



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission  
From: Chris Lee, 801-535-7706 or christopher.lee@slcgov.com  
Date: August 5, 2015  
Re: PLNPCM2015-00142

---

## Zoning Text Amendment

**PROPERTY ADDRESS:** N/A  
**PARCEL ID:** N/A  
**MASTER PLAN:** N/A  
**ZONING DISTRICT:** Citywide

**REQUEST:** The Salt Lake City Council is requesting a zoning text amendment that would create a process to recognize dwelling units that have existed prior to 1995 but have never been officially recognized by the City. The City had a unit legalization process up to 2013 (ordinance 63 of 2012) that was allowed to expire. The proposal would reestablish the unit legalization process and modify specific regulations of that previous unit legalization process. The Planning Commission is required to transmit a recommendation to the City Council for zoning text amendment requests.

**RECOMMENDATION:** Based on the analysis and findings of this report, it is the opinion of staff that the proposed text amendments meet the intent of the City Council's direction and the standards for a zoning ordinance amendment. Staff recommends that the Planning Commission forward a favorable recommendation of petition PLNPCM2015-00142 to the City Council. Below is a proposed motion consistent with this recommendation:

**Based on the information in the staff report and the discussion heard, I move that the Planning Commission forward a positive recommendation to the City Council regarding petition PLNPCM2015-00142, reinstatement of unit legalization.**

**ATTACHMENTS:**

- A. Background
- B. Proposed Ordinance
- C. Analysis of Standards
- D. Public Process and Comments
- E. Department Comments
- F. Motions

**PROJECT DESCRIPTION:**

On September 30, 2014, the Salt Lake City Council made a motion to direct the Planning Division to review a previous unit legalization ordinance (63 of 2012) that is no longer in effect to potentially establish a permanent process for legalization of excess dwelling units which meet certain criteria.

To provide clarity throughout this staff report, the following definitions from section 21A.62.040 of the Salt Lake City municipal code are important to keep in mind:

Dwelling and Dwelling Unit: A building or portion thereof, which is designated for residential purposes of a family for occupancy on a monthly basis and which is a self-contained unit with kitchen and bathroom facilities. The term "dwelling" excludes living space within hotels, bed and breakfast establishments, apartment hotels, boarding houses and lodging houses.

Excess Dwelling Unit: A dwelling unit which is not permitted by zoning regulations applicable to the property where the unit is located and which is not a legal nonconforming use recognized by the city.

Excess dwelling units can be anything from one additional unit on a parcel within a single family zoning district to multiple units in an apartment building within a multi family zoning district. For example, if a single family home is turned into a duplex, a duplex into a triplex, or even a 15 unit apartment building into 20 units, and no permit for the additional unit(s) were obtained, those units would not appear on City records and would therefore be considered as excess dwelling units.

Excess dwelling units are not a new issue in Salt Lake City. As discussed in more depth in Attachment A, there is a long history of factors which have contributed to the existence of these units. Throughout the years, various zoning designations have served to encourage this type of development, particularly during a nearly 70 year time period (1927-1995) when many were added to the City's housing stock.

Since the early 1990s, there has been a focus on ensuring the safety of those living in and near excess units, maintaining existing levels of housing stock, providing fair processes for people involved in a code enforcement action (many of whom did not create the illegal units), and protecting the rights of the majority of residents who abide by housing regulations.

The *Salt Lake City Community Housing Plan* (adopted in 2000 and currently being updated) has firmly established a policy of no net loss of housing within the city. Pages 11-15 specifically address housing stock preservation, rehabilitation, and replacement. The City Council Policy Statement reads that:

1. The City Council supports policies and programs that preserve or replace the City's housing stock, including the requirement of, at a minimum, a unit-for-unit replacement of a monetary contribution by developers to the City's Housing Trust Fund in lieu of replacement.
2. The City Council supports promoting housing safety and quality through adequately funding by fees, the City's apartment inspection program and programs that assist home and apartment owners in rehabilitating and maintaining housing units.

To achieve those goals, several implementation strategies were listed. The ninth one states that the City will: "Continue to review and evaluate the unit legalization ordinance". Consequently, there has been a strong impetus to encourage the legalization of excess units when they meet certain conditions. Over the years the requirements to achieve legal status have been adjusted, and sometimes entirely withdrawn, but the City has an established record of preserving the housing stock through the legalization process as indicated in the *Salt Lake City Community Housing Plan*. The premise behind the unit legalization process has been that there is a benefit to the City to maintain the existing housing stock while ensuring the safety of the dwelling units.

