

SALT LAKE CITY ORDINANCE

No. _____ of 2023

(An ordinance amending the text of Titles 18 and 21A and enacting Title 19 of the *Salt Lake City Code* to implement Thriving in Place)

An ordinance amending the text of Titles 18 and 21A and enacting Title 19 of the *Salt Lake City Code* to implement the City’s Thriving in Place initiative.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on _____ to consider a petition to amend various provisions of Title 18 and Title 21A and enacting Title 19 of the *Salt Lake City Code* pursuant to Petition No. _____; and

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

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

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

SECTION 1. Amending the text of *Salt Lake City Code* Chapter 18.64.050. That Chapter 18.64.050 of the Salt Lake City Code (Residential Demolition Provisions) shall be, and hereby is amended as follows:

18.64.050: RESIDENTIAL DEMOLITION ~~PROVISIONS~~NOTICE:

A. ~~Except as provided in Subsection B of this section, if~~ the structure for which a demolition permit is sought contains one or more dwelling units, whether or not occupied, upon issuance of a demolition permit, the building official shall cause to be recorded against title to such real property in the official records of Salt Lake County a notice that contains the following information:

1. Information about the demolished property as required by the city, including the number of dwelling units and respective number of bedrooms, and the amount of rent charged in the year prior to the demolition, and the level of affordability if the rent is a below market rate.

2. Notice that the future development of the property may have specific development requirements under the City code, including without limitation the city's community benefit policies in chapters 19 and 21A.50.050.

~~the building official shall consider the impact of the requested demolition on the housing stock of Salt Lake City pursuant to the provisions of this section.~~

~~B. This section shall not apply to any housing which:~~

~~1. Is a nonconforming use as provided by relevant provisions of Title 21A, "Zoning", of this code; or~~

~~2. Is located on property for which an applicable master plan or the current zoning envisions exclusive nonresidential use; or~~

~~3.~~

~~a. Is proposed to be demolished for health or safety reasons as provided in this section its successors.~~

~~b. Notwithstanding Subsection B.3.a of this section, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this chapter, shall be subject to the provisions of this section.~~

~~C. The building official, within ten (10) days after receipt of a demolition permit application, shall determine whether the requested demolition will result in:~~

~~1. Construction of one or more residential units with a net loss of one or more dwelling units; or~~

~~2. No net loss of dwelling units will occur due to the anticipated construction of new dwelling units pursuant to an approved and issued building permit for the premises where the demolition will occur.~~

~~D.~~

~~1. If Subsection C.2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.~~

~~2. If Subsection C.1 of this section applies, the building official shall issue a finding of residential impact.~~

~~E. Upon making a finding of residential impact, the building official shall follow the procedures outlined in Chapter 18.97. Once the fee is paid, the demolition permit may be issued immediately upon completion of the application process in Section 18.64.020.~~

SECTION 2. Repealing the text of *Salt Lake City Code* Chapter 18.97. That Chapter 18.97 of the Salt Lake City Code (Additional Regulations: Mitigation of Residential Housing Loss) shall be, and hereby is repealed as follows:

~~CHAPTER 18.97
MITIGATION OF RESIDENTIAL HOUSING LOSS~~

~~18.97.010: PURPOSE:~~

~~The purpose of this chapter is to mitigate the loss of affordable housing stock due to new development with due consideration for vested or protected property rights.~~

~~18.97.020: HOUSING MITIGATION CONDITION PRECEDENT TO DEMOLITION OF RESIDENTIAL UNITS:~~

~~A. — Housing Mitigation Plan: Except as provided in subsection B of this section, any application for a demolition permit which, if issued, will result in a loss of one or more residential units located in a residential zone; any petition for a conditional use permit to authorize or expand vehicle parking in a residential or mixed use zone; and any petition for a zoning change that would permit a nonresidential use of land, that includes within its boundaries residential dwelling units, may not be approved until a housing mitigation plan is approved by the city. The housing mitigation plan shall be proposed and submitted to the city's planning director and the director of community and neighborhoods and shall be accompanied by a housing impact statement.~~

~~B. — Exception: This section shall not apply to any housing which:~~

~~1. — Is a nonconforming use as provided by relevant provisions of title 21A, "Zoning", of this code; or~~

~~2. — Is located on property for which an applicable master plan or the current zoning envisions exclusive nonresidential use; or~~

~~3. — a. Is proposed to be demolished for health or safety reasons as provided in section 18.64.040 or chapter 18.48 of this title or their successors.~~

~~b. — Notwithstanding subsection B3a of this section, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to section 18.64.045 of this title, shall be subject to the provisions of this section.~~

~~C. — Housing Impact Statement: The housing impact statement shall:~~

~~1. — Identify the essential adverse impacts on the residential character of the area subject of the petition;~~

~~2. — Identify by address any dwelling units targeted for demolition, following the granting of the petition;~~

3. — Separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire and health codes;

4. — State the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and

5. — Specify a mitigation plan to address the loss of residential zoned land, residential units or residential character.

