <sup>19</sup>		

SECTION 10. Amending the text of Salt Lake City Code Section 21A.33.020. That the “Qualifying Provisions” of Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended only for qualifying provisions “1”, “6”, “8” and “19” which shall appear in numerical order with the other qualifying provisions and read as follows:

Qualifying provisions:

1. ~~Reserved. A single apartment unit may be located above first floor retail/office~~
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building’s footprint. Building additions greater than 50 percent of the building’s footprint or new office building construction are subject to a design review unless the building qualifies for the incentives in 21A.52.060.
8. Subject to conformance with the provisions of subsection 21A.52.060.A ~~21A.24.010~~S of this title.
19. Reserved ~~Subject to section 21A.36.170~~ of this title.

SECTION 11. Amending the text of Salt Lake City Code Section 21A.33.030. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be repealed only for the use categories “Adaptive reuse of a landmark site”, “House museum in landmark sites” and “Offices and reception centers in landmark sites”, and shall be and hereby amended only for the use category “Bed and breakfast” in the Table of Permitted and Conditional Uses for Commercial Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

**21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:**

Use	Permitted and Conditional Uses by District						
	CN	CB	CS <sup>1</sup>	CC	CSHBD <sup>1</sup>	CG	SNB
Adaptive reuse of a landmark site	P	P	P	P	P	P	
Bed and breakfast manor	€ <sup>3</sup>	€ <sup>3</sup>		P	P	P	
House museum in landmark sites (see subsection <a href="#">21A.24.010S</a> of this title)							€
Offices and reception centers in landmark sites (see subsection <a href="#">21A.24.010S</a> of this title)							€

SECTION 12. Amending the text of Salt Lake City Code Section 21A.33.030. That the “Qualifying Provisions” of Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only for qualifying provision “3”, which shall appear in numerical order with the other qualifying provisions and read as follows:

Qualifying provisions:

3. Reserved. ~~When located in a building listed on the Salt Lake City register of cultural resources (see subsections [21A.26.010S](#) and [21A.26.010K](#) of this title)~~

SECTION 13. Amending the text of Salt Lake City Code Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is repealed only for the use categories “Adaptive reuse of a landmark site”, “House museum in landmark sites” and “Offices and reception centers in landmark sites”, in the Table of Permitted and Conditional Uses for Transit Station Area Districts:

**21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT STATION AREA DISTRICTS:**

Use	Permitted and Conditional Uses by District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Adaptive reuse of a landmark site	P	P	P	P	P	P	P	P
House museum in landmark sites (see subsection <a href="#">21A.24.010.S</a> of this title)	P	P	P	P	P	P	P	P
Offices and reception centers in landmark sites (see subsection <a href="#">21A.24.010.S</a> of this title)	P	P	P	P	P	P	P	P

SECTION 14. Amending the text of Salt Lake City Code Section 21A.33.040. That Section 21A.33.040 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Manufacturing Districts) shall be and hereby is repealed only for the use category “Adaptive reuse of a landmark site”, in the Table of Permitted and Conditional Uses for Manufacturing Districts:

**21A.33.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS:**

Use	Permitted and Conditional Uses by District	
	M-1	M-2
Adaptive reuse of a landmark site	€	€7

SECTION 15. Amending the text of Salt Lake City Code Section 21A.33.040. That the “Qualifying Provisions” of Section 21A.33.040 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Manufacturing Districts) shall be and hereby is



amended only for qualifying provision “7”, which shall appear in numerical order with the other qualifying provisions and read as follows:

Qualifying provisions:

- ~~7. Reserved. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a design review.~~

SECTION 16. Amending the text of Salt Lake City Code Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is repealed only for the use category “Adaptive reuse of a landmark site”, in the Table of Permitted and Conditional Uses for Downtown Districts:

**21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:**

Use	Permitted and Conditional Uses by District			
	D-1	D-2	D-3	D-4
Adaptive reuse of a landmark site				<del>P*</del>

SECTION 17. Amending the text of Salt Lake City Code Section 21A.33.050. That the “Qualifying Provisions” of Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only for qualifying provision “4”, which shall appear in numerical order with the other qualifying provisions and read as follows:

Qualifying provisions:

- ~~4. Reserved. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a design review (chapter 21A.59 of this title).~~

SECTION 18. Amending the text of Salt Lake City Code Section 21A.33.060. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses In the Gateway District) shall be and hereby is repealed only for the use category

“Adaptive reuse of a landmark site”, in the Table of Permitted and Conditional Uses in the Gateway District:

**21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:**

Use	G-MU
Adaptive reuse of a landmark site	<u>P</u>

SECTION 19. Amending the text of Salt Lake City Code Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only for the use categories “Adaptive reuse of a landmark site” and “Dwelling: Multi-family”, in the Table of Permitted and Conditional Uses for Special Purpose Districts, in alphabetical order with other use categories in the table, which use categories shall read and appear in that table as follows:

**21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:**

Use	Permitted and Conditional Uses by District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Adaptive reuse for <u>additional uses in eligible buildings of a landmark site</u>								C <sup>2</sup>			C <sup>2</sup>	<u>C<sup>2</sup></u>	C <sup>2</sup>	<u>P<sup>2</sup></u>			<u>P<sup>a</sup></u>
Dwelling:																	
Multi-family											<u>P<sup>2</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>2</sup></u>	P			P

SECTION 20. Amending the text of Salt Lake City Code Section 21A.33.070. That the “Qualifying Provisions” of Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables:

Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only for qualifying provision “2”, which shall appear in numerical order with the other qualifying provisions and read as follows:

Qualifying provisions:

2. ~~Subject to conformance with the provisions of subsection 21A.52.060.A of this title. When located in a building listed on the Salt Lake City Register of Cultural Resources.~~

SECTION 21. Amending the text of Salt Lake City Code Section 21A.33.080. That Section 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in Form Based Districts) shall be and hereby is repealed only for the use categories “House museum in a landmark”, and “Office and/or reception center in a landmark site” and shall be and hereby is amended only for the use categories “Adaptive reuse of a landmark site”, “Dwelling: Multi-family”, and “Reception center”, in the Table of Permitted and Conditional Uses in Form Based Districts, in alphabetical order with other use categories in the table, which use categories shall read and appear in that table as follows:

**21A.33.080: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS:**

Use	Permitted and Conditional Uses by District				
	FB-UN1	FB-UN2	FB-MU11	FB-SC	FB-SE
Adaptive reuse for additional uses in eligible of a landmark buildings	<u>C9</u>		<u>P</u>		
Dwelling:					
Multi-family	<u>P9</u>	P	P	P	P
House museum in landmark site	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Office and/or Reception center in a landmark site		P	P	P	P
Reception center		<u>P</u>	P	<u>P</u>	<u>P</u>

SECTION 22. Amending the text of Salt Lake City Code Section 21A.33.080. That the “Qualifying Provisions” of Section 21A.33.870 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in Form Based Districts) shall be and hereby is amended to add an additional qualifying provision “9”, which shall appear immediately succeeding qualifying provision “8”, as follows:

Qualifying provisions:

9. Subject to conformance with the provisions of subsection 21A.52.060.A of this title.

SECTION 23. Repealing the text of Salt Lake City Code Section 21A.36.170. That Section 21A.36.170 of the *Salt Lake City Code* (Zoning: General Provisions: Reuse of Church and School Buildings) shall be and hereby is amended as follows:

**~~21A.36.170: RESERVED USE OF CHURCH AND SCHOOL BUILDINGS:~~**

~~—A. Change Of Use: In the PL, PL 2, I, UI or any residential district, a change of use of any church or school to a use that is allowed as a permitted use or conditional use in the zoning district may be allowed as a conditional use pursuant to the provisions of [chapter 21A.54](#) of this title.~~

~~—B. Temporary Use Of Closed Schools And Churches; Authorized As Conditional Use: The temporary use of closed schools and churches may be allowed as a conditional use pursuant to the provisions of [chapter 21A.54](#) of this title, in the zoning districts indicated in the land use tables of this title, provided that:~~

~~—1. Use: The temporary use is for office space or educational purposes for public or private charities.~~

~~—2. Application: The application for a temporary use of a closed school or church shall include, in addition to the application submission requirements of [chapter 21A.54](#) of this title, the following information:~~

~~— a. Building Plans: As part of the application, the applicant shall provide a site plan drawn to scale showing existing structures, auxiliary buildings, existing parking and landscaping, and any proposed changes to the site. In converting the existing facility to the proposed conditional use, no major exterior or interior alterations of the building shall be made which render the building incompatible with a return to its use as a school or church; and~~

~~— b. Use Plan: A proposed use plan including:~~

~~— (1) Hours and days of operation;~~

~~— (2) Evidence of noise, odor or vibration emissions;~~

~~— (3) Evidence of the number of classes, including hours taught, days taught, and the expected class size;~~

~~— (4) Average number of clients per day and the frequency of turnover of the clients, and~~

~~— (5) Number of employees, staff or volunteers, both total and expected to be on the premises at any given time.~~

~~— 3. Prohibition: No provision of this section shall be construed to allow any use in a closed school or church for retail, residential or industrial purposes, or any use involving any type of correctional or institutional facility.~~

~~— 4. Ownership: The School Board or church shall remain the owner of the property during the period of time for which the conditional use is granted and any change of ownership away from the School Board or church shall immediately cause the conditional use to terminate.~~

~~— 5. Automatic Termination Of Use: If the School Board or church group determines that no future public or religious use will be made of the building as a public school or church, the conditional use as granted under this section shall immediately cease and the property shall thereafter be used only for uses permitted in the zoning district.~~

~~— 6. Temporary Use: The conditional use provided by this section shall be temporary only. The time of such use shall be subject to the decision of the Planning Commission based on its consideration of the criteria specified in subsection B7 of this section. The Planning Commission may authorize the conditional use for a period not to exceed five (5) years, which may be renewed for additional periods not in excess of five (5) years.~~

~~— 7. Termination For Excess Use: If the Planning Commission determines that the conditional use is being used substantially in excess of the plan for use submitted pursuant to subsection B2b of this section, the Planning Commission may, after an informal hearing, revoke the conditional use if it determines that the excess use is having a negative impact on the neighborhood. (Ord. 46-17, 2017)~~

SECTION 24. Amending the Text of Subsection 21A.44.060.A.1 That Subsection 21A.44.060.A.1 of the *Salt Lake City Code* (Zoning: Off Street Parking, Mobility and Loading: Parking Location and Design: Generally: Parking Located on Same Lot as Use or Building Served), shall be and hereby is amended to read as follows:

1. Parking Located on Same Lot as Use or Building Served: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot or parcel as the building or use served, unless otherwise allowed pursuant to Subsection 21A.44.060.A.4, "Off-Site Parking Permitted", or 21A.55.020, "Planned Developments – Authority".