The most recent unit legalization ordinance (63 of 2012) was instituted on September 18, 2012 to offer an opportunity for owners to legalize excess units if certain criteria were met through the Special Exception process. An element of that ordinance was the inclusion of a "sunset clause" which left it in effect for a little less than one year (September 1, 2013). The Planning Commission felt that unit legalization should not be an ongoing process and the City Council agreed with that assessment. Consequently, the limited time frame was incorporated into the ordinance.

To facilitate public knowledge of the legalization ordinance, a marketing campaign was initiated. Flyers and informational pieces were distributed to all property owners. Additionally, a city employee directly contacted all owners who had either attempted legalization previously or who had been placed under enforcement for an illegal unit.

During the year that the ordinance was in effect there was a significant response. A total of 157 applications for legalization were submitted. Of that total, 106 were approved, 11 were either denied or withdrawn, and 40 are working through the approval requirements. However, in spite of the awareness campaign and the applications that were received prior to the sunset date, it has become evident that all excess units that could potentially be legalized were not addressed during that year. Since that time, there have been many inquiries, but without a process to pursue legalization there has been considerable frustration among owners seeking to follow the rules and license their rental properties.

To support the Salt Lake City Housing Plan policy, the City is proposing adoption of a permanent legalization ordinance through the Special Exception process. The section of the zoning ordinance that would be affected by this proposed amendment is 21A.52.030: Special Exceptions Authorized. There are currently 23 categories of Special Exceptions and this would create the 24<sup>th</sup>: Special Exception for Unit Legalization.

Section 21A.50.050 of the Municipal Code states that the City Council has a degree of legislative discretion when considering text amendments but that it should weigh the following factors. Likewise, when making recommendations to the City Council regarding text amendments, the Planning Commission should take them into consideration:

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

#### **KEY ISSUES:**

##### **Issue 1: Continued Existence of Excess Dwelling Units**

In spite of the attempt to legalize all qualifying excess units during the window that the previous legalization ordinance was in effect, many were not legalized. They are a crucial element of the city housing stock and it is beneficial to provide an option of legalization to verify the safety of the living spaces as well as maintain existing housing stock.

Many owners are not even aware of the illegal status of their units having rented them out for years without any issues. However, more owners are becoming aware of the legal status of their excess units as the Landlord/Tenant Initiative becomes more established. It took effect on September 1, 2011 with the stated goal to:

...address aspects of property management that help eliminate code violations and public nuisances while controlling and preventing illegal activity on rental properties that impact the quality of life within our neighborhoods. Under the new program, **all** residential rental properties, including single and double family homes, boarding houses and fraternities/sororities, require a business license.

<http://www.slcgov.com/landlord>

Consequently, the Landlord/Tenant Initiative has become a trigger that identifies illegal units when residential property owners apply for a license. It is clear that all owners didn't realize this within the one year window of the previous legalization ordinance, and that it will continue to occur in the future as owners seek licenses. It is impossible to know how many excess units there are throughout the city but a significant number have existed for decades and make a significant contribution to the Salt Lake City housing stock. There are many illegal units in the City that will continue to surface for years.

## **Issue 2: No Existing Legalization Process**

When owners become aware of the illegal status of their units, they generally inquire about available options. Due to the fact that there is not a unit legalization option within the code currently, they are limited to two choices:

1. The Determination of Nonconforming Use Status (21A.38.040.E.1) section of the Salt Lake City Zoning Ordinances sets a high threshold for making the case that a nonconforming use (such as an excess unit) lawfully exists. If the documents on file with the city (i.e. permits, special exceptions, etc.) do not establish the legality of the use, the owner has the burden of providing other documentation to do so. It can be exceptionally challenging to come up with anything that is not already on file with the city, especially for older structures and for those that aren't the original owners. Consequently, this option is rarely used because most home owners are not able to produce evidentiary documents. Since the previous unit legalization ordinance expired, only one excess dwelling unit has been legalized using this method.
2. Section 21A.40.200 (Accessory Dwelling Units) provides the possibility for one illegal unit to potentially be recognized as an accessory dwelling unit if it meets certain standards. Among them are the following:
  - a. Must be located in one of the permitted residential zoning districts.
  - b. One of the units on the parcel must be owner occupied.
  - c. Only one accessory dwelling unit per lot.
  - d. Must comply with current building code standards.
  - e. Must be located within a half mile of a fixed transit stop.

