

SALT LAKE CITY ORDINANCE

No. _____ of 202__

(An ordinance amending various sections of the Title 21A of the Salt Lake City Code establishing a chapter for zoning incentives and adding affordable housing incentives)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2019-00658 pertaining to zoning incentives and affordable housing incentives.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held public hearings on May 11, 2022 and April 26, 2023 to consider a petition submitted by former Salt Lake City Mayor, Jackie Biskupski (Petition No. PLNPCM2019-00658) to amend various sections of Title 21A of the *Salt Lake City Code* adding zoning incentives and affordable housing incentives; and

WHEREAS, at its April 26, 2023, 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, the City Council requests a report on costs and benefits of implementation of the affordable housing incentives 24 months following adoption; and

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

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

SECTION 1. Amending the text of *Salt Lake City Code* Section 21A.20.040. That Section 21A.20.040 of the *Salt Lake City Code* (Zoning: Enforcement: Civil Fines) shall be and hereby is amended to read as follows:

- A. If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars (\$25.00) a day per violation for those properties legally used for purposes that are solely residential uses, and one hundred dollars (\$100.00) a day per violation for those properties used for purposes that are not residential uses.
- B. Affordable housing incentives per 21A.52.050: If the violation(s) are not corrected by the citation deadline, civil fines shall accrue at the rate set in the Consolidated Fee Schedule per day per violation. If the violation(s) include renting an affordable rental unit in excess of the approved rental rate then an additional monthly fine shall accrue that is the difference between the market rate of the unit and the approved rental rate that is agreed to by the applicant at the time of approval for a project using the incentives.

SECTION 2. Amending the text of Salt Lake City Code Subsection 21A.24.050.A. That Subsection 21A.24.050.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/12,000 Single-family Residential District) shall be and hereby is amended to read as follows:

- A. Purpose Statement: The purpose of the R-1/12,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots twelve thousand (12,000) square feet in size or larger. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 3. Amending the text of Salt Lake City Code Subsection 21A.24.060.A. That Subsection 21A.24.060.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/7,000 Single-family Residential District) shall be and hereby is amended to read as follows:

- A. Purpose Statement: The purpose of the R-1/7,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 4. Amending the text of Salt Lake City Code Subsection 21A.24.070.A. That Subsection 21A.24.070.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/5,000 Single-family Residential District) shall be and hereby is amended to read as follows:

- A. Purpose Statement: The purpose of the R-1/5,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 5. Amending the text of Salt Lake City Code Subsection 21A.24.110.A. That Subsection 21A.24.110.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-2 Single- and Two-family Residential District) shall be and hereby is amended to read as follows:

- A. Purpose Statement: The purpose of the R-2 Single- and Two- Family Residential District is to preserve the character of existing neighborhoods which exhibit a mix of predominantly single- and two-family dwellings. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

SECTION 6. Amending the text of Salt Lake City Code Subsection 21A.24.170.F. That Subsection 21A.24.170.F of the *Salt Lake City Code* (Zoning: Residential Districts: R-MU Residential/Mixed Use District) shall be and hereby is amended to read as follows:

- F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section.
 - 1. Maximum height for nonresidential buildings: Forty five feet (45').
 - 2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

SECTION 7. Amending the text of Salt Lake City Code Subsection 21A.26.078.E.2. That Subsection 21A.26.078.E.2 of the *Salt Lake City Code* (Zoning: Commercial Districts: TSA Transit Station Area District) shall be and hereby is amended to read as follows (Table 21A.26.078.E.2 and all notes thereto shall remain and are not amended herein):

- 2. Building Height: The minimum and maximum building heights are found in table 21A.26.078.E.2, "Building Height Regulations", of this subsection E.2. The minimum

building height applies to all structures that are adjacent to a public or private street. The building shall meet the minimum building height for at least fifty percent (50%) of the width of the street facing building wall.