SECTION 25. Amending the text of Salt Lake City Code Section 21A.52.020. That Section 21A.52.020 of the *Salt Lake City Code* (Zoning: Zoning Incentives: Applicability) shall be, and hereby is amended to read as follows:

*(Staff note: The creation of Chapter 21A.52, Zoning Incentives was adopted by council and has a publication date of April 30, 2024.)*

### **Chapter 21A.52 Zoning Incentives**

**21A.52.010 Purpose:** The purpose of this chapter is to establish zoning incentives to support achieving adopted goals within the City's adopted plans and policy documents.

#### **21A.52.020 Applicability:**

- A. This chapter applies as indicated within each subsection.
- B. The Planned Development process in 21A.55 is not required as indicated within this chapter.
- C. The Administrative Planned Development process in 21A.55, and the Administrative Design Review process in 21A.59, may be applied as indicated within this chapter.

SECTION 26. Amending the text of Salt Lake City Code Section 21A.52.030. That Section 21A.52.030 of the *Salt Lake City Code* (Zoning: Zoning Incentives: Relationship to Base Zoning District and Overlay Zoning Districts) shall be, and hereby is amended to read as follows:

**21A.52.030 Relationship to base zoning districts and overlay zoning districts:** Unless otherwise indicated in this chapter, all base zoning district or overlay zoning district standards and requirements take precedence ~~except as indicated in this section~~.

SECTION 27. Amending the text of Salt Lake City Code Section 21A.52.040. That Section 21A.52.040 of the *Salt Lake City Code* (Zoning: Zoning Incentives: Approval Process) shall be, and hereby is amended to read as follows:

### **21A.52.040 Approval Process:**

Unless specifically exempt or modified by this chapter, all requirements of this title shall apply.

- A. Zoning Incentives: Applicants using the zoning incentives in this chapter shall submit a zoning incentives application and provide the following information:
  - 1. The applicant's name, address, telephone number and interest in the 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, tax parcel number and legal description of the subject property;
  - 4. The zoning classification, zoning district boundaries and present use of the subject property;
  - 5. The location of all existing and proposed buildings and structures, accessory and principal, showing the number of stories and height, dwelling type, if applicable, major elevations and the total square footage of the floor area by proposed use and any additional information required for site plan review in chapter 21A.58;
  - 6. The total number of dwelling units in the project, the number of affordable units, the number of bedrooms in the affordable units, the location of the affordable units, and level of affordability; ~~and~~
  - 7. Any additional information required by Chapter 21A.59 Design Review or 21A.55 Planned Development, ~~or to demonstrate compliance with the requirements of this chapter, as applicable; and~~
  - 8. Any additional information the zoning administrator deems necessary to demonstrate compliance with this chapter.
- B. Preliminary approval shall authorize the preparation, filing and processing of applications for any permits or approval that may be required by the city, including, but not limited to, a building permit. Notwithstanding the foregoing, no permits shall be issued until final approval is obtained pursuant to this Chapter. Preliminary approval shall be valid for a period of one year unless complete building plans have been submitted to the Division of Building Services.
- C. Administrative design review and administrative planned development, where applicable, shall be exempt from the application fees and noticing fees otherwise required pursuant to Section 21A.59 and 21A.55.
- D. Following the approval of any administrative design review or planned development application, any future alteration to the property, building or site shall comply with the approved ~~design review~~ application unless a modification is approved subject to the process outlined in Chapter 21A.59 and 21A.55, as applicable.
- E. Final approval shall occur following the recording of the restrictive covenant.
- F. Preliminary and final approvals shall be administrative approvals by the planning director or the planning director's designee.

SECTION 28. Amending the text of Salt Lake City Code Subsection 21A.52.050.A. That Subsection 21A.52.050.A of the *Salt Lake City Code* (Zoning: Zoning Incentives: Affordable Housing Incentives: Purpose) shall be, and hereby is amended to read as follows:

### **21A.52.050 AFFORDABLE HOUSING INCENTIVES:**

- A. Purpose: The incentives set forth in this ~~section~~ chapter are intended to encourage the

development of affordable housing. The provisions within this section are intended to facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.

SECTION 29. Amending the text of Salt Lake City Code Subsection 21A.52.050.G.3.

That Subsection 21A.52.050.G.3 of the *Salt Lake City Code* (Zoning: Zoning Incentives: Affordable Housing Incentives: Incentives) shall be, and hereby is amended to read as follows:

3. Incentives in the CB Community Business, CC Corridor Commercial, CG General Commercial, and I Institutional Zoning Districts:
  - a. The following housing types: row houses, sideways row houses, and cottage developments are authorized ~~provided the affordability requirements in subsection b. are complied with;~~
  - b. The minimum open space requirements in the I Institutional zoning district do not apply.
  - c. To be eligible for the incentives listed in this subsection 3a., a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.

SECTION 30. Creating a new Section, 21A.52.060 in Chapter 21A.52 of the Salt Lake

City Code. That new Section 21A.52.060 of the *Salt Lake City Code* (Zoning: Zoning Incentives: Incentives for Preservation of Existing Buildings) shall be, and hereby is amended to read as follows:

**21A.52.060 Building Preservation Incentives:**

The provisions in this section provide optional incentives to development projects that include the preservation of an existing building. The incentives located in Subsection 21A.52.060.A may be combined with the incentives outlined in Subsection 21A.52.060.B.

A. Adaptive Reuse for Additional Uses in Eligible Buildings:

1. Purpose: To allow additional land uses in buildings that generally contribute to the character of the city so they can be redeveloped for economically viable uses. These buildings may be underutilized or have outlived their original use due to economic conditions, size of the building, a substantial degree of deterioration of the property, or other factors. Eligible buildings may hold historical or cultural significance or contribute to the existing neighborhood fabric through their architectural features, size, or previous use.



2. Applicability: The incentives in this subsection apply to adaptive reuse of a building that meets the eligibility standards in 21A.52.060.A.3.
3. Eligibility Standards:
  - a. The following buildings are eligible for the incentives in this subsection:
    - (1) Landmark Sites;
    - (2) Buildings individually listed on the National Register of Historic Places;
    - (3) Buildings formerly used for schools, hospitals, places of worship, or other similar institutional uses; and
    - (4) Buildings that the Planning Director has deemed significant based on the structure's association with events that have contributed to broad patterns of history, association with lives of persons important in the city's past, or displays distinctive characteristics of a type, period, or method of construction.
  - b. Exterior features that are important in defining the overall character of the building shall be retained.
  - c. The proposed use is conducive to the preservation of the building.
  - d. A change of use to a residential use is not permitted in the OS (Open Space) zoning district.
  - e. If the eligible building is located in a residential zoning district, and the existing use is residential, a change of use to nonresidential is not permitted.
4. Incentives:
  - a. Additional Uses: Unless prohibited in Subsection A.4.a(1), any use may be allowed as a permitted or conditional use in zoning districts where Adaptive Reuse for Additional Uses in Eligible Buildings is listed in the land use tables in Chapter 21A.33, subject to the provisions in this Subsection and any specific provisions applicable to the use in this title. Any conditional use shall be reviewed pursuant to the procedures and standards outlined in chapter 21A.54 of this title.
    - (1) Prohibited Uses: A change of use to one of the following uses is prohibited: Ambulance services (indoor and outdoor), amusement park, auditorium, bio-medical facility, bus line station/terminal, bus line yard and repair facility, car wash, check cashing/payday loan business, community correctional facility (large and small), contractor's yard/office, drive-through facility associated with any use, equipment rental (indoor and outdoor), gas station, heliport, hotel/motel, impound lot, intermodal transit passenger hub, jail, large wind energy system, laundry and dry cleaning establishments, limousine service (large and small), heavy manufacturing, pet cemetery, recycling collection station, sexually oriented business, sign painting/fabrication, storage (outdoor), public storage (outdoor), wireless telecommunications facility, homeless resource centers, and any other uses that are only allowed in the Manufacturing districts.
  - b. Parking and Loading: The following are the minimum off-street parking and loading requirements for the eligible building. These minimums may be further reduced with the alternatives to minimum parking calculations in 21A.44.050.
    - (1) Multi-Family: 0.5 off-street parking space per dwelling unit is required;
    - (2) Nonresidential: The minimum number of required off-street parking spaces for the proposed use listed in the general context of the required off-street parking table in 21A.44 may be reduced by 40%;

- (3) Existing Parking Below the Minimum: If the existing parking for the eligible building does not meet the minimum off-street parking requirements above, no additional parking shall be required;
- (4) Loading areas as indicated in Table 21A.44.070-A shall not be required.
- c. Minimum Lot Area and Lot Width: Minimum lot area and lot width requirements of the zoning district do not apply for the adaptive reuse in all zoning districts. In the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply.
5. Restrictive Covenant Required: Any owner who uses the incentives in Subsection 21A.52.060.A shall enter into a legally binding restrictive covenant, the form of which shall be approved by the City Attorney. The restrictive covenant shall be signed and recorded on the property with the Salt Lake County Recorder prior to issuance of a building permit for a building using the incentives. The restrictive covenant shall run with the land for the duration of the adaptive reuse and shall provide for the following, without limitation:
- a. Acknowledge the use of the incentives, the nature of the approval, and any conditions thereof;
- b. Shall guarantee the physical elements of the eligible building used to qualify for the incentives shall remain in substantially the same form and exterior features important to the character of the building shall be preserved for the duration of the adaptive reuse;
- c. The terms of compliance with all applicable regulations and the potential enforcement actions for any violation of the restrictive covenant.
6. Modifications to Approved Adaptive Reuse: Any modification to the use approved under these incentives requires a new zoning incentives application. Any new adaptive reuse shall also require a new zoning incentives application unless the new use is permitted in the table of permitted and conditional uses for the zoning district.
7. Enforcement: Violations of this subsection, or the restrictive covenant on the property as set forth in 21A.52.060.A.5, shall be investigated and prosecuted pursuant to 21A.20.