Due to the strict standards within this section, it has not yet been used for new construction of an ADU, much less as a means to legalize an existing illegal unit. In fact, in the three years that it has been in existence, only one application for an ADU has been received and none have been built. No existing units have been legalized using this method. Multiple variables, including those listed above, would have to line up for the property seeking legalization to even attempt this method and the applicant would then face potentially heavy costs to bring it up to current code standards. Consequently, this is not a viable option for legalization.

Due to these exceptionally restrictive options, most owners who find themselves in this position are faced with an impasse: They can't obtain a license to rent out their excess unit and have no viable option to pursue legalization. The high thresholds for both of these methods usually results in owners operating the unit illegally with potential safety issues remaining unaddressed, or removing the unit from the housing stock. Both outcomes are contrary to the City's housing goals.

## **Issue 3: Adjustments to the Previous Ordinance**

The Planning Division was specifically tasked with evaluating the expired legalization ordinance (63 of 2012) to identify changes that would facilitate it being implemented as a permanent process. That evaluation has identified changes to certain sections of the ordinance which will improve functionality as a permanent addition to the municipal code. The ordinance is presented in a manner that clearly indicates the proposed changes (see attachment A). Ordinance 63 of 2012 serves as a template. Changes to the existing text are struck through, while additions are underlined. Many of the changes are simply to provide clarity or to make minor corrections, but some vitally alter specific procedures and are presented below.

### *Notarized Affidavits*

In both the previous and the proposed ordinances, an applicant needs to provide proof that the illegal unit was established prior to April 12, 1995. One method of doing so under the

previous ordinance was via a notarized affidavit from someone with firsthand knowledge. They were accepted from the following individuals:

....a past tenant, neighbor, previous owner, or other individual who has knowledge about the dwelling unit;

Upon closer examination, it has been determined that those parameters are likely too broad for a permanent legalization ordinance. Consequently, the following language is included in the proposed ordinance:

Notarized affidavits from a previous owner, tenant, or neighbor;

By eliminating the exceptionally broad wording of “other individual who has knowledge about the dwelling unit” and focusing specifically on past tenants, neighbors, and owners, it is believed that the potential for fraud can be reduced without eliminating a viable option to gather evidence from those that truly have first-hand knowledge of the history of the excess unit.

#### Zoning Violations

In the previous ordinance, it was stated that to be able to pursue legalization:

There is no history of zoning violations occurring on the property. To determine if there is a history of zoning violations, the city shall only consider violations documented by official city records for which the current unit owner is responsible.

This standard seems excessive given that zoning violations can occur for a wide range of issues and across a long period of time. For example, if an owner had received a zoning violation 20 years ago for a completely unrelated matter, it could potentially cause problems when pursuing legalization for an excess unit.

Consequently, the following text is proposed to take the place of that cited above:

Any active zoning violations documented by official city records occurring on the property, except for those related to excess units, must be resolved.

This language serves to verify that any issues at the property (not related to the excess unit) are completely resolved before a unit can be legalized. If the property is under enforcement directly related to the illegal unit, the owner can proceed with the unit legalization process in an attempt to resolve the violation.

#### Conditions of Approval

Under the expired ordinance, applicants were required to participate in the Landlord/Tenant Initiative. Upon approval, owners had 90 days to apply to the program and then had to have an inspection of the unit done within 180 days. If there were any corrections required, those would need to be completed within another 180 days or “as mutually agreed by the unit owner and the city”.

When queried, both the Building Services and Business Licensing departments expressed interest in changing the process and timelines. Business Licensing reported that the applicant should actually apply for a business license and not be compelled to participate in the Landlord/Tenant Initiative. It should also occur much sooner than the 90 days that was allowed. That change would align with their normal procedures and almost all applicants will likely opt in to the Landlord/Tenant Initiative due to the significant financial incentives. The base fee for all business licenses is \$118. That is charged once regardless of the number of rental units owned by the applicant. Additionally, there is an annual fee of \$342 per unit. However, if the owner chooses to participate in the Landlord/Tenant Initiative, that fee drops

down to \$20 per unit per year. Business Licensing reports that the price difference compels nearly all applicants to also participate in the Landlord/Tenant Initiative.