SECTION 8. Amending the text of *Salt Lake City Code* Table 21A.27.040.C. That Table 21A.27.040.C of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-SC and FB-SE Form Based Special Purpose Corridor District) shall be and hereby is amended to read as follows:

**TABLE 21A.27.040.C
FB-SC BUILDING FORM STANDARDS**

Permitted Building Forms Multi-Family And Storefront			
H	Maximum building height	Maximum building height in the FB-SC is 60 ft.	
	Limitation on commercial uses	Commercial or nonresidential uses are limited to the first 3 stories and a height of 45 ft. This limitation does not apply to hotel/motel uses, which are limited to the maximum height of 75 ft.	
F	Front and corner side yard setback	Greenway	Minimum of 5 ft. Maximum of 15 ft.
		Neighborhood	Minimum of 15 ft. Maximum of 25 ft.
		Avenue	Minimum of 5 ft. Maximum of 10 ft.
		Boulevard	Minimum of 15 ft. Maximum of 25 ft.
B	Required built-to	Minimum of 50% of any street facing facade shall be built to the minimum setback line. At least 10% of any street facing facade shall be built to the maximum setback line.	
S	Interior side yard	When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.	
R	Rear yard	When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.	
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density.	

W	Minimum lot width	50 ft.
DU	Dwelling units per building form	No minimum or maximum.
Bf	Number of building forms per lot	1 building form permitted for every 4,000 sq. ft. of lot area provided all building forms have frontage on a street.

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 and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Residential Districts, in alphabetical order with other use categories in the table, which use category 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
Affordable Housing Incentives Development	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

SECTION 10. 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 and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Commercial Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Affordable Housing Incentives Development	P	P	P	P	P	P	P

SECTION 11. Amending the text of *Salt Lake City Code* Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Transit Station Area Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that 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
Affordable Housing Incentives Development	P	P	P	P	P	P	P	P

SECTION 12. Amending the text of Salt Lake City Code Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Downtown Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Affordable Housing Incentives Development	P	P	P	P

SECTION 13. 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 and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for the Gateway District, which use category shall read and appear in that table as follows:

Use	G-MU
Affordable Housing Incentives Development	P

SECTION 14. Amending the text of Salt Lake City Code Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Special Purpose Districts, which use category shall read and appear in that 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
Affordable Housing Incentives Development													P				

SECTION 15. 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 for Form Based Districts) shall be and hereby is amended only to add the use category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Form Based Districts, inserted in alphabetical order, which use category shall read and appear in that table as follows:

[Note to codifier: use this table if FB-MU11 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.]

Use	Permitted Uses By District				
	FB-UN1	FB-UN2	FB-MU11	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P	P

[Note to codifier: use this table if FB-MU11 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.]

Use	Permitted Uses By District			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P

SECTION 16. Creating a new Chapter 21A.52 of Salt Lake City Code 21A. Chapter 21A of the *Salt Lake City Code* (Zoning Incentives) shall be and hereby is amended to include a new Chapter 21A.52 Zoning Incentives and shall read as follows:

21A.52.010 PURPOSE:

The purpose of this chapter is to establish zoning incentives to support achieving adopted goals within the city’s adopted plans and policy documents.

21A.52.020 APPLICABILITY:

- A. This chapter applies as indicated within each subsection.

- B. The planned development process in 21A.55 is not required as indicated within this chapter.
- C. The administrative design review process in 21A.59 may be applicable as indicated within this chapter.

21A.52.030 RELATIONSHIP TO BASE ZONING DISTRICTS AND OVERLAY ZONING DISTRICTS:

Unless otherwise indicated in this chapter, all base zoning district or overlay zoning district standards and requirements take precedence except as indicated in this section.

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 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; and
 - 7. Any additional information required by Chapter 21A.59 design review or to demonstrate compliance with the requirements of this chapter, as applicable.
- 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, where applicable, shall be exempt from the application fees and noticing fees otherwise required pursuant to Section 21A.59.
- D. Following the approval of any administrative design review application, any future alteration to the property, building or site shall comply with the approved design review application unless a modification is approved subject to the process outlined in Chapter 21A.59.

- 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.