**B. Preservation of a Principal Building:**

1. Purpose: The incentives set forth in this section are intended to encourage the preservation of buildings, supporting city goals related to sustainability, neighborhoods, economy, and housing. The provisions are designed to support developments that include preserving an eligible building by allowing flexibility with certain zoning regulations while still maintaining the unique urban fabric and character of neighborhoods.
2. Applicability: The incentives in this subsection apply to projects in all zoning districts that preserve an existing principal building that meets the eligibility standards in 21A.52.060.B.3. These incentives may be applied to existing principal buildings and new construction within the same development area. For the purposes of this Subsection, the development area may include multiple abutting lots or parcels.
3. Eligibility Standards:

- a. Minimum Building Age: The existing building to be preserved shall be a minimum of 50 years old.
  - b. Minimum Footprint of Eligible Building: The footprint of the eligible building to be preserved covers a minimum of 25% of the development area. A lower percentage may be considered by the Planning Director if the building has frontage on a public street, contains a publicly accessible use such as retail, restaurant, or entertainment, or would be highly visible from public spaces within the interior of the site.
  - c. Retention of All Existing Principal Structures: In the FR-1, FR-2, FR-3, R - 1/12,000, R-1/7,000 and R-1/5,000, R-2, SR-1, SR-1A, SR-3, and all RMF zoning districts, all existing principal structures included in the overall development area shall be retained.
  - d. Modifications to Existing Building: A maximum of 25% of each street facing building wall may be removed to accommodate modifications or additions. No more than 50% of the building's exterior walls may be removed. Portions of a building wall with character defining architectural features shall not be removed.
  - e. Retention of Existing Active Commercial Uses: Eligible buildings with existing active commercial uses with ground level street frontage are subject to the following requirements. For the purpose of this subsection, active commercial uses are those that support the vibrancy and usability of the public realm adjacent to a building and encourage pedestrian activity and walk-in traffic. Active uses may include retail goods/service establishments, restaurants, bars, art and craft studios, or other uses determined to be substantially similar in terms of activation by the planning director.
    - (1) A minimum of 50% of the length shall be retained along the street frontage in the existing building or be included as part of the new development. If included in the new development, the active commercial use shall have street frontage with public access from the street frontage.
    - (2) The existing depth of the active commercial use shall be maintained or a minimum depth of 25 feet, whichever is less.
    - (3) These requirements do not apply to nonconforming active commercial uses with ground level street frontage.
4. Incentives:
- a. Planned Development Waived: A Planned Development is not required for the following:
    - (1) More Than One Principal Building Per Lot: More than one principal building per lot is allowed without having frontage along a public street.
    - (2) Lots without Frontage on a Public Street: Lots do not require frontage on a public street if necessary cross access easements are provided.
  - b. Administrative Planned Development: The following are authorized through an administrative planned development pursuant to the procedures and standards in Chapter 21A.55. The minimum planned development size required by 21A.55.060 does not apply:
    - (1) Modification to the minimum yard requirements.
    - (2) Modification to the open space and landscaping requirements when the modification specifically relates to preserving the existing building(s).
    - (3) Modifications to the provisions for awnings and canopies, balconies, patios, and porches in table 21A.36.020.B, Obstructions in Required Yards.
    - (4) Modifications to the Parking Location and Setback Requirements in Table 21A.44.060.A.

(5) Parking within the boundary of a planned development area but located on a different parcel or lot than the use(s) it is intended to serve, is allowed and is not considered off-site parking. The parking must only serve the uses within the Planned Development area unless otherwise authorized by other provisions of this title.

c. Minimum Lot Area, Width & Coverage:

- (1) The minimum lot width for the land use found in the minimum lot area and lot width tables of the zoning district does not apply.
- (2) The minimum lot area for the land use found in the minimum lot area and lot width tables of the zoning district only applies for the following zoning districts: FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000 and R-1/5,000.
- (3) RMF-30 zoning district: The minimum lot size per dwelling unit does not apply.
- (4) Lot coverage may be calculated for the overall development area not the individual lot or parcel within the development area.

d. Height: Additional building height is authorized in zoning districts as indicated in the following sections through administrative design review. The maximum height per story of the additional building height incentive shall not exceed 12 feet. Administrative design review shall be reviewed pursuant to the procedures and standards in Chapter 21A.59. The additional height authorized by this Subsection shall not be combined with the additional height authorized by Subsection 21A.52.050, Affordable Housing Incentives.

(1) Residential districts:

<b><u>Zoning District</u></b>	<b><u>Permitted Maximum Height with Incentive</u></b>
<u>RMU-35</u>	<u>45', regardless of abutting use or zone.</u>
<u>RMU-45</u>	<u>55', regardless of abutting use or zone.</u>
<u>RB</u>	<u>1 additional story equal to or less than the average height of the other stories in the building.</u>
<u>RMU</u>	<u>3 additional stories equal to or less than the average height of the other stories in the building.</u>
<u>RO</u>	<u>1 additional story equal to or less than the average height of the other stories in the building.</u>

(2) Commercial Districts:

<b><u>Zoning District</u></b>	<b><u>Permitted Maximum Height with Incentive</u></b>
<u>CB</u>	<u>1 additional story equal to or less than the average height of the other stories in the building.</u>
<u>CN</u>	<u>May build one additional story equal to or less than the average height of the other stories in the building.</u>
<u>CC</u>	<u>45'</u>
<u>CG</u>	<u>2 additional stories equal to or less than the average height of the other stories in the building.</u>  <u>3 additional stories equal to or less than the average height of the other stories in the building</u>

	<u>for properties in the boundary described in 21A.26.070.G.</u>
<u>CSHBD1</u>	<u>105' and 2 additional stories equal to or less than the average height of the other stories in the building.</u>
<u>CSHBD2</u>	<u>60' and 1 additional story equal to or less than the average height of the other stories in the building.</u>
<u>TSA-Transition</u>	<u>1 additional story equal to or less than the average height of the other stories in the building.</u>
<u>TSA-Core</u>	<u>2 additional stories equal to or less than the average height of the other stories in the building.</u>

(3) Form-based districts:

<b><u>Zoning District</u></b>	<b><u>Permitted Maximum Height with Incentive</u></b>
<u>MU-8</u>	<u>90' and 2 additional stories equal to or less than the average height of the other stories in the building.</u>
<u>FB-MU11</u>	<u>125' and 3 additional stories equal to or less than the average height of the other stories in the building.</u>
<u>FB-UN2</u>	<u>1 additional story equal to the average height of the other stories in the building.</u>
<u>FB-SC</u>	<u>1 additional story equal to the average height of the other stories in the building.</u>
<u>FB-SE</u>	<u>1 additional story equal to the average height of the other stories in the building.</u>
<u>FB-UN1</u>	<u>3 stories and 30' in height.</u>

*(Staff Note: MU-8 is pending adoption from City Council. If not adopted, MU-8 would be deleted.)*

(4) Downtown districts:

<b><u>Zoning District</u></b>	<b><u>Permitted Maximum Height with Incentive</u></b>
<u>D-2</u>	<u>120' and 2 additional stories equal to or less than the average height of the other stories in the building.</u>
<u>D-3</u>	<u>180' and 3 additional stories equal to or less than the average height of the other stories in the building.</u>

(5) Other districts:

<b><u>Zoning District</u></b>	<b><u>Permitted Maximum Height with Incentive</u></b>
<u>GMU</u>	<u>180' and 2 additional stories equal to or less than the average height of the other stories in the building.</u>

<u>MU</u>	<u>60' provided that the additional height is for residential uses only.</u>
<u>I</u>	<u>Building heights in excess of 35' but not more than 75' provided, that for each foot of height over 35', each required yard shall be increased 1'.</u>
<u>UI</u>	<u>Building heights in excess of 75' but not more 120' provided that the additional height is supported by the master plan and compatible with the adjacent neighborhood.</u>
<u>OS – Lots greater than 4 acres</u>	<u>Building heights in excess of 45' up to 60' provided that for each foot of height over 45', each required yard and landscaped yard shall be increased by 1'.</u>

- e. Administrative Design Review is permitted for the following:
    - (1) Buildings in the CSHBD1 or CSHBD2 zoning district that exceed 20,000 square feet in size.
    - (2) Buildings in the CB zoning district that exceed 7,500 gross square feet of floor area for a first-floor footprint or in excess of 15,000 gross square feet floor area.
  - f. Parking: The following are the minimum off-street parking requirements unless a lesser requirement is listed in the required off-street parking table in 21A.44. These minimums may be further reduced with the alternatives to minimum parking calculations in 21A.44.050.
    - (1) Residential: 0.5 space per dwelling unit for multi-family; 1 space per dwelling unit for all other residential uses.
    - (2) Nonresidential: The minimum number of required off-street parking spaces for the proposed use listed in the required off-street parking table in 21A.44 may be reduced by 40%.
    - (3) Existing Parking Below the Minimum: If the existing parking for the eligible building does not meet the minimum off-street parking requirements above, no additional parking shall be required.
    - (4) Loading areas as indicated in Table 21A.44.070-A shall not be required.
  - g. Minimum Required Yards: The minimum required yards may apply to the perimeter of the development area and not to the individual lot or parcel within the development area.
5. Design Standards for New Construction: Unless a stricter design standard related to each of the following is included in the base zone or Chapter 21A.37, the following design standards are required for all zones except Single and Two-Family Zoning Districts.
- a. Building Materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the proposed material is durable and is appropriate for the structure.
  - b. Garage Doors Facing Street: Garage doors are prohibited on the facade of the building that is parallel to, or located along, a public street.

- c. Glass: The surface area of the façade of each floor facing a street must contain a minimum of 50% glass. If the ground level of the building is occupied by residential uses that face the street the specified minimum glass requirement may be reduced to 25%.
  - d. Maximum Length of a Blank wall: The maximum length of any blank wall uninterrupted by windows or doors at the ground floor level along any street facing façade is 15 feet. Emergency exit doors and doors to access structured parking or utility equipment do not count as an interruption.
  - e. Screening of Mechanical Equipment: All mechanical equipment shall be screened from public view and sited to minimize their visibility and impact. Examples of siting include on the roof, enclosed or otherwise integrated into the architectural design of the building, or in a rear or side yard area subject to yard location restrictions found in section 21A.36.020, table 21A.36.020B, “Obstructions In Required Yards” of this title.
  - f. Building Entrances: At least one operable building entrance on the ground floor is required for every street facing façade. Additional operable building entrances shall be required on street facing façades every 40 feet for nonresidential uses and every 75 feet for residential uses.
  - g. Maximum Length of Street Facing Facades:
    - (1) The maximum length of each street facing building façade shall not exceed 100 feet in the RMF-30, RMF-35, RMF-45 and RMF-75 districts.
    - (2) The maximum length of each street facing building façade shall not exceed 175 feet in all other zoning districts.
6. Restrictive Covenant Required: Any owner who uses the incentives in Subsection 21A.52.060.B shall enter into a legally binding restrictive covenant, the form of which shall be approved by the City Attorney. The restrictive covenant shall be signed and recorded on the property with the Salt Lake County Recorder prior to issuance of a building permit for a building using the incentives. The restrictive covenant shall run with the land and shall provide for the following, without limitation:
- a. Acknowledge the use of the incentives, the nature of the approval, and any conditions thereof;
  - b. Shall guarantee the physical elements of the eligible building used to qualify for the incentives shall remain in substantially the same form and exterior features important to the character of the building shall be preserved during the term;
  - c. Projects that apply the incentives to new buildings on the development site shall guarantee retention of the eligible building used to qualify for the incentives for a minimum term of 30 years;
  - d. The terms of compliance with all applicable regulations and the city’s potential remedies for any violation of the restrictive covenant.
7. Enforcement: Violations of this Subsection, or the restrictive covenant on the property as set forth in 21A.52.060.B.6, shall be investigated and prosecuted pursuant to 21A.20. The city shall have additional remedies or financial penalties for violations as identified in the terms of the restrictive covenant required by Subsection 21A.52.060.B.6, which shall be reasonably related to enforcement of the requirements and purpose of Subsection 21A.52.060.B. Financial remedies for a violation of the covenant may include liquidated damages representing a reasonable estimate of the value of the incentives, plus other associated damages valued up to 20% of the tax assessed value of the preserved building over the three preceding years.