~~18.97.030: OPTIONS FOR MITIGATING RESIDENTIAL LOSS:~~

~~Petitioners subject to the requirements of this chapter may satisfy the need for mitigation of any residential housing unit losses by any one of the following methods:~~

~~A. — Replacement Housing: The petitioner may agree, in a legal form satisfactory to the city attorney, to construct the same number of residential dwelling units proposed for demolition, within:~~

~~1. — The city council district in which the land subject of the petition is located;~~
~~or~~

~~2. — An adjoining council district, if the mitigation site is within a one mile radius of the demolition site.~~

~~3. — Any such agreement shall include adequate security to guarantee completion within two (2) years of the granting of a demolition permit.~~

~~B. — Fee Based On Difference Between Housing Value And Replacement Cost: The petitioner may pay to the city housing trust fund the difference between the fair market value of the housing units planned to be eliminated or demolished and the replacement cost of building new units of similar square footage and meeting all existing building, fire and other applicable law, excluding land values.~~

~~C. — Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference Of Landowner:~~

~~1. — Request By Petitioner For Flat Fee Consideration: In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the department of community and neighborhoods as provided below. A judgment as to whether deterioration has occurred as the result of deliberate indifference shall be based on a preponderance of evidence.~~

~~2. — Required Facts Of Natural Deterioration/Increase Fair Market Value Of Units To Be Demolished: The petitioner may submit to the director of the department of~~

community and neighborhoods every fact known to support the proposition that the residential dwelling units were not purposely allowed to deteriorate by lack of reasonable maintenance, ordinary and prudent repairs, or other acts or omissions to act. The value of the unit(s) targeted or proposed for demolition may be increased to the fair market value that the units would have, if each unit was in a state of habitability and minimally meeting applicable building codes and other applicable law, excluding land value. This enhanced value will then be applied in thus computing any housing mitigation payment provided in subsection B of this section.

3. — Flat Fee Mitigation Payment: In the event that the petitioner actually and reasonably demonstrates to the director of community and neighborhoods that the costs of calculating and analyzing the various methods of mitigation are unreasonably excessive in relationship to the rough estimated costs of constitutionally permitted mitigation, the department director may recommend to the city council that a flat rate be paid by the petitioner to the city's housing trust fund. This flat rate shall be a sum not in excess of three thousand three hundred twenty two dollars twenty cents (\$3,322.20) per dwelling unit to be demolished. Such flat fee shall be adjusted for inflation as of January 1 of each calendar year following the initial adoption hereof, based on the consumer price index for the previous twelve (12) months, or three percent (3%), whichever result is less.

18.97.040: HOUSING MITIGATION JUSTIFICATION TO COUNCIL:

A. — Report To City Before Rezoning Hearings: The director of the department of community and neighborhoods, or designee, shall prepare a report justifying the method of housing mitigation recommended by the director, including the factual basis upon which it is premised and a factually based justification for the recommendation. This report shall be submitted to the planning commission in sufficient time for its deliberation concerning the advisability of effectuating the petitioner's request for a zoning change. The petitioner may, likewise, submit its proposal and the factual and legal justification for mitigation, if any, or why the director's recommendations are appropriate or should be modified. The commission shall include in its evaluation an evaluation of the adequacy of the housing loss mitigation plan, proposed by the petitioner and that recommended by director of the department of community and neighborhoods.

B. — Report To Planning Director On Conditional Use Permit Petitions: In the event of a conditional use permit, said report shall be submitted to the city's planning director. The report shall be duly evaluated, considered and included in the decision regarding any conditional use permit. The planning director, or designee, shall memorialize, in writing, the factual basis supporting any decision dealing with the housing mitigation component of any such conditional use permit and include this finding and evaluation in the file for due consideration should there be an appeal relating thereto.

C. — Report To Housing Advisory And Appeals Board: A housing mitigation plan required under chapter 18.64, "Demolition", of this title shall be considered by the housing advisory and appeals board as provided in such chapter. The director of the department of community and neighborhoods shall prepare a report justifying the method of housing mitigation recommended by the director, including the factual basis upon which it is premised and a factually based justification for the recommendation. This report shall be submitted to the

~~housing advisory and appeals board in sufficient time for its deliberation concerning the advisability of effectuating the petitioner's request for a demolition permit. The petitioner may, likewise, submit its proposal and the factual and legal justification for mitigation, if any, or why the director's recommendations are appropriate or should be modified. The board shall include in its evaluation an evaluation of the adequacy of the housing loss mitigation plan, proposed by the petitioner and that recommended by director of the department of community and neighborhoods.~~

~~18.97.050: NATURE AND REVIEW OF ALLEGED UNCONSTITUTIONAL OR ILLEGAL HOUSING LOSS MITIGATION:~~

~~Should any petitioner or other person, corporation, or entity claim that this chapter or any application of it is illegal, unconstitutional, or may constitute or effectuate an unconstitutional taking of property without appropriate compensation, either per se or as applied, the city shall be notified as soon as practicable. The provisions of title 2, chapter 2.66, "Constitutional Takings", of this code shall apply to each such claim.~~

SECTION 3. Enacting the text of *Salt Lake City Code* Chapter 19.

SECTION 4. Amending the text of *Salt Lake City Code* Chapter 21A.

SECTION 5. That this ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ___ day of _____ 2023.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

(SEAL)

Bill No. _____ of 2023.

Published: _____

[Ordinance amending Title 18 administration](#)

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Katherine D. Pasker, *Senior City Attorney*