21A.52.050 AFFORDABLE HOUSING INCENTIVES:

- A. Purpose: The incentives set forth in this chapter are intended to encourage the development of affordable housing. The provisions within this section are intended to facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.
- B. Applicability: The provisions in this section provide optional incentives to development projects that include affordable housing units. Unless specifically stated below, all other applicable provisions in the base zoning district or overlay districts shall apply.
- C. Uses: Additional housing types are allowed in zones subject to compliance with this section.
- D. Reporting and Auditing: Property owners who use the incentives of this chapter are required to provide a report that demonstrates compliance with this section and any additional approvals associated with the use of incentives. The report shall be submitted annually by April 30th and shall be reflective of the financial status at the end of the previous calendar year. The report shall be submitted to the Director of Community and Neighborhoods or successor.
 - 1. Annual Report and Auditing: Each property owner shall submit a report that demonstrates compliance with this chapter.
 - a. If applicable, the property owner shall submit a copy of the annual report(s) provided to Utah Housing Corporation, Olene Walker Housing Loan Fund, Housing Authority of Salt Lake City, Housing Connect, or similar funding source as determined by the Department of Community and Neighborhoods, or its successor, confirming compliance with affordable housing conditions, including tenant income and rental rates.
 - b. If an annual report is not submitted as required in 21A.52.050.D.1.a above, the property owner shall provide a report that includes, but is not limited to the following:
 - (1) The property location, tax ID number, and legal description.
 - (2) Property owner name, mailing address, and email address.
 - (3) Information on the dwelling units and tenants of the property receiving the incentives that includes:
 - (A) The total number of dwelling units
 - (B) The number of bedrooms of each dwelling unit
 - (C) The rental rate of each dwelling unit
 - (D) Identify the dwelling units that comply with the level of affordability identified in the approval to use the incentives and a statement that the dwelling units are in compliance with the approval requirements.

- (E) Identify any change in occupancy to the units that are required to be affordable under this section, including a change in the number of people residing in each unit and any change in tenant. Personal data is not required to be submitted.
 - (F) Confirm that income verification for all tenants was performed on an annual basis.
 - (G) Identify any differences in rent between the agreed upon rental rate in the approval to use the incentives and the actual rent received for the identified affordable dwelling units.
 - (H) Identify any instance where an affordable dwelling unit was no longer rented at the agreed upon level of affordability, the length of time the dwelling unit was not in compliance with the agreed upon level of affordability, and any remedy that was taken to address the noncompliance.
2. Review of Annual Report: The Director of Community and Neighborhoods shall review the report to determine if the report is complete.
 3. Within 30 days of receipt of a complete report, the Director of Community and Neighborhoods shall provide the property owner with written notice that:
 - a. Identifies whether the property is in compliance.
 - b. Identify any deficiency in the information provided by the owner.
 - c. Assesses any penalty that is due as a result of an identified noncompliance.
 4. After receipt of the notice from the Director of Community and Neighborhoods that indicates noncompliance, the property owner shall:
 - a. Cure the identified noncompliance within 30 days of such notice and concurrently submit an updated report of then-current operations of the property that demonstrates compliance; or
 - (1) Property owners can request an extension in writing prior to the expiration of the 30-day cure period identified above. The request shall include an explanation of the efforts to correct the non-compliance and the reason the extension is needed. The Director of Community and Neighborhoods will review and determine if the timeframe and extension are appropriate and whether or not fines shall be stayed during any approved extension. Upon expiration of the extension granted by the Director the property owner shall submit an updated report of then-current operations of the property that demonstrates compliance.
 - b. Pay any fine or fee that is assessed pursuant to 21A.20.040 due to any noncompliance within 14 days of achieving compliance. Any fine or fee shall be assessed from the first identified date that the property is not in compliance.
 5. The city may contract with another entity for review of the requirements in this section.
 6. Violations of this Chapter shall be investigated and prosecuted pursuant to 21A.20, except as set forth below in 21A.52.050.E.