Building Services reported that the previous wording in regards to the inspection process has caused some required corrections to drag out much too long. The language read that:

After such inspection, the unit owner shall make necessary corrections within one hundred eighty (180) days or as mutually agreed by the unit owner and the city.

It is proposed to be replaced with the following condition:

(3) All required corrections indicated during the inspection process must be completed within one (1) year unless granted an extension by the Zoning Administrator.

Although the time frame is expanded from 180 days to one year, it is believed that it will be an improvement because some corrections are significant and owners prefer to do them when contracts with renters have expired which can require an extended timeframe. Additionally, by only letting the Zoning Administrator, rather than “the city” allow for an extension, it takes such decisions out of the hands of inspectors and makes it more of a formal process. It is believed that this strategy will actually reduce the amount of open cases and encourage applicants to complete the corrections within the one year time frame.

#### Elimination of the Sunset Date

The proposed draft ordinance does not contain a sunset clause. The intent of the sunset clause in the previous unit legalization ordinance was to verify that unit legalization would not be an ongoing process and that all possible excess units would be legalized during that one year period to make the process as streamlined as possible.

In spite of the best efforts of the City to notify and educate the public about the ordinance and sunset clause, it appears that there were many who simply did not know about the unit legalization program or who missed the deadline. For the foreseeable future, as long as the Landlord/Tenant Initiative is in effect, it appears that there will continue to be owners who discover the illegal status of their housing unit(s) only when they apply for a business license.

The Salt Lake City Housing Plan and various other adopted City documents discussed throughout this report, have established policies of no net loss of housing units. Therefore, the proposed ordinance is to be a permanent part of the zoning code to deal with these situations in the future as they continue to surface.

## **DISCUSSION:**

Tenants that inhabit illegal dwelling units may be more vulnerable to fire and safety hazards if there are not basic life safety improvements, such as smoke detectors or proper egress. There is good reason to believe that bringing these units into the scope of regulation would benefit tenants, owners, communities, and the city through enhanced safety conditions, an improved ability to plan for and allocate resources, and greater financial security for both tenants and owners.

Additionally, multiple City guiding documents, with the principal being the *Salt Lake City Community Housing Plan*, clearly state the intent to maintain existing housing stock while making it safer and more beneficial to both the tenants and the larger community. To be able to achieve those objectives, a permanent legalization process should be established that allows excess units that meet the required criteria to join the mainstream housing market.

**NEXT STEPS:**

The Planning Commission's recommendation for these proposed zoning text amendments will be forwarded on to the City Council for their action. The City Council is the decision-making body for zoning text amendments.

## **ATTACHMENT A: BACKGROUND**

---

Salt Lake City's historical zoning patterns provide a context for examining excess dwelling units. Since zoning was originally initiated within Salt Lake City in 1927 up until 1951, the City zoning ordinance for low density residential areas allowed single family and two family structures. During the 1950s, the Federal Heights area of the City was the first area to have a single family only zoning designation. In the 1960-1970s period, several smaller geographic areas (upper Avenues and Glendale south of 1700 South) became designated for single family only zoning. Second units in a single-family dwelling, also known as mother-in-law or granny flats, were identified by zoning regulations as acceptable use of properties within the City's low density residential areas.

After World War II and into the 1980s, portions of the city were rezoned from single family/two family development to a zoning classification (R-4) that allowed 1-4 dwelling units per structure. During the 1980's numerous down zonings of the R-4 zoned areas occurred to prohibit further higher density residential development within many neighborhoods. However, the majority of the City's low density residential areas remained with the zoning designation "R-2" which permitted single family and two family dwellings. The "R-2" Zoning District continued the philosophy established in 1927 that the low density residential areas permitted both single family and duplex development. Unfortunately, for many, the zoning designations implied a right to have additional dwelling units and were created without building permits.