SECTION 31. Amending the text of Salt Lake City Code Section 21A.55.020. That Section 21A.55.020 of the *Salt Lake City Code* (Zoning: Planned Developments: Authority) shall be, and hereby is amended to read as follows:

**21A.55.020: AUTHORITY:**

- A. Administrative Review: The Planning Director may approve, approve with modifications, deny, or refer to the Planning Commission modifications to specific zoning standards outlined in 21A.52.060.B.4.b for projects that meet the qualifying provisions in 21A.52.060.B in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.
- B. Planning Commission Review: The Planning Commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.

In approving a planned development, the Planning Commission may change, alter, modify or waive the following provisions of this title:

- 1A. Zoning And Subdivision Regulations: Any provisions of this title or of the City's subdivision regulations as they apply to the proposed planned development except that the Planning Commission cannot approve a use that is not allowed in the zoning district in which the planned development is located, with the exception of off-site parking as further described in this section.
- 2B. Off-Site-Parking: Off-site parking within the boundary of a planned development area, but located on a different parcel or lot than the use(s) it is intended to serve, is in zoning districts where off-site parking is not an allowed and not considered off-site parking use. The parking must only serve the uses be located within the planned development area unless otherwise authorized by other provisions of this title.
- 3C. Building Height: Up to five feet (5') of additional building height, except in the FR, R-1, SR, or R-2 Zoning Districts where additional building height cannot be approved through the planned development process.
- 4D. Density: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed except as allowed below. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public streets located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.
- a†. In the RMF Zoning Districts and on lots 0.20 acres or more in size, developments that change a nonconforming commercial use to a residential use that is allowed in the zoning district are exempt from the density limitations of the zoning district when approved as a planned development.



SECTION 32. Amending the text of Salt Lake City Code Section 21A.55.030. That Section 21A.55.030 of the *Salt Lake City Code* (Zoning: Planned Developments: Planning Commission Decision) shall be, and hereby is amended to read as follows:

**21A.55.030: PLANNING COMMISSION DECISION:**

- A. No Presumption of Approval: A request for a planned development does not constitute an assurance or presumption that such planned development will be approved. Rather, each proposed planned development shall be evaluated on an individual basis, in relation to its compliance with the standards and factors set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the planned development is appropriate at a particular location.
- B. Approval: The Planning Commission or Planning Director in the case of administrative planned developments, may approve a planned development as proposed or may impose conditions necessary or appropriate for the planned development to comply with the standards and factors set forth in this chapter.
- C. Denial: The Planning Commission or Planning Director in the case of administrative planned developments, may deny an application for a planned development if it finds that the proposal does not meet the intent of the base zoning district, does not meet the purpose of this chapter, or is not consistent with the standards and factors as set forth in this chapter.

SECTION 33. Amending the text of Salt Lake City Code Section 21A.55.040. That Section 21A.55.040 of the *Salt Lake City Code* (Zoning: Planned Developments: Procedures) shall be, and hereby is amended to read as follows:

**21A.55.040: PROCEDURES:**

- A. Application: An application for Planned Development 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. The applicant must file an application for planned development approval with the Planning Director. A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the Zoning Administrator ~~Planning Director~~ to be inapplicable or unnecessary to appropriately evaluate the application. ~~The application submittal shall include one paper copy and one digital copy:~~
  - 1. A complete description of the proposed planned development including the zoning regulations being modified in the planned development and the planning objectives being met;
  - 2. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;

3. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood;
4. Plans, as required pursuant to section 21A.58.060 of this title, with the exception of the number of copies required;
5. Architectural graphics including floor plans, elevations, profiles and cross sections;
6. A preliminary subdivision plat, if required;
7. Traffic impact analysis, where required by the City Transportation Division; and
8. Other information or documentation the Planning Director may deem necessary for proper review and analysis of a particular application.

B. Determination Of Completeness: Upon receipt of an application for a planned development, the Planning Director shall make a determination of completeness of the application pursuant to section [21A.10.010](#) of this title

C. Public Notification and Engagement:

1. Notice of Application for Administrative Review: Prior to the approval of an application that qualifies for administrative review, the planning director shall provide written notice as provided in chapter 21A.10.020.B of this title.
2. Required Notice for Planning Commission Review:
  - a. Applications subject to Planning Commission review of this chapter are subject to notification requirements of title 2, chapter 2.60 of this code.
  - b. Any required public hearing is subject to the public hearing notice requirements found in chapter 21A.10 of this title.

~~C. Staff Report: Upon completing a site plan review and receiving recommendations from applicable City department(s)/division(s), a staff report evaluating the planned development application shall be prepared by the Planning Division and forwarded to the applicant and the Planning Commission.~~

~~D. Public Hearing: The Planning Commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.~~

~~E. Planning Commission Action: Following the public hearing, the Planning Commission shall decide, on the basis of the standards contained in section 21A.55.050 of this chapter whether to approve, approve with modifications or conditions, or deny the application.~~

~~F. Notification Of Decision: The Planning Director shall notify the applicant of the decision of the Planning Commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.~~

SECTION 34. Amending the text of Salt Lake City Code Section 21A.55.050. That Section 21A.55.050 of the *Salt Lake City Code* (Zoning: Planned Developments: Standards for Planned Developments) shall be, and hereby is amended to read as follows:

**21A.55.050: STANDARDS FOR PLANNED DEVELOPMENTS:**

The Planning Commission, or the Planning Director in the case of administrative planned developments, may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

*(Staff Note: Standards are not being changed from current ordinance. Changes only proposed to introduction paragraph above.)*

SECTION 35. Amending the text of Salt Lake City Code Section 21A.55.070. That Section 21A.55.070 of the *Salt Lake City Code* (Zoning: Planned Developments: Appeal of the Planning Commission Decision) shall be, and hereby is amended to read as follows:

**21A.55.070: APPEAL OF THE PLANNING COMMISSION DECISION:**

Any person adversely affected by a final decision of the Planning Commission or Planning Director in the case of administrative planned developments, ~~on an application for a planned development~~ may appeal to the Appeals Hearing Officer in accordance with the provisions of [chapter 21A.16](#) of this title. The filing of the appeal shall not stay the pending the outcome of the appeal, except as provided for under section [21A.16.030F](#) of this title. (Ord. 48-21, 2021: Ord. 8-18, 2018)

SECTION 36. Amending the text of Salt Lake City Code Section 21A.55.080. That Section 21A.55.080 of the *Salt Lake City Code* (Zoning: Planned Developments: Time Limit on Approved Planned Development) shall be, and hereby is amended to read as follows:

**21A.55.080: TIME LIMIT ON APPROVED PLANNED DEVELOPMENT:**

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Commission or Planning Director in the case of administrative planned developments, may grant an extension of a planned development for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval.

SECTION 37. Amending the text of Salt Lake City Code Section 21A.55.090. That Section 21A.55.090 of the *Salt Lake City Code* (Zoning: Planned Developments: Effect of Approval of Planned Development) shall be, and hereby is amended to read as follows:

**21A.55.090: EFFECT OF APPROVAL OF PLANNED DEVELOPMENT:**

The approval of a proposed planned development by the Planning Commission or Planning Director in the case of administrative planned developments, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval. (Ord. 8-18, 2018)

SECTION 38. Amending the text of Salt Lake City Code Section 21A.55.100. That Section 21A.55.100 of the *Salt Lake City Code* (Zoning: Planned Developments: Modifications to Development Plan) shall be, and hereby is amended to read as follows:

**21A.55.100: MODIFICATIONS TO DEVELOPMENT PLAN:**

Following planned development approval, the development plan approved by the Planning Commission or Planning Director in the case of administrative planned developments, shall constitute the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the planned development process. Modifications to the development plan may be allowed pursuant to this section.

- A. New Application Required For Modifications And Amendments: ~~No substantial Modifications or amendments shall be made in the construction, development or use without a new application under subject to the provisions of this section title. Minor modifications or amendments may be made subject to written approval of the Planning Director and the date for completion may be extended by the Planning Commission upon recommendation of the Planning Director.~~
- B. Minor Modifications: The Planning Director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title planned development when such modifications appear necessary in light of technical or engineering considerations necessary to comply with an adopted building, fire, or engineering code or standard or when the modification complies with the applicable standards in the underlying zoning district or overlay district. Such minor modifications shall be limited to the following elements:
  - 1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element ~~or any boundary of the site;~~
  - 2. Adjusting the location of any open space;
  - 3. Adjusting any final grade;

4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;
5. Signs;
6. Relocation or construction of accessory structures that comply with the provisions of 21A.40 and any applicable accessory structure regulations; or
7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this chapter and shall be the minimum necessary to ~~overcome the particular difficulty~~ comply with the standards of the underlying zoning district or the applicable building, fire, or engineering code or standard and shall not be approved if such modifications would result in a violation of any standard or requirement of this title. A minor modification shall not be approved if the modification reduces a required building setback, authorizes an increase in lot coverage, or increases building height.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection B of this section shall be considered to be a major modification. The Planning Commission or Planning Director in the case of administrative planned developments, shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this title. The Planning Commission or Planning Director in the case of administrative planned developments, may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission or Planning Director in the case of administrative planned developments, determines that a major modification is not in substantial conformity with the approved development plan, then the commission or Planning Director in the case of administrative planned developments, shall review the request in accordance with the procedures set forth in this section.

D. Other Modifications: Any modification to the planned development that complies with the standards of the underlying zoning district or overlay zoning district is allowed provided the modification does not violate a condition of approval or other requirement placed on the planned development as part of the approval of the application and required permits and approvals are obtained.

SECTION 39. Amending the text of Salt Lake City Code Section 21A.59.020.A. That  
 Section 21A.59.020 of the *Salt Lake City Code* (Zoning: Design Review: Authority:  
 Administrative Review) shall be, and hereby is amended to read as follows:

**21A.59.020: AUTHORITY:**

Design review shall be required pursuant to the provisions of this chapter for developments and alternate building and site design features as specified within individual zoning districts before building permits may be issued.

