

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2024

(Amending the zoning text of various sections of Title 21A of the *Salt Lake City Code* pertaining to zoning incentives for adaptive reuse and preservation of buildings)

An ordinance amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to zoning incentives for adaptive reuse and preservation of buildings pursuant to Petition No. PLNPCM2023-00155.

WHEREAS, on February 28, 2024, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on a petition submitted by Salt Lake City Mayor, Erin Mendenhall to amend the zoning code pertaining to zoning incentives for adaptive reuse and preservation of buildings (Petition No. PLNPCM2023-00155); and

WHEREAS, at its February 28, 2024 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said petition;

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the text of *Salt Lake City Code* 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:

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; and
9. Zoning map amendments.

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

B. Special Noticing Requirements for Administrative Approvals:

1. Notice of Application for Design Review 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 with

the requirements of Chapter 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:

- S. Compliance with Noise Regulations Required: Any construction work in residential zoning districts shall comply with Section 9.28.040, "Noises Prohibited."

SECTION 4. Repealing 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 repealed in its entirety 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.~~

SECTION 5. Amending the text of *Salt Lake City Code* Subsection 21A.24.130.E.6. That Subsection 21A.24.010.E.6 of the *Salt Lake City Code* (Zoning: Residential Districts: RMF-35 Moderate Density Multi-Family Residential District: Minimum Yard Requirements: Existing Yards) shall be, and hereby is amended to read as follows:

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.

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 only to eliminate the Land Use “A single dwelling unit located above first floor retail or office uses” from the table in said subsection, with no other changes to the table:

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>

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:

- 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. Repealing 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 repealed in its entirety as follows:

~~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 amended only as to the use categories “Adaptive reuse of a landmark site”, “Dwelling, multi-family” and “Mixed use development” and to repeal only the use category “Temporary use of closed schools and churches”, with no other changes to the table, which aforementioned use categories shall read and appear in that table as follows:

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	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU- 35	R-MU- 45	R-MU	RO
Adaptive reuse for additional uses in eligible buildings	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>		C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	C <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</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	P
Mixed use development															P	P	P	P	P
Temporary use of closed schools and churches	E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>		E <sup>19</sup>		E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>	E <sup>19</sup>		E <sup>19</sup>	E <sup>19</sup>		

SECTION 10. Amending the text of *Salt Lake City Code* Section 21A.33.020. That the “Qualifying Provisions” notes to the Table of Permitted and Conditional Uses for Residential Districts 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 as to notes “1”, “6”, “8” and “19” which shall appear in numerical order with the other notes and read as follows:

1. Reserved.
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.
19. Reserved.

SECTION 11. Amending the text of *Salt Lake City Code* Section 21A.33.030. That 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 amended only as to the use category “Bed and breakfast” and to repeal only the use categories “Adaptive reuse of a landmark site”, “House museum in landmark sites” and “Offices and reception centers in landmark sites”, with no other changes to the table, which aforementioned use categories shall read and appear in that table as follows:

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				P	P	P	
<del>House museum in landmark sites (see subsection 21A.24.010S of this title)</del>							€
<del>Offices and reception centers in landmark sites (see subsection 21A.24.010S of this title)</del>							€

SECTION 12. Amending the text of Salt Lake City Code Section 21A.33.030. That the “Qualifying Provisions” notes to the Table of Permitted and Conditional Uses for Commercial Districts 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 as to note “3” which shall appear in numerical order with the other notes and read as follows:

3. Reserved.

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) is amended only to repeal 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, with no other changes to the table, as follows:

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 21A.24.010S of this title)	P	P	P	P	P	P	P	P
Offices and reception centers in landmark sites (see subsection 21A.24.010S 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 amended only to repeal the use category “Adaptive reuse of a landmark site”, in the Table of Permitted and Conditional Uses for Manufacturing Districts, with no other changes to the table, as follows:

Use	Permitted and Conditional Uses by District	
	M-1	M-2
Adaptive reuse of a landmark site	☐	☐ <sup>7</sup>

SECTION 15. Amending the text of Salt Lake City Code Section 21A.33.040. That the “Qualifying Provisions” notes to the Table of Permitted and Conditional Uses for Manufacturing

Districts 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 as to note “7” which shall appear in numerical order with the other notes and read as follows:

7. Reserved.

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 amended only to repeal the use category “Adaptive reuse of a landmark site”, in the Table of Permitted and Conditional Uses for Downtown Districts, with no other changes to the table, as follows:

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

SECTION 17. Amending the text of *Salt Lake City Code* Section 21A.33.050. That the “Qualifying Provisions” notes to the Table of Permitted and Conditional Uses for Downtown Districts of 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 amended only as to note “4” which shall appear in numerical order with the other notes and read as follows:

4. Reserved.

SECTION 18. Amending the text of *Salt Lake City Code* Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be amended only to repeal the use category

“Adaptive reuse of a landmark site”, in the Table of Permitted and Conditional Uses in the Gateway District, with no other changes to the table, as follows:

Use	G-MU
Adaptive reuse of a landmark site	P

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 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, with no other changes to the table, as follows:

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 additional uses in eligible buildings								C <sup>2</sup>			C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	P <sup>2</sup>			
Dwelling:																	
Multi-family											P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P			P

SECTION 20. Amending the text of Salt Lake City Code Section 21A.33.070. That the “Qualifying Provisions” notes to the Table of Permitted and Conditional Uses for Special Purpose Districts 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 as to note “2” which shall appear in numerical order with the other notes and read as follows:

2. Subject to conformance with the provisions of Subsection 21A.52.060.A.

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 amended only as to the use categories “Adaptive reuse of a landmark site”, “Dwelling: Multi-family”, and “Reception center” and to repeal only the use categories “House museum in a landmark”, and “Office and/or reception center in a landmark site”, in the Table of Permitted and Conditional Uses in Form Based Districts, with no other changes to the table, as follows:

Use	Permitted and Conditional Uses by District				
	FB-UN1	FB-UN2	FB-MU11	FB-SC	FB-SE
Adaptive reuse for additional uses in eligible buildings	C <sup>9</sup>				
Dwelling:					
Multi-family	P <sup>9</sup>	P	P	P	P
<del>House museum in landmark site</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Office and/or Reception center in a landmark site</del>		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Reception center		P	P	P	P

SECTION 22. Amending the text of Salt Lake City Code Section 21A.33.080. That the “Qualifying Provisions” notes to the Table of Permitted and Conditional Uses in Form Based Districts 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 amended to add an additional note “9”, which shall appear in numerical order with the other notes and read as follows:

9. Subject to conformance with the provisions of Subsection 21A.52.060.A.

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) is hereby repealed in its entirety as follows:

**21A.36.170: RESERVED**

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:

**21A.52.020 APPLICABILITY:**

- A. This chapter applies as indicated within each subsection.
- B. The planned development process in Chapter 21A.55 is not required as indicated within this chapter.
- C. The administrative planned development process in Chapter 21A.55, and the administrative design review process in Chapter 21A.59 may be applicable 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.

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 exempted 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 to which the incentives shall apply;
  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 set forth 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;
  7. Any additional information required by Chapter 21A.59 design review or 21A.55 planned development, 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 Chapters 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 application unless a modification is approved subject to the process outlined in Chapters 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 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.
  - 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 3, a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.

SECTION 30. Amending the text of *Salt Lake City Code* Chapter 21A.52. That Chapter 21A.52 of the *Salt Lake City Code* (Zoning: Zoning Incentives) shall be, and hereby is amended to add a new Section 21A.52.060, with no other revisions to the chapter, 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 designed and 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. Exterior alterations to the eligible building shall meet the standards in 21A.34.020.G.
  - d. The proposed use is conducive to the preservation of the building.
  - e. A change of use to a residential use is not permitted in the OS (Open Space) zoning district.
  - f. 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.
  - g. Properties subject to the H Historic Preservation Overlay must obtain a Certificate of Appropriateness in accordance with 21A.34.020.
4. Incentives:
- a. Additional Uses: Unless prohibited by Subsection 21A.52.060.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.
    - (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 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 that 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 or if subject to 21A.34.020, indefinitely unless otherwise permitted by the terms of a certificate of appropriateness;
  - 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 A, 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. 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.A.5, which shall be reasonably related to enforcement of the requirements and purpose of Subsection 21A.52.060.A.

**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. **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 the primary entrance on the street frontage with direct 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>Zoning District</b>	<b>Permitted Maximum Height with Incentive</b>
RMU-35	45', regardless of abutting use or zone.
RMU-45	55', regardless of abutting use or zone.

RB	1 additional story equal to or less than the average height of the other stories in the building.
RMU	3 additional stories equal to or less than the average height of the other stories in the building.
RO	1 additional story equal to or less than the average height of the other stories in the building.

(2) Commercial Districts:

<b>Zoning District</b>	<b>Permitted Maximum Height with Incentive</b>
CB	1 additional story equal to or less than the average height of the other stories in the building.
CN	May build one additional story equal to or less than the average height of the other stories in the building.
CC	45'
CG	2 additional stories equal to or less than the average height of the other stories in the building.  3 additional stories equal to or less than the average height of the other stories in the building for properties in the boundary described in 21A.26.070.G.
CSHBD1	105' and 2 additional stories equal to or less than the average height of the other stories in the building.
CSHBD2	60' and 1 additional story equal to or less than the average height of the other stories in the building.
TSA-Transition	1 additional story equal to or less than the average height of the other stories in the building.
TSA-Core	2 additional stories equal to or less than the average height of the other stories in the building.