- E. Enforcement: Violations of this Chapter, or the restrictive covenant on the property as set forth in 21A.52.050.F.1, shall be investigated and prosecuted pursuant to 21A.20. The city shall have the additional remedies for violations as set forth below.
1. Lien on Property. If the property owner fails to make payment of the outstanding fines, then after 90 days or when fines reach \$5,000, the division will issue a statement of outstanding fines. If the property owner fails to make payment within 14 days, then the division may certify the fines set forth in the statement to the Salt Lake County Treasurer. After entry by the Salt Lake County Treasurer, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes. Upon payment of the amount set forth in the statement, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.
 2. Revocation of Business License. Upon a determination of the division that the property is in violation of this Chapter the city may suspend or revoke the business license associated with the property. Any suspension or revocation of a license shall not be imposed until a hearing is first held before the Director of Community and Neighborhoods or his/her successor. The licensee shall be given at least 14 days' notice of the time and place of the hearing, together with the nature of the charges against the licensee. The licensee may appear in person or through an officer, agent or attorney, to introduce evidence on the licensee's behalf, and to confront and cross-examine witnesses. The Director of Community and Neighborhoods shall make a decision based upon the evidence introduced at the hearing and issue a written decision. The licensee may appeal to an appeals hearing officer and thereafter to district court pursuant to 21A.16. If the license is revoked or suspended it shall thereafter be unlawful for any person to engage in or use, or permit to be used any property for any business with respect to which the license has been suspended or revoked until a license shall be granted upon appeal or due to the property's compliance with this Chapter. No person whose license has been revoked, and no person associated or connected with such person in the conduct of such business, shall be granted a license for the same purpose for a period of six months after the revocation has occurred. The Director may, for good cause, waive the prohibition against persons formerly associated or connected with an individual who has had a license revoked.
 3. Any other remedies or financial penalties identified in the terms of the restrictive covenant required by Section 21A.52.050.F.1, which shall be reasonably related to enforcement of the terms of this Chapter, achieving the goals of this Chapter, obtaining the number of units and level of affordability agreed to by the property owner, or if such units and level of affordability cannot be obtained then to eliminate the incentive(s) obtained or recoup the value thereof.
- F. Eligibility Standards: Developments shall meet the criteria below to be eligible for the authorized incentives:
1. Restrictive Covenant Required:

- a. Any owner who uses the incentives of this chapter shall enter into a legally binding restrictive covenant, the form of which shall be approved by the city attorney. Prior to the issuance of a building permit for construction of a building using the incentives, the restrictive covenant shall be recorded with the Salt Lake County Recorder. The agreement shall provide for the following, without limitation: acknowledge the use of the incentives, the nature of the approval and any conditions thereof, the affordability requirements, the terms of compliance with all applicable regulations, shall guarantee compliance for a term of 30 years, and the potential enforcement actions for any violation of the agreement. The agreement shall be recorded on the property with the Salt Lake County Recorder, guarantee that the affordability criteria will be met for at least 30 years, and future owners shall be subject thereto.
 - b. For an affordable homeownership unit, the restrictive covenant shall also require a notice of sale be provided to the city and the city shall have a right of first refusal to purchase any designated affordable unit in accordance with a future sales price that is capped to comply with Section 21A.52.050.F.2.b.2 below.
2. The affordable units shall be both income and rent/housing payment restricted.
- a. Income Restriction - The affordable units shall be made available only to Eligible Households that are qualifying occupants with an annual income at or below the SLC Area Median Income (“AMI”) as applicable for the given affordable unit for Salt Lake City Utah, U.S. Department of Housing and Urban Development (“HUD”) Metro FMR Area (as periodically determined by the HUD and adjusted for household size).
 - b. Rent/Housing Payment Restriction
 - (1) For an affordable rental unit, the monthly rent, including all required housing costs per unit, such as utilities and other charges uniformly assessed to all apartment units other than charges for optional services, shall be set forth in a written lease and shall not exceed, for the term of the lease, the maximum monthly gross rental rate published annually by the Utah Housing Corporation for affordable units located in Salt Lake City for the percentage AMI as applicable for the given affordable unit type.
 - (2) For an affordable homeownership unit, the annualized housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for the AMI as applicable for the given affordable

unit, assuming a household size equal to the number of bedrooms in the unit plus one person.