- A. Administrative Review: The planning director may approve, approve with modifications, deny or refer to the planning commission modifications to specific design standards when proposed as new construction, an addition or modification to the exterior of an existing structure, or a modification to an existing structure as authorized in Section [21A.59.040](#), Table 21A.59.040 of this chapter or when authorized ~~in the specific zoning district~~ elsewhere in this title.
1. The director shall approve a request to modify a design standard if the director finds that the proposal complies with the purpose of the individual zoning district, the purpose of the individual design standards that are applicable to the project, the proposed modification is compatible with the development pattern of other buildings on the block face or on the block face on the opposite side of the street, and the project is compliant with the applicable design review objectives (Section [21A.59.050](#) of this chapter).
  2. The director may approve a request to modify a design standard with conditions or modifications to the design if the director determines a modification is necessary to comply with the purpose of the base zoning district, the purpose of the applicable design standards of the base zoning, to achieve compatibility with the development pattern of other buildings on the block face or on the block face on the opposite side of the street, or to achieve the applicable design review objectives.
  3. The director shall deny a request to modify a design standard if the design does not comply with the purpose of the base zoning district, the purpose of the applicable design standards or the applicable design review objectives and no modifications or conditions of approval can be applied that would make the design comply.
  4. The director may forward a request to modify a design standard to the planning commission if the director finds that the request for modification is greater than allowed by this chapter, a person receiving notice of the proposed modification can demonstrate that the request will negatively impact their property, or at the request of the applicant if the director is required to deny the request as provided in this section.

SECTION 40. 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 read as follows:

a. Amending the definition of “ADAPTIVE REUSE OF A LANDMARK BUILDING.” That the definition shall be amended to read as follows:

ADAPTIVE REUSE FOR ADDITIONAL USES IN ELIGIBLE OF A LANDMARK BUILDINGS:  
The process of reusing a building for a purpose other than which it was built or designed for landmark buildings original use is no longer feasible. Other land uses, in addition to those specifically listed in the land use tables, may be allowed as a permitted or conditional use subject to the provisions in Subsection 21A.52.060.A.

b. Amending the definition of “PARKING, OFF SITE.” That the definition of “PARKING, OFF SITE” shall be amended to read as follows:

**PARKING, OFF SITE:** An off-street parking area intended to serve one or more uses and that is located on a different parcel or lot than the use(s) it is intended to serve. Parking approved within the boundary of a planned development that only serves uses within the planned development area is not considered off-site parking.

c. Repealing the definition “HOUSE MUSEUM IN A LANDMARK SITE” as follows:

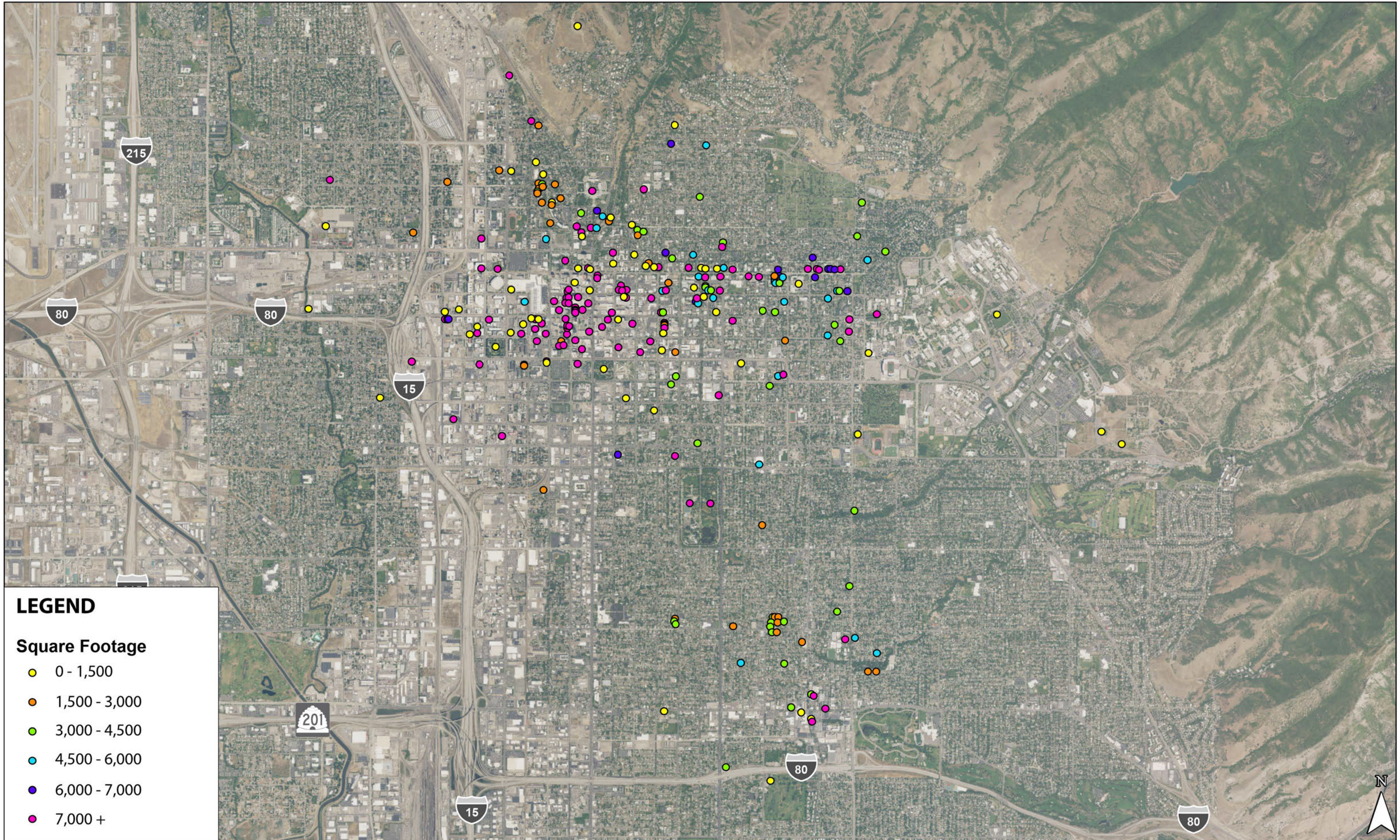
~~HOUSE MUSEUM IN LANDMARK SITE: A dwelling unit which is converted from its original principal use as a dwelling unit to a staffed institution dedicated to educational, aesthetic or historic purposes. Such museum should include a staff who commands an appropriate body of special knowledge necessary to convey the historical, aesthetic or architectural attributes of the building and its collections to the general public. Such staff should also have the ability to reach museological decisions consonant with the experience of his or her peers and have access to and acquaintance with the literature of the field. Such museum should maintain either regular hours or be available for appointed visits such that access is reasonably convenient to the public.~~

# **ATTACHMENT B: Historic Sites Map “A Incentives”**

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# SQUARE FOOTAGE OF HISTORIC SITES



# **ATTACHMENT C: Eligibility Map “B Incentives”**

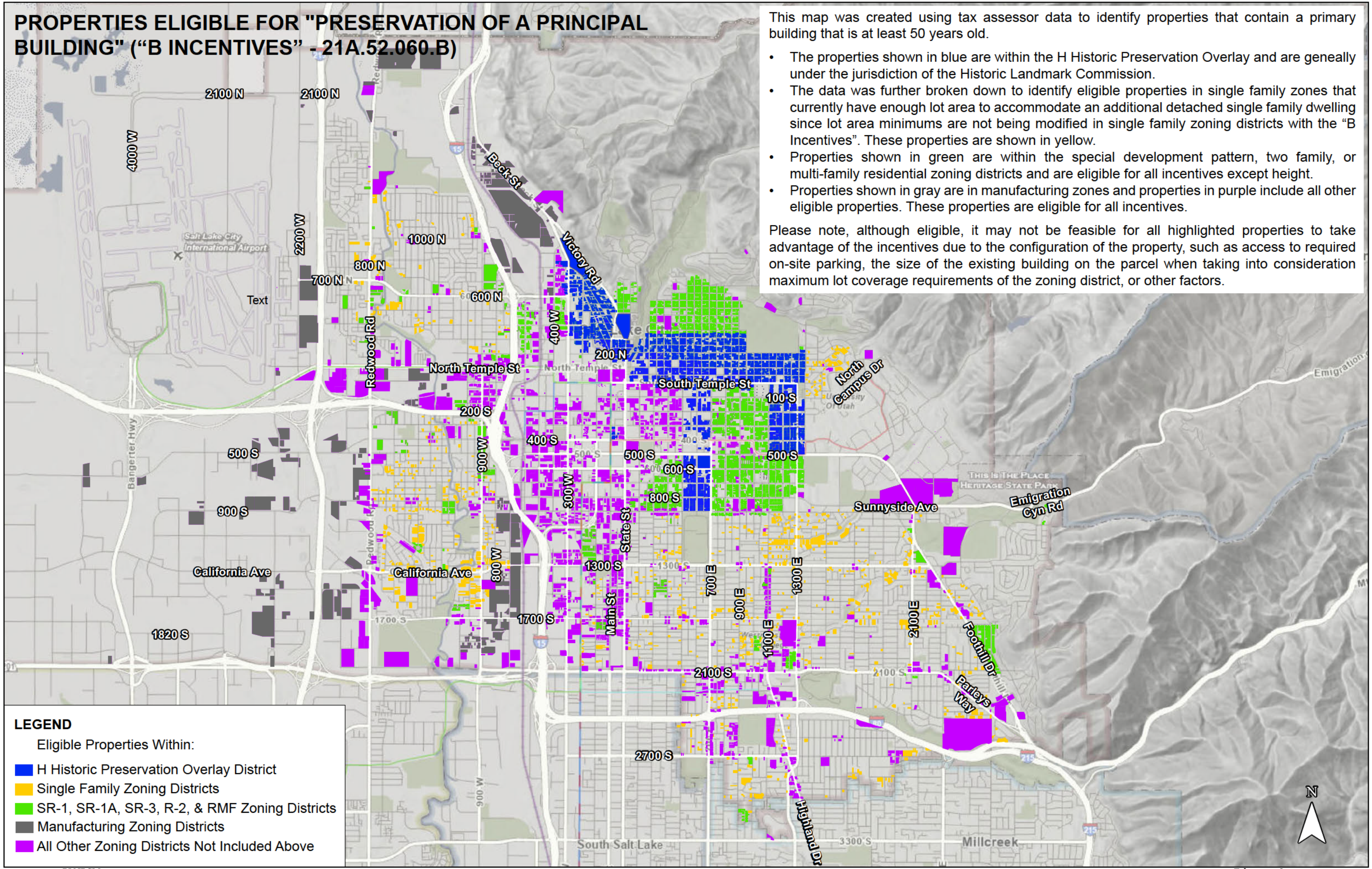
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# PROPERTIES ELIGIBLE FOR "PRESERVATION OF A PRINCIPAL BUILDING" ("B INCENTIVES" - 21A.52.060.B)

This map was created using tax assessor data to identify properties that contain a primary building that is at least 50 years old.

- The properties shown in blue are within the H Historic Preservation Overlay and are generally under the jurisdiction of the Historic Landmark Commission.
- The data was further broken down to identify eligible properties in single family zones that currently have enough lot area to accommodate an additional detached single family dwelling since lot area minimums are not being modified in single family zoning districts with the "B Incentives". These properties are shown in yellow.
- Properties shown in green are within the special development pattern, two family, or multi-family residential zoning districts and are eligible for all incentives except height.
- Properties shown in gray are in manufacturing zones and properties in purple include all other eligible properties. These properties are eligible for all incentives.