(3) Form-based districts:

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

FB-UN2	1 additional story equal to the average height of the other stories in the building.
FB-SC	1 additional story equal to the average height of the other stories in the building.
FB-SE	1 additional story equal to the average height of the other stories in the building.
FB-UN1	3 stories and 30' in height.

(4) Downtown districts:

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

(5) Other districts:

Zoning District	Permitted Maximum Height with Incentive
GMU	180' and 2 additional stories equal to or less than the average height of the other stories in the building.
MU	60' provided that the additional height is for residential uses only.
I	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'.
UI	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.
OS – Lots greater than 4 acres	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'.

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: Other than windows and doors, 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, fiber cement board or other material that includes a minimum manufacturer warranty of 20 years from color fading, weather, and local climate induced degradation of the material. Other materials may be used for the remainder of the facade facing the 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 proposed location on the building.
  - b. Ground Floor Glass: The surface area of the ground floor of a street facing façade shall contain a minimum percentage of glass as indicated below, calculated between 3 feet and 8 feet above grade. All ground floor glass shall allow unhampered and unobstructed visibility into the building for a depth of at least 5 feet, excluding any glass etching and window signs when installed and permitted in accordance with Chapter 21A.46, "Signs", of this title.
    - (1) Nonresidential Uses: 50% ground floor glass
    - (2) Residential Uses: If the ground level of the building is occupied by residential uses that face the street, the minimum glass requirement is 20%.
  - c. Upper Floor Glass: The surface area of the façade of each street facing floor above the ground floor must contain a minimum of 20% glass.
  - 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 shall not count as an interruption.



- e. Maximum Length of Street Facing Facades:
    - (1) The maximum length of each street facing building facade 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.
  - f. Building Entrances: A building entrance that provides direct access to the use with a walkway connected to the public sidewalk is required for each ground floor street facing façade as follows:
    - (1) Single Family Attached: All units abutting a street shall have the primary entrance on the street.
    - (2) Multi-family: At least one building entrance is required for each street facing façade. Additional building entrances shall be required every 75 feet.
    - (3) Unless the base zone of the property has specific entry feature requirements, all required residential building entries shall have an unenclosed entry porch, portico, awning or canopy, or emphasized doorway entry feature as described in 21A.37.050.P. The entry feature may encroach in the front yard setback, but the encroachment shall not be closer than 5 feet from the front property line.
    - (4) Nonresidential Uses: At least one building entrance is required for each street facing façade. Additional building entrances shall be required every 40 feet.
  - g. Garage Doors Facing Street: Garage doors are prohibited on the façade of the building that is parallel to, or located along, a public street.
  - h. 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”.
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 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 that 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 or, if the eligible building is subject to 21A.34.020, indefinitely unless otherwise permitted by the terms of a certificate of appropriateness after such 30 year period;
  - 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 B, 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:

1. 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.
2. Off-Site Parking: 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 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.

3. 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.
4. 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: 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 a 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. A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:
  - 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 zoning administrator 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 zoning administrator 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.
  - 2. Required Notice for Planning Commission Review:
    - a. Applications subject to planning commission review are subject to the notification requirements of Chapter 2.60.

- b. Any required public hearing is subject to the public hearing notice requirements found in Chapter 21A.10.

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, as to the preamble only with Subsections A through G unchanged:

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

The planning commission, or the planning director in the case of an administrative planned development, 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:

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 DECISION:**

Any person adversely affected by a final decision of the planning commission or planning director in the case of administrative planned developments, 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.

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 an administrative planned development, 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 an administrative planned development, 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.

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 an administrative planned development, 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: Modifications or amendments shall be subject to the provisions of this section.

- B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan 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;
  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 comply with the standards of the underlying zoning district or the applicable building, fire, or engineering code or standard. 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 shall be considered to be a major modification. The planning commission or planning director in the case of an administrative planned development, 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 an administrative planned development, 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 an administrative planned development, 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 an administrative planned development, 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* Subsection 21A.59.020.A. That Subsection 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:

- 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 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 BUILDINGS: 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.~~

SECTION 15. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

Bill No. \_\_\_\_\_ of 2024.  
Published: \_\_\_\_\_.  
Adaptive Reuse Preservation Incentives\_Opt2(final)v2

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office  
Date: June 13, 2024  
By: *Katherine D. Pasker*  
Katherine D. Pasker, *Senior City Attorney*