Not until the citywide zoning rewrite in 1995 did the City have multiple single family zoning classifications for the majority of the low density residential areas. The ambiguous historic zoning classifications and surge of housing demand after World War II has developed an informal market that has provided a source of affordable housing in Salt Lake City. This was recognized in the City's Housing Plans starting in 1990. At that time the current excess dwelling unit legalization ordinance and process were adopted.

Over time the demand for housing has led to expansion of the city's informal housing market. Such units have existed since authorities began regulating the number of housing units. This problem became particularly acute after World War II when owners opened their homes to returning war veterans. Today, many people find these units through family connections and other social networks. A similar economic rationale exists on the supply side as well. For owners, carving separate dwelling units out of existing structures provides a steady source of rental income.



## **ATTACHMENT B: PROPOSED ORDINANCE**

---

2224. Legalization of excess dwelling units may be granted subject to the following requirements and standards:

a. Purpose: The purpose of this subsection is to implement the existing Salt Lake City Community Housing Plan. This plan emphasizes maintaining existing housing stock in a safe manner that contributes to the vitality and sustainability of neighborhoods within the City. This subsection provides a process that gives owners of property with one (1) or more excess dwelling units not recognized by the City an opportunity to legalize such units based on the standards set forth in this subsection.

b. Review Standards: A dwelling unit that is proposed to be legalized pursuant to this subsection shall comply with the following standards.

(1) The dwelling unit existed prior to April 12, 1995. In order to determine whether a dwelling unit was in existence prior to April 12, 1995, the unit owner shall provide documentation thereof which may include any of the following:

(A) Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants;

(B) Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the dwelling unit in question;

(C) Utility records indicating existence of a dwelling unit;

(D) Historic surveys recognized by the planning director as being performed by a trained professional in historic preservation;

(E) Notarized affidavits from ~~past a past tenant, neighbor, previous owner, or other individual who has knowledge about the dwelling unit~~ previous owner, tenant, or neighbor;

(F) Polk, Cole, or phone directories that indicate existence of the dwelling unit (but not necessarily that the unit was occupied); and

(G) Any other documentation ~~that indicates the existence of the dwelling unit~~ that the owner is willing to place into a public record which indicates the existence of the excess unit prior to April 12, 1995.

(2) The ~~dwelling~~excess unit has been maintained as a separate dwelling unit since April 12, 1995. In order to determine if a unit has been maintained as a separate dwelling unit, the following may be considered:

(A) Evidence listed in standard b(1) indicates that the unit has been occupied at least once every five (5) calendar years;

(B) Evidence that the unit was marketed for occupancy if the unit was unoccupied for more than five (5) consecutive years;

(C) If evidence of maintaining a separate dwelling unit as required by Subsections (A) and (B) cannot be established, documentation of construction upgrades may be provided in lieu thereof.

(D) ~~Evidence~~ Any documentation that the owner is willing to place into a public record which provides evidence that the unit was referenced as a separate dwelling unit at least once every five (5) years.

(3) The property where the dwelling unit is located:

(A) Can accommodate on-site parking as required by this title, or

(B) Is located within a one-quarter (1/4 ) mile radius of a fixed rail transit stop or bus stop in service at the time of legalization.

~~(4) There is no history of zoning violations occurring on the property. To determine if there is a history of zoning violations, the city shall only consider violations documented by official city records for which the current unit owner is responsible. Any active zoning violations occurring on the property must be resolved except for those related to excess units.~~

c. Conditions of Approval: Any approved unit legalization ~~approved after September 1, 2011~~ shall be subject to the following conditions:

(1) The unit owner shall apply for ~~participation in the city's landlord tenant program~~ a business license, when required, within ninety fourteen (9014) days of special exception approval.

(2) The unit owner shall allow the city's building official or designee to inspect the dwelling unit to determine whether the unit substantially complies with basic life safety requirements as provided in Section 18.50 (Existing Residential Housing) of this code. Such inspection shall occur within ~~one hundred eighty~~ ninety (18090) days of special exception approval or as mutually agreed by the unit owner and the city. ~~After such inspection, the unit owner shall make necessary corrections within one hundred eighty (180) days or as mutually agreed by the unit owner and the city.~~

(3) All required corrections indicated during the inspection process must be completed within one (1) year unless granted an extension by the Zoning Administrator.

d. Application: In addition to the application requirements in Chapter 21A.52 of this title, an applicant shall submit documentation showing compliance with the standards set forth in Subparagraph ~~2224~~.b of this subsection.