Please note, although eligible, it may not be feasible for all highlighted properties to take advantage of the incentives due to the configuration of the property, such as access to required on-site parking, the size of the existing building on the parcel when taking into consideration maximum lot coverage requirements of the zoning district, or other factors.



**LEGEND**

Eligible Properties Within:

- H Historic Preservation Overlay District
- Single Family Zoning Districts
- SR-1, SR-1A, SR-3, R-2, & RMF Zoning Districts
- Manufacturing Zoning Districts
- All Other Zoning Districts Not Included Above



# ATTACHMENT D: Text Amendment Considerations

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**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 to amend the zoning map, the City Council should consider the following:

**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;**

This factor is discussed in Consideration 1 on page 7 of the staff report.

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

21A.02.030 Purpose and Intent

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

The purposes of the zoning ordinance also states the title is intended to:

- A. *Lessen congestion in the streets or roads;*
- B. *Secure safety from fire and other dangers;*
- C. *Provide adequate light and air;*
- D. *Classify land uses and distribute land development and utilization;*
- E. *Protect the tax base;*
- F. *Secure economy in governmental expenditures;*
- G. *Foster the City's industrial, business and residential development; and*
- H. *Protect the environment.*

The proposed amendments to incentivize preserving and reusing existing buildings meet the purpose and intent of the zoning ordinance. The proposed amendments implement the adopted master plans listed above in consideration 1, which furthers one of the purposes of the zoning ordinance.

One of the listed purposes and intents in this section is to protect the environment. While that is a broad subject, utilizing existing buildings diverts waste from the landfill and reduces carbon emissions and this proposal incentivizes reuse of existing buildings.

21A.50.010 Purpose Statement: *the purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.*

This proposal is consistent with the general purpose of making changes in light of changed conditions associated and changes in public policy related to reducing carbon emissions,

housing policies and preservation. Existing standards and regulations are not adequate to encourage preserving existing structures.

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

The proposed text amendment falls within the proposed Zoning Incentives chapter. “Building Preservation Incentives” is a subsection within that chapter. Many overlay districts apply in zoning districts affected by this proposal. This includes the following overlay districts:

- 21A.34.020: H Historic Preservation Overlay District
- 21A.34.030: T Transitional Overlay District
- 21A.34.040: AFPP Airport Flight Path Protection Overlay District (primarily Zones C and H)
- 21A.34.060: Groundwater Source Protection Overlay District
- 21A.34.080: CHPA Capitol Hill Protective Area Overlay District
- 21A.34.090: SSSC South State Street Corridor Overlay District
- 21A.34.110: DMSC Downtown Main Street Core Overlay District
- 21A.34.120: YCI Yalecrest Compatible Infill Overlay District
- 21A.34.130: RCO Riparian Corridor Overlay District
- 21A.34.150: IP Inland Port Overlay District (limited to CG properties on 5600 W)

The proposed amendments would be limited by additional standards in many of these overlay zoning districts. The base and overlay districts may provide additional standards and restrictions than provided for in these incentives. Except as indicated with the proposed incentives, all base zoning district or overlay zoning district standards and requirements take precedence over the proposed incentives.

Regarding properties that are subject to the H Historic Preservation Overlay District, which includes properties within a local historic districts or local landmark sites, the proposed incentives for adaptive reuse and preservation of principal buildings would not change the historic standards, guidelines, or processes. The historic landmark commission, who is authorized to implement the H Historic Preservation Overlay District, already has the authority to modify base zoning district regulations, such as setbacks, height and lot coverage. As a result of these authorized modifications, most properties subject to the H overlay only need approval from the historic landmark commission. The projects that also require approval from the planning commission are typically projects that include creating a lot that doesn’t have public street frontage, necessitating a planned development. With the introduction of the proposed incentives, the need for a planned development for such lots would be eliminated, thereby making the approval process more efficient for properties subject to the H overlay.

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

The proposed text amendments support Sustainability, Equity, Growth, and Opportunity. As Salt Lake City continues to grow, our neighborhoods face increasing pressures for redevelopment and infill, presenting both challenges and opportunities.

The Partnership for Building Reuse, a collaboration between the National Trust for Historic Preservation and the Urban Land Institute was formed in 2012 and aims to amplify opportunities for repurposing structures in major U.S. cities. Understanding the profound environmental, economic, and societal advantages of refurbishing existing properties, the partnership unveiled a report in 2017 titled ["Untapped Potential: Strategies for Revitalization"](#)

[and Reuse.](#)" The report reflects on lessons learned based upon city-specific engagement of various cities and offers best practices for policymakers, developers, and community advocates interested in building reuse as a tool to create healthy, equitable, and resilient communities. The report details top strategies to promote reuse. The following strategies are consistent with the proposed text amendment:

- Leverage data and mapping tools to understand reuse opportunities.
- Eliminate, reduce, or recalibrate parking requirements.
- Remove key barriers that prevent change of use in existing vacant and underutilized buildings.
- Retain and strengthen existing incentive programs for building reuse.
- Adopt a comprehensive adaptive reuse program.

Planning staff conducted research on adaptive reuse ordinances in 10 cities and looked at location (citywide, certain district, historic areas, etc.), eligibility requirements, issues, goals, and the incentives offered. Generally, incentives offered include transfer of development rights, density, additional height, streamlined application process, reduce or in some cases eliminate parking, financial incentives, technical assistance with the application process, and modified development standards such as setbacks, landscaping, etc. The incentives offered with the proposed text amendment are consistent with the incentives offered in various cities with successful adaptive reuse ordinances. The proposed ordinance does go a bit further and offers incentives for building retention – regardless of if there is a change of use.

# ATTACHMENT E: Public Process & Comments

## Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- April 17, 2023 – Initial information posted to the city’s online open house webpage.
- April 20, 2023 – Initial information emailed to recognized organizations, focus group and stakeholders.
- July 18, 2023 –
  - All recognized organizations were sent the 45-day required notice for text amendments that included a draft ordinance for review.
  - Focus group and stakeholders were provided updated information with a draft ordinance for review.
- August 3, 2023 – Historic landmark commission held a briefing to review the proposal.
- August 21, 2023 – Presented the proposal to the Sugar House Land Use Committee.
- September 27, 2023 – Planning commission held a briefing to review the proposal.
- July – September 27, 2023 – City’s online open house webpage was continuously updated with information regarding the proposal.
- October 11, 2023 – Presented the proposal to the Business Advisory Board.

Notice of the public hearing with the historic landmark commission included:

- October 19, 2023
  - Public hearing notice posted on Utah Public Notice Website;
  - Public hearing notice posted on City website.
- October 23, 2023
  - Public hearing notice posted in a location within the city where it is likely that residents will see the notice. Signs were posted at the following public libraries: Main, Corinne & Jack Sweet Branch, Marmalade, Fairpark, Glendale and Sprague.

Notice of the public hearing with the planning commission included:

- February 15, 2024
  - Public hearing notice posted on Utah Public Notice Website;
  - Public hearing notice posted on City website.
- February 15, 2024
  - Public hearing notice posted in a location within the city where it is likely that residents will see the notice. Signs were posted at the following public libraries: Main, Marmalade, Fairpark, Glendale and Sprague.

## Public Input:

East Liberty Park Community Organization & and the Sugar House Community Council provided letters in support of the proposal. They are included in this attachment.

As of the publication of this staff report, three public comments in support of the proposal have been received. Any comments received after publishing the staff report will be forwarded to the commission.





September 1, 2023

RE: Adaptive Reuse Proposal– ELPCO Response

Dear Chair and Members of the Planning Commission,

We are writing on behalf of the East Liberty Park Community Organization Land Use Committee in response to the proposed Adaptive Reuse Text Amendments.

We appreciate the responsiveness of Senior Planner, Aiden Lillie, to our questions and were delighted to see that the proposal addressed our concerns regarding the potential reuse of smaller Landmark Sites in residential areas. We think that the incentives proposed will encourage developers seriously to consider adaptive reuse concepts for projects throughout the city. The proposed amendments appear to be well tailored to address the objectives of sustainability and preservation articulated by the City. We are happy to support them.

We are hopeful that the amendments will foster the continued use of familiar structures throughout the city during a time of rapid growth, so as to encourage development that preserves the character of our existing neighborhoods whenever possible.

Sincerely,

East Liberty Park Community Organization – Land Use Committee:

Kristina Robb – ELPCO Chair

Jeanette Young – ELPCO Secretary

Jeff Larsen – ELPCO Land Use Chair

Marshall Baillie – ELPCO Land Use Sustainability Coordinator

Judi Short – ELPCO Land Use Advisor

Alicia Cunningham-Bryant – ELPCO Land Use Committee Member

David Jones – ELPCO Land Use Committee Member

J. Alan Crittenden – ELPCO Land Use Committee Member

***About ELPCO***

*ELPCO is the East Liberty Park Community Organization—a local, city-sanctioned community organization that represents the residents and businesses in the East Liberty Park area of Salt Lake City. The area covered by ELPCO is defined by the boundaries of 700 E to 1300 E and 800 S to 1700 S. ELPCO meets online via Zoom on the fourth Thursday of every month starting at 7:00 p.m. and live-streams its meetings on our Facebook page at [www.facebook.com/ELPCO](http://www.facebook.com/ELPCO)*



January 15, 2024

TO: Salt Lake City Planning Commission  
Salt Lake City Landmark's Commission

FROM: Judi Short, Vice Chair and Land Use Chair   
Sugar House Community Council

RE: PLNPCM2023-00155 Adaptive Reuse Text Amendment

The purpose of this text amendment is to remove all zoning barriers that prevent the reuse of buildings and offer zoning incentives to encourage a building to be reused, rather than demolished. We are all for that. We need to keep the fabric of our city intact.

We have a need for more housing, and in particular, more affordable housing. It is much less expensive to remodel an existing building for housing, than to tear it down and build a new building. That would mean that the resultant new housing would be less expensive to rent, which benefits our citizens. We have enough brand-new housing that is very expensive, we need less expensive housing. And sustainability plays a factor, it is easier on the environment, and our landfill, to not have to tear something down, creating hazardous waste in the air and on the ground in the process. Whatever we can do to streamline this and make it easier for developers, we should do.

We need to be careful to not ruin the integrity of the neighborhood, the new or newer building must still fit into the size and scale of the existing building, and this should not result in a reduction of parking. There is less parking (or no parking) in the older neighborhoods, where houses were often built without a driveway or garage. If the new building has more units, it should not be under parked, assuming there is street parking, because most of the time there is no street parking left.

We are not generally in favor of the incentives that might be available, because they could end up being detrimental to the neighborhood. We especially would like to see this being used in the old part of the Sugar House Business District, so much of the charm has already been destroyed.

We are in favor of removing the square footage requirement, this would allow this to be available to many more properties than just the 50 that would be eligible if that standard were not changed. And 5000 square feet seems a reasonable property size for residential zones.

Attached: Comments from the community

## COMMENTS ADAPTIVE REUSE SUGAR HOUSE COMMUNITY COUNCIL

Hi Judi, I read the materials and listened to the commentary at last night's zm meeting and being the parking Nazi that I am, I have the same comments on both proposals. In the adaptive use concept, I did not read anything that addressed parking. So, if a lovely large older home in a residential area proposes to become a 4 plex, what would be required regarding car parking? The same issue would be for any building that is repurposed to accommodate apartments, unless it already has a parking lot. At the rate that UDOT is eliminating street parking to accommodate bike paths (not frequently used on the new striping on Highland Dr.) residential parking has become a major issue for older homes with single driveways. I have a big question: Do City Planning and UDOT communicate whenever decisions are made with regard to how one affects the other???? Do they listen to concerns of local business with regard to parking issues when considering eliminating street parking? Patsy McNamara

- Overall I support this. I do think some projects are very well done. The issue I have is the blending of the footprints, especially if attaching to a current building. I think that plans for these projects can not be approved over the counter.  
Mary MCConaughey

I am in favor of removing the square footage requirement for adaptive reuse of Landmark Sites, expanding eligibility to National Register properties as well as former institutional use buildings ( schools, churches, and hospital uses ) and expanding uses to residential from non- residential. I am not as enthusiastic about the Zoning incentives to include the whole project as it may be prone to abuse. However, this may be a necessary evil as it seems that even in this super-heated housing market, developers require extra help for projects that impose the greatest degree of density and lot coverage from a development. Lynn Schwarz

### Here are my comments on Adaptive Reuse.

I support the City's plans for Adaptive Reuse, but when I looked at the picture of The Rose project developed by CW Urban, I immediately thought, "I wonder if the former owners or tenants of the two updated homes were able to afford to still live in those homes and what was the impact to the neighborhood having a four unit building built next to those homes." I see the building to the left of the two homes that could be an apartment building, but maybe it isn't. Maybe it's a commercial building. I hope the character of a neighborhood isn't negatively impacted by the Adaptive Reuse plans and that housing costs in the surrounding area increase so that they are no longer affordable.

Buildings that are looked at for Adaptive Reuse should not be limited to landmark sites, but should include buildings that have historical relevance that can continue to add to the character of a neighborhood.

Thank you. Rebecca W Davis, 1564 E Blaine Ave

Adaptive Reuse - you asked for examples of buildings that wouldn't meet the criteria..the only one I can think of in my neighborhood is this one:

969 View St E, Salt Lake City

This is a church with a very small congregation, it's on .44 acres and the building is about 2500 sq. ft., most of the property is parking lot. It's currently zoned as R-1-5000. It's a good size property with very little use currently - it's vacant most days, except for about 3 cars parked in the lot on Sunday (they still do zoom meetings for services - we used to get about 10 cars pre-COVID).

I have heard in the rumor mill that they have approval from their headquarters to sell, but they are concerned about how to get a new location where they can worship with the proceeds they would gain from the sale - I'm not sure they realize what the property is worth. :) The neighbors I've talked with are open to infill as long as its affordable and designed to fit into the neighborhood. If there are incentives offered (once the City decides on what they are going to do) it might be something worth bringing up to them.

Yvonne Martinez

SLC Planning Commission:

Dear Commissioners,

I urge you to support all changes to the City's Zoning ordinance that will allow and encourage the reuse of existing buildings in Salt Lake City rather than their demolition. I support the preservation and repurposing of old buildings, and only wish that property owners in downtown Sugar House had had this option when the Sugar House Business District redevelopment process began forty-plus years ago.

There are still some wonderful historic buildings in the Sugar House Business District, and their restoration and reuse will contribute significantly to the preservation of an authentic and immensely popular neighborhood environment. I support adoption of the Adaptive Reuse Text Amendment in all eligible districts in the City.

Sincerely,

Lynne Olson  
1878 Lincoln St  
SLC UT 84105

Good afternoon,

I am writing generally in support of the adaptive reuse text amendment. I think it is important to preserve and reuse older buildings for updated uses. I do have some concerns regarding the incentive piece of this amendment. I do not feel that the developers in this city have been held to account for their incentives on projects to date. I would like a more thoughtful and clear discussion on what incentives are available, what the parameters of those incentives are, and how to ensure that anyone receiving an incentive is living up to those parameters.

Thank you for your time and consideration. Dayna McKee

SLC Planning Commission:

Dear Commissioners,

I urge you to support all changes to the City's Zoning ordinance that will allow and encourage the reuse of existing buildings in Salt Lake City rather than their demolition. I support the preservation and repurposing of old buildings, and only wish that property owners in downtown Sugar House had had this option when the Sugar House Business District redevelopment process began forty-plus years ago.

There are still some wonderful historic buildings in the Sugar House Business District, and their restoration and reuse will contribute significantly to the preservation of an authentic and immensely popular neighborhood environment. I support adoption of the Adaptive Reuse Text Amendment in all eligible districts in the City.

Thank you for your time and consideration. Dayna McKee

...

**From:** [LYNN Pershing](#)  
**To:** [Thompson, Amy](#)  
**Subject:** (EXTERNAL) PLNPCM2023-00155  
**Date:** Friday, September 15, 2023 5:04:05 PM

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

I write in support of a text amendment that will allow ADAPTIVE REUSE” of existing historic buildings to preserve the structures against demolition for new construction. Adaptive reuse should be the first approach “low hanging fruit” used to address multifamily housing needs in the City. Further adaptive reuse meets City sustainability policies.

“The most sustainable house is the one already built”

Lynn K Pershing  
President  
K.E.E.P. Yalecrest  
Sent from my iPhone

## Adaptive Reuse Text Amendment

### **Removing Square Footage Requirement:**

TAG SLC is in favor of removing square footage requirements for adaptive reuse.

### **Expanding Eligibility:**

TAG SLC is in favor of expanding eligibility for adaptive reuse projects.

### **Expanding Uses:**

TAG SLC strongly believes that expanding the uses for adaptive reuse projects should be a permitted use rather than a conditional use.

TAG SLC suggests that the historic landmark commission is better suited to review and approve adaptive reuse projects to ensure their compatibility with the neighborhood. Since most adaptive reuse projects involve exterior improvements, they would naturally fall under the purview of the historic landmark commission, thus addressing any concerns and making the process more streamlined.

### **Zoning Incentives:**

TAG SLC is in favor of providing zoning incentives for adaptive reuse projects.

### **Other Considerations:**

Building code requirements can pose challenges to adaptive reuse projects, particularly in bringing historic buildings up to current code standards. TAG SLC suggests considering options to reduce these requirements in order to incentivize historical adaptive reuse.

For instance, the LDS Hospital situated at 8th Avenue, C St E, Salt Lake City, UT 84143 could soon be a prime candidate for adaptive reuse. However, converting the building into a multi-unit residential property would require significant upgrades to bring it up to the current building code. Alternatively, leaving the building as it is would allow for its continued use by more people than a residential use. TAG SLC believes that reducing the building code requirements for historic buildings undergoing adaptive reuse could help alleviate some major expenses associated with such projects and encourage their implementation, preserving the historical significance of these structures.

### **Summary:**

TAG SLC overall supports the proposed revisions to the Adaptive Reuse Text Amendment. By removing square footage requirements, expanding eligibility, allowing more uses as permitted uses, and providing zoning incentives, we believe that adaptive reuse can be further encouraged, contributing to the revitalization and preservation of historic structures. Though there is not one solution to the housing crisis we have here in Salt Lake City, movement toward less restrictive zoning can ultimately create more housing opportunities for residents.

**From:** [Dustin Holt](#)  
**To:** [Lillie, Aiden](#)  
**Cc:** [Thompson, Amy](#)  
**Subject:** (EXTERNAL) Re: Initial Input on Text Amendment Related to Adaptive Reuse  
**Date:** Monday, April 24, 2023 2:34:29 PM  
**Attachments:** [image001.png](#)

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

Amy & Aiden,

Thank you for sending this and asking for some thoughts. Couple of comments / ideas from me and my team as we have dealt with SLC.

I like the CW Urban example for “The Rose”. As they look to remove the CUP process for adaptive reuse, I think of the struggles you had at Mendon Ct. It would be nice to see something in the code that says if you keep the original uses you can add “x additional units/sf” to the site and limit it to make sense.

For Example, in the Liberty Wells area, where there are great street frontages and alleys, you could do a 3:1 unit count or a 2xFAR to consolidated lots so long as there is preservation of the front homes. This would allow for the TH to be built off the alley, keep a garage behind the original structure and densify the area without losing the character of the homes out front.

I think the impact fees for the redevelopment of the entire site should be abated as well. You look at the \$1M+ we are spending at Central Warehouse for the 8 units and clubhouse space, it really would have been cheaper to knock that building over. It cannot just be the cost of the impact the original structure had, but all impacts the new use would otherwise incur. (if you renovate Judge Memorial, there should be no impact fees for the reuse of the existing square footage, only the newly added square footage to the site.

Dustin E. Holt  
**dbURBAN Communities**  
801.573.9054 cell  
801.708.7045 direct  
[dustin@dburbancommunities.com](mailto:dustin@dburbancommunities.com)

On Thu, Apr 20, 2023 at 4:18 PM Lillie, Aiden <[Aiden.Lillie@slcgov.com](mailto:Aiden.Lillie@slcgov.com)> wrote:

Hello,

You're receiving this email because you were either involved in a previous focus group related to adaptive reuse or you have worked on these types of projects within the city. Mayor Mendenhall has initiated a petition that would make changes to the zoning ordinance to support adaptive reuse and retention of existing buildings. The goal of this proposed text amendment is to remove zoning barriers that prevent the reuse of buildings and look at possible zoning incentives to encourage a building to be reused rather than demolished. We are hoping to get some initial feedback from you on some of the ideas we would like to incorporate

in the ordinance. Please see attached sheet for more information.

Best,



AIDEN LILLIE | *(She/Her/Hers)*

Senior Planner

DEPARTMENT of COMMUNITY & NEIGHBORHOODS | SALT LAKE CITY CORPORATION

Office: (801) 535-7263

Email: [Aiden.Lillie@slcgov.com](mailto:Aiden.Lillie@slcgov.com)

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



# ATTACHMENT F: Department Comments

The following departments provided comments on the proposal.

## Sustainability:

### Peter Nelson, Sustainable Business Program Manager

Regarding one of the questions posed in your email about building lifecycle, a 50-year lifespan for a commercial building is one that is fairly common and which I frequently reference, although 30 is reasonable as well. The [2012 CBECS](#) survey indicated that half of all buildings at the time were constructed before 1980 (~30 years old), and the [2018 CBECS](#) survey indicated that half of buildings had been constructed between 1960 – 1999 (25 – 60 years old).