~~e. Expiration: The provisions of this Subsection 21A.52.030.A.22 shall expire on September 1, 2013 and shall have no further force or effect unless earlier amended, modified, or repealed. After the expiration date, any dwelling unit that is not officially~~

~~recognized by the City, except units included within a complete unit legalization application submitted to the City prior to the expiration date, shall only be recognized in accordance with Chapter 21A.38 (Nonconforming Uses and Noncomplying Structures) of this title.~~

# ATTACHMENT C: ANALYSIS OF STANDARDS

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

Factor	Finding	Rationale
<p><b>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;</b></p>	<p>Based on a review of the <i>Salt Lake City Community Housing Plan</i>, and the <i>Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission</i>, staff finds the proposal is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City. The proposed text amendment furthers the purpose and goals of the City's adopted planning documents.</p>	<p>The Salt Lake City Housing Plan recommends maintaining all dwelling units in the City that meet basic life safety requirements. (See pages 11-15 of the Housing Plan)</p> <p>As a matter of legislative policy, Salt Lake City desires to preserve housing that “substantially complies with life and safety codes.”</p> <p>Within the <i>Salt Lake City Community Housing Plan</i>, which was prepared by the Housing and Neighborhood Division of Community and Economic Development Department and adopted by the Salt Lake City Council in April of 2000, the following policy statements and implementation strategies are applicable:</p> <ul style="list-style-type: none"> <li>• <b>City Council Policy Statement.</b> The City Council supports a citywide variety of housing units, including affordable housing and supports accommodating different types and intensities of residential development. (p. 8)</li> <li>• <b>City Council Policy Statement.</b> The City Council supports mixed use and mixed income concepts and projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses and incomes in areas with established services. (p. 19)</li> <li>• <b>Affordable and Transitional Housing Implementation Strategy 1.</b> Review “Best Practices” from other cities and establish new programs or expand existing programs that meet housing needs and maximize housing opportunities for all residents within Salt Lake City. (p. 24)</li> <li>• <b>City Council Policy Statement.</b> On a citywide basis, the City Council endorses accessory housing units in single-family zones, subject to restrictions designed to limit impacts and protect neighborhood character. (p. 32)</li> </ul> <p>In another policy document entitled <i>Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission</i>, which was commissioned in February 1996 by former Mayor Ted Wilson and delivered to the City Council in March 1998 the following assertions, goals, and recommendations are applicable:</p>

		<ul style="list-style-type: none"> <li>• <b>Assertion M: There is a mix of housing types, densities, and costs so that people of various economic groups can co-exist.</b> Services for those less fortunate are seen as a positive attribute and are nurtured within our community. <ul style="list-style-type: none"> <li>○ Recommendation 1: Amend zoning laws to encourage mixed use in appropriate areas. Proposed Action: Adopt amendments to city zoning ordinances that allow mixed-use development in designated areas of the city. Identify areas to be included in ordinances, define types of mixed uses allowed (p. 13).</li> </ul> </li> <li>• <b>Goal B: The ideal neighborhood will be diverse.</b> Neighborhoods will encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles, and familial statuses to be active community stakeholders. Families of various size and composition can be well served through a variety of programs and services. Service organizations will also be available to special-needs populations (p. 41).</li> <li>• <b>Goal D: The ideal neighborhood will be well maintained.</b> Landlords, tenants, and homeowners will share responsibility for keeping properties in good condition. Home ownership will be encouraged where possible. Neighborhoods should contain a variety of housing types, but more units should be owner occupied than renter occupied. This leads to longer term residents and stabilizes property values. Owners of rental units will be responsible and will maintain their properties. Mechanisms need to be in place to address problems caused by owners/renters who fail to maintain their properties. Landlords must screen tenants to ensure that they will be responsible renters. Landlords must also make repairs to their housing units to keep them as viable assets in the neighborhood. Housing should be designed for the changing needs of our current and future population (p. 43).</li> </ul>
<p><b>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</b></p>	<p>Staff finds that the proposed changes to the Zoning Ordinance will have no effect on the overall purpose of the Zoning Ordinance. Although staff agrees that legalization of excessive dwelling</p>	<p><b>Analysis:</b> Chapter 21A.02.030 of the Zoning Ordinance states: <i>Purpose and Intent:</i> The purpose of this title 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. This title is, in addition, intended to:</p> <ol style="list-style-type: none"> <li>a. Lessen congestion in the streets or roads;</li> <li>b. Secure safety from fire and other dangers;</li> <li>c. Provide adequate light and air;</li> </ol>