Below are some additional resources about the embodied energy/carbon elements of adaptive reuse that front. Have a look and let me know what additional questions or considerations come to mind after reviewing. I'll continue to cultivate some additional information. One thing that came to mind after our discussion is that Utah Clean Energy is currently has an ambitious [adaptive reuse project](#) underway for their new headquarters—I'm sure they would not only be an advocate for this Adaptive Reuse text amendment, but perhaps they would be willing to provide some insight into [their rationale](#)/considerations behind pursuing an adaptive reuse project.

We're excited about this proposed Adaptive Reuse text amendment - please let us know if you would like to follow up with any further discussion or considerations.

Embodied Carbon:

[Embodied Carbon 101: Building Materials \(RMI\)](#)

“When embarking on a building project, the first consideration should be whether new construction is needed at all. **The embodied carbon impact of redeveloping an existing structure is 50% to 75% lower than the impact of constructing a new building.** By repurposing existing assets, both cost and carbon emissions associated with new building materials are avoided. Even if the foundation and structure are the only elements retained, their reuse will have a significant impact on the embodied carbon of the project, because these components generally account for a majority of a building's carbon footprint.”

Pg. 19, [Reducing Embodied Carbon in Buildings \(RMI\)](#)

“Currently, **the building industry generates almost 40% of annual CO2 emissions**, illustrating that if significant reductions are taken, this industry can be a key leader in reaching decarbonization targets. **Embodied carbon alone accounts for 11% of global annual emissions** and is connected to issues of public health and equity. It is imperative that embodied carbon becomes a focus of emission reductions within the industry.”

[ROI: Designing for Reduced Embodied Carbon \(AIA\)](#)

“Moreover, it can take between 10 and 80 years for a new, energy-efficient building to overcome, through more efficient operations, the negative climate change impacts that were created during the construction process.” (Pg. VI)

“The study finds that, when carbon emissions are looked at over time, **it takes 35 to 50 years for a new, energy efficient home to recover through efficient operations all of the carbon that was expended during the initial construction process.**” (Pg. 21)

[The Greenest Building: Quantifying the Environmental Value of Building Reuse](#)

## **Ashley Bailey, Waste & Recycling Program Lead**

In looking over the Adaptive Reuse ordinance, my only comment would be that language surrounding our current Waste Management Plan for Construction and Demolition be included when qualifying for these zoning incentives. On page 9 in section A. 2. Applicability, perhaps something to the effect of *'meets the City's Dept. of Sustainability Waste Management Plan approval requirements under ordinance 21A.36.250.'* Unless it is assumed that this is already a requirement being met. However, even if this is the case, adding this language would bring more visibility to our construction and demolition waste diversion goals for the City.

The ordinance does mention requirements that involve a C&D Waste Management Report, especially the mention of the requirement of a Certificate of Occupancy on "21A.55.090: EFFECT OF APPROVAL OF PLANNED DEVELOPMENT", but it could take it further by mentioning the C&D waste management code directly.

## **Kyle Fuchshuber, Waste & Recycling Program Coordinator**

Looking at 21A.52.060:B.1: Purpose:

*"Purpose: The purpose of these incentives is to encourage preservation of existing buildings to lessen the impact that demolition and new construction have on the environment. Preserving an existing building extends the life of the building and keeps substantial amounts of materials out of landfills and reduces energy consumption. The goal is to retain existing buildings in order to achieve sustainability benefits,"*

It sounds like they are pulling some wording from the Joint Resolution No. 54 of 2011 - The Zero Waste Strategic plan. A direct reference to that resolution at the end of that paragraph would be great. For example, *"The goal is to retain existing buildings in order to achieve sustainability goals as declared in Salt Lake City's Climate Positive 2040 plan and Joint Resolution No. 54 of 2011: Zero Waste Strategic Plan."*

## **Housing Stability:**

### **Tony Milner, Director, Housing Stability Division**

Attached are adaptive reuse examples in SLC from non-residential to residential that we put together in 2019. (Examples are included at the end of this attachment)

Regarding comments on the latest draft ordinance modifications:

These modifications would advance the goals and strategies of the City's five year, Moderate Income Housing Plan, *Housing SLC: 2023-2027*:

- Strategy: Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.
  - Action Item: Incentive the purchase and conversion of hotels, motels, and other buildings to deed-restricted deeply affordable and transitional housing.
  - Action Item: Adopt an adaptive reuse ordinance to facilitate the conversion of historic building into housing.

21A.52.060.A:

- Housing Stability greatly supports the proposed modifications that would: 1) increase net housing units for the City, and the possible development of new affordable/deed-restricted housing units, and 2) not allowing the adaptive reuse of residential to non-residential.

**Question:** Are any other types of buildings other than "landmark sites, properties individually listed on the national register, and buildings formerly used for schools, hospitals, places of worship, or buildings the Planning Director has deemed..." being considered as well, i.e. commercial.

**Planning Staff Response:** Currently, we are only considering the building types listed. There is the provision in that section that could allow for some buildings that don't strictly meet one of the types, but that the Planning Director has deemed as significant based on the structure's association with events that have contributed to broad patterns of history, association with lives of persons important in the city's past, or displays distinctive characteristics of a type, period, or method of construction. The incentives in this section are primarily use based – allowing for a use that isn't normally allowed in the zone. We selected these types of buildings for their historic value (landmark sites and National register properties and potentially some of the other building types) as well as their large size. Often these building in single family residential zones and are not able to be reused without a rezone process because the only allowed use is single family dwelling. Commercial buildings with commercial uses that are currently nonconforming (in residential zones that don't allow for commercial) can continue to operate, but a new commercial use in a zone where commercial use is not allowed could not be established unless it met the eligibility requirements for this process.

**Question:** What will be the parameters for determining the eligibility of the building types? For example: Any type of school?: private, public, early education, for-profit, training centers, etc. What if a building was originally built to be a school or a place of worship, but has not been a school or a place of worship for a long time? Would any type of medially-related building, like a rehab center or a pharmacy, be considered under the term hospital? There are many storefront places of worship operating in commercially-zoned areas, would they be eligible?

**Planning Staff Response:** The way the draft is written now would essentially allow for any building that was formerly used as a school and there is not a specific time frame for when it was a school, even if the school has not been operating for some time. A rehab center or pharmacy would not qualify for a hospital under the zoning ordinance definition of hospital. This is something we could take a look at if you have specific examples of these places you're thinking of like pharmacy/rehab center/where in the city? If they are in commercially zoned areas, this particular incentive may not be useful to them as commercial uses are already allowed and residential uses are also allowed in almost all commercial zones with the exception of CN. This incentive will mostly be utilized and beneficial in the more restrictive zones – single family zones, institutional zones, public lands zones, etc.

# ATTACHMENT G: Prior HLC & PC Meeting Information

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## **Briefing - Historic Landmark Commission – August 3, 2023**

Historic Landmark Commission Briefing Memo: [Staff Memo](#)

Recording of Historic Landmark Commission Briefing: [Recording](#)

## **Briefing - Planning Commission – September 27, 2023**

Planning Commission Briefing Memo: [Staff Memo](#)

Recording of Planning Commission Briefing: [Recording](#)

## **Public Hearing - Historic Landmark Commission – November 2, 2023**

Historic Landmark Commission Staff Report: [Staff Report](#)

Historic Landmark Commission Meeting Minutes: [Minutes](#)

Historic Landmark Commission Public Hearing: [Recording](#)

# ATTACHMENT H: Zoning Incentive Comparison

The following provides a general comparison of the proposed “Building Preservation Incentives” and the “Affordable Housing Incentives”.

ADAPTIVE REUSE “A INCENTIVES”	PRESERVATION OF A PRINCIPAL BUILDING “B INCENTIVES”	AFFORDABLE HOUSING INCENTIVES
Generally, landmark sites, buildings individually listed on the National Register of Historic Places, schools, hospitals, places of worship and other institutional buildings. Eligibility standards are located in 21A.52.060.A.3	Generally, a project that includes buildings that are at least 50 years old and cover a 25% of the development area. Eligibility standards are located in 21A.52.060.B.3	To be eligible for the affordable housing incentives, developments must meet the affordability requirements for the zoning district in Table 21A.52.050.G.

INCENTIVE	BUILDING PRESERVATION	AFFORDABLE HOUSING
<b>Additional Housing Types in Single &amp; Two-Family Zoning Districts:</b> Twin home/two-family, three-family dwellings, four-family dwellings, row houses, sideways row houses, and cottage developments.		X
<b>Additional Housing Types in Community Business, Commercial Corridor, General Commercial and Institutional Zoning Districts:</b> Row houses, sideways row houses, and cottage developments.		X
<b>Additional Uses</b>	X (Additional uses limited to “A Incentives”)	X (Allows for additional housing types not normally permitted only as indicated above)
<b>Additional Height:</b> Between 1-3 stories, depending on the zone, in the following zoning districts: Mixed Use Residential, Commercial, Form Based Downtown, Gateway Mixed Use, Mixed Use, and some of the Special Purpose Districts.	X (All additional height requires administrative Design Review)	X (Some zones permit additional height, and zones where Design Review was required for additional height require administrative Design Review)
<b>Waived Planned Development:</b> Multiple buildings on a single parcel or a lot or parcel without public street frontage.	X	X
<b>Administrative Planned Development</b> authorized for some modifications subject to meeting the planned development standards.	X	
<b>Parking Reductions</b>	X	X
<b>No Minimum Lot Area and Lot Width</b>	X (Single family zoning districts are not exempt from lot area with the “B Incentives”)	X
<b>Minimum Required Yards:</b> May apply to the perimeter of the development and not to the individual lots or parcels within the development.	X	X

Generally, the incentives offered with affordable housing are very similar to the proposed incentives offered with adaptive reuse/preservation of a principal building. Where the incentives differ is mainly in the single- and two-family residential zoning districts, some of the commercial districts, and the Institutional zoning district. The affordable housing incentives allow for different housing types that aren't normally permitted in these zones. The proposed "A Incentives" allow for uses that aren't allowed in the zoning district, but the use is limited within existing eligible buildings. The proposed "B Incentives" can apply to new construction within the same development area as the existing eligible building, which could include multiple abutting parcels, however, the use/building type of the new construction has to be allowed in the zoning district.

Additionally, the affordable housing incentives waive lot area requirements for projects in all zoning districts that meet the eligibility requirements. The "A Incentives" waives the lot area requirements for all eligible adaptive reuse projects. Lot area is also waived with the "B Incentives" for all zones except single family zones – new development in single family zones must meet the lot area requirements for the proposed use.

Unless there is a stricter design standard in the zoning district the property is located or in the design standards chapter (21A.37), the proposed incentives and the affordable housing incentives both require additional design standards for new construction. Single- and two-family dwellings are exempt from the additional design standards.