	<p>units may increase congestion and parking on neighborhood streets, permitting these dwelling units will:</p> <p>Improve viability of public transit; Is an economical use of public and private infrastructure; Protect the environment through reduction of vehicle miles driven within the region; Provide a range of housing choices; and Preserve and maintain neighborhoods as safe and convenient places to live.</p> <p>Therefore, staff finds that the proposal furthers the specific purpose statements of the zoning ordinance.</p>	<p>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.</p> <p>Additionally, Section 21A.24.010 of the Zoning Ordinance provides the following "general provision" for all residential districts:</p> <p><b>Statement of Intent:</b> The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.</p> <p>In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance.</p>
<p><b>3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;</b></p>	<p>The proposed text amendment is not associated with any specific overlay zoning districts.</p>	<p>The proposed text amendment is not associated with any overlay zoning districts. If a specific unit legalization case was located in an existing overlay district, any further requirements that exist due to being located in an overlay district would apply. The proposed text amendment will not diminish any regulations required in any overlay district.</p>
<p><b>4. The extent to which a</b></p>	<p>The proposed amendment</p>	<p>Many municipalities across the country have policy and codes for legalization of illegal apartments. Unit legalization is</p>

<p><b>proposed text amendment implements best current, professional practices of urban planning and design.</b></p>	<p>would implement the best and current professional practices of urban planning and design.</p>	<p>widely viewed as an opportunity to:  (1) ensure fire safety and health compliance, (2) increase tax revenues to support additional City costs to provide services, (3) enhance ability to accommodate and plan for population growth through allocation of resources.</p> <p>All of these elements are aligned with best and current professional practices of urban planning and design.</p>

## **ATTACHMENT D: PUBLIC PROCESS AND COMMENTS**

Zoning text amendments require that both the Planning Commission and the City Council hold a public hearing giving the public further opportunities to voice their opinion. This amendment would be city wide and will not require any changes to the zoning map.

### **Public Notice, Meetings, Comments**

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

#### **Open House:**

Because this zoning text amendment impacts the entire city and not just a specific community council, an open house was held on May 21, 2015. No comments were received during the open house.

#### **Notice of the public hearing for the proposal included:**

Public hearing notice published in the newspaper on August 1, 2015.

Public hearing notice posted on July 30, 2015.

Public notice posted on City and State websites and Planning Division list serve on July 30, 2015.

#### **Public Input:**

No public input was received at the Open House or via email.

One phone call was received from Esther Hunter (Chair of the East Central Community Council) on 7/30/2015. She expressed interest in verifying that we are approaching this ordinance in a holistic manner across departments. She seemed particularly concerned with issues regarding parking on a two streets where she believes multiple excess units have been created. She stated that she would provide a written statement for this staff report but as of now, it has not been received.



## **ATTACHMENT E: DEPARTMENT REVIEW COMMENTS**

Input was requested from all pertinent departments within Salt Lake City. The following responses were received:

### **Building Services** – Darby Whipple

Conditions of Approval state "(1) The unit owner shall apply for a business license within fourteen (14) days of special exception approval."; however there may be times that a Business license is not required, due to no occupancy, or for non-financial use of a relative. The language may need to reflect "...when required..." as an option for approval. No other comments.

### **Engineering** – Scott Weiler

No objections.

### **Transportation** – Michael Barry

No issues from transportation.

# **ATTACHMENT F: MOTIONS**

---

## **Potential Motions**

### **Consistent with Staff Recommendation:**

Based on the findings in the staff report, public input, and discussion, I move to transmit a favorable recommendation to the City Council to adopt the proposed unit legalization text amendments as written in addendum A of the staff report relating to PLNPCM2015-00142.

### **Not consistent with Staff Recommendations:**

Based on the staff report information, public input, discussion, and the following finding(s), I move that the Planning Commission transmit a negative recommendation to the City Council relating to adoption of the proposed unit legalization text amendments as written in addendum A of the staff report relating to PLNPCM2015-00142.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

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