3. Comparable units: Affordable units shall be comparable to market rate units, if any, in the development including with respect to entrance location, dispersion throughout the building or site, number of bedrooms, and access to amenities, except as otherwise approved in the terms of the restrictive covenant. This subpart does not apply to units in single- and two-family zoning districts.
4. The property owner shall be ineligible for affordable housing incentives pursuant to this Chapter if the property owner or its principals, partners, or agents are under enforcement for any violation of Title 11, 18, 20, or 21.

G. Incentives: Developments are eligible for the incentives identified in this section. Table 21A.52.050.G establishes the affordability requirements based on the zoning district of the property. Sections 1 through 4 establish the modifications allowed within each zoning district in order to be eligible for the affordability incentives. To use the incentives, developments shall comply with the criteria applicable to the base zoning districts. Any fractional number of units required shall be rounded up to the nearest whole number.

Table 21A.52.050.G

Incentive Types	
Types	Incentive
<p>Type A. Applicable to the single- and two-family zoning districts: FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3.</p>	<p>Affordable homeownership developments shall meet at least one of the following affordability criteria:</p> <ol style="list-style-type: none"> 1. 50% of the units shall be affordable to those with incomes at or below 100% AMI. 2. If an existing building is maintained as required in 21A.52.050.H.1.c, 25% of the units shall be affordable to those with incomes at or below 100% AMI. <p>Affordable rental developments shall meet at least one of the following affordability criteria:</p> <ol style="list-style-type: none"> 1. 50% of the units shall be affordable to those with incomes at or below 80% AMI. 2. If an existing building is maintained as required in 21A.52.050.H.1.c, a minimum of one of the units shall be affordable to those with incomes at or below 80% AMI.
<p>Type B. Applicable to residential multifamily zoning districts: RMF-30, RMF-35, RMF-45, and RMF-75</p>	<p>Affordable homeownership developments shall meet at least one of the following affordability criteria:</p> <ol style="list-style-type: none"> 1. 10% of the units shall be affordable to those with incomes at or below 80% AMI.

	<p>2. 5% of the units shall be affordable to those with incomes at or below 60% AMI.</p> <p>Affordable rental developments shall meet at least one of the following affordability criteria:</p> <ol style="list-style-type: none"> 1. 40% of the units shall be affordable to those with incomes at or below 60% AMI. 2. 20% of the units shall be affordable to those with incomes at or below 50% AMI. 3. 40% of units shall be affordable to those with incomes averaging no more than 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI.
<p>Type C. Applicable to zoning districts not otherwise specified.</p>	<p>Affordable homeownership developments shall meet at least one of the following affordability criteria:</p> <ol style="list-style-type: none"> 1. 10% of the units shall be affordable to those with incomes at or below 80% AMI. 2. 5% of the units shall be affordable to those with incomes at or below 60% AMI. <p>Affordable rental developments shall meet at least one of the following affordability criteria:</p> <ol style="list-style-type: none"> 1. 20% of the units shall be affordable to those with incomes at or below 80% AMI. 2. 10% of the units shall be affordable to those with incomes at or below 60% AMI. 3. 10% of the units shall be affordable to those with incomes averaging at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI. 4. 5% of the units shall be affordable to those with incomes at or below 30% AMI. 5. 10% of the units shall be affordable to those with incomes at or below 80% AMI and these units must have two or more bedrooms. 6. 5% of the units shall be affordable to those with incomes at or below 60% AMI and these units must have two or more bedrooms. 7. 5% of the units shall be affordable to those with incomes at or below 80% AMI and these units must have three or more bedrooms.

1. Single- and Two-Family Zoning Districts: The following housing types: twin home and two-family, three-family dwellings, four-family dwellings, row houses, sideways row houses, and cottage developments are authorized in the FR-1, FR-2,

FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts provided the affordability requirements for Type A in Table 21A.52.050.G are met.

2. RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts: The qualifying provisions for density found in the minimum lot area and lot width tables for the RMF-35, RMF-45, and RMF-75 zoning districts do not apply and in the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply, provided the affordability requirements for Type B in Table 21A.52.050.G are met.
3. Incentives in the CB Community Business, CC Corridor Commercial, CG General Commercial, and I Institutional Zoning Districts:
 - a. The following housing types: row houses, sideways row houses, and cottage developments are authorized provided the affordability requirements in subsection b. are complied with;
 - b. To be eligible for the incentives listed in this subsection a., a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.
4. The following incentives are authorized in zoning districts provided the affordability requirements for Type C in Table 21A.52.050.G are complied with:
 - a. Administrative design review provided the standards in 21A.59 are met. Early engagement notice requirements to recognized organizations are not applicable.
 - b. Additional building height may be added as indicated in the following sections. The maximum height per story of additional building height shall not exceed 12 feet.

(1) Residential districts:

Zoning District	Permitted Maximum Height with Incentive
RMU-35	45' with administrative design review, regardless of abutting use or zone.
RMU-45	55' with administrative design review, regardless of abutting use or zone.
RB	One additional story; density limitations listed in the land use table do not apply.
RMU	Three additional stories with administrative design review.
RO	One additional story.

(2) Commercial Districts:

Zoning District	Permitted Maximum Height with Incentive
SNB	One additional story.
CB	One additional story.
CN	One additional story.
CC	45' with administrative design review; additional landscaping may be met by meeting requirements in 21A.52.050.H.3.c.5.

CG	Two additional stories with administrative design review. Three additional stories with administrative design review for properties in the mapped area in Figure 21A.26.070.G.
CSHBD1	129' with administrative design review.
CSHBD2	72' with administrative design review.
TSA-Transition	One additional story with administrative review.
TSA-Core	Two additional stories with administrative review.

(3) Form-based districts:

[Note to codifier: use this table if FB-MU11 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.]

Zoning District	Permitted Maximum Height with Incentive
FB-MU11	Three additional stories with administrative design review.
FB-UN2	One additional story.
FB-SC	One additional story.
FB-SE	One additional story.
FB-UN1	Three stories, but not to exceed 30' in height.

[Note to codifier: use this table if FB-MU11 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.]

Zoning District	Permitted Maximum Height with Incentive
FB-UN2	One additional story.
FB-SC	One additional story.
FB-SE	One additional story.
FB-UN1	Three stories, but not to exceed 30' in height.

(4) Downtown districts:

Zoning District	Permitted Maximum Height with Incentive
D-1	Administrative design review is permitted when a design review process is required.
D-2	Two additional stories with administrative design review.
D-3	Three additional stories with administrative design review.
D-4	Three additional stories with administrative design review. 375' and administrative design review in mapped area in 21A.30.045.E.2.b.

(5) Other districts:

Zoning District	Permitted Maximum Height with Incentive
GMU	Two additional stories with administrative design review.
MU	60' with administrative design review, with residential uses in all principal buildings.

- c. Administrative design review is permitted for the following:
 - (6) Buildings in the CSHBD1 and CSHBD2 zoning district that exceed 20,000 square feet in size.
 - (7) 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.

5. **Planned Developments:** A planned development is not required when the purpose of the planned development is due to the following reasons cited below, subject to approval by other city departments. If a development proposes any modification that is not listed below, planned development approval is required. To be eligible for the incentives in this section, a development shall meet the affordability requirements for the applicable zoning district in Table 21A.52.040.

- a. **Multiple Buildings on a Single Parcel:** More than one principal building may be located on a single parcel and are allowed without having public street frontage. This allowance supersedes the restrictions of 21A.36.010.B;
- b. Principal buildings with frontage on a paved public alley;
- c. Principal buildings with frontage on a private street;
- d. Development located in the Community Shopping (CS) “Planned Development Review” in 21A.26.040.C.

H. **Development Regulations:** The following development regulations are intended to provide supplemental regulations and modify standards of the base zoning district for the purpose of making the affordable housing incentives more feasible and compatible with existing development. Base zoning standards apply unless specifically modified by this section and are in addition to modifications authorized in Subsection 21A.52.050.G. If there are conflicts with design standards, the more restrictive regulation shall apply and take precedence. These standards are not allowed to be modified through the planned development process.

- 1. **Modifications in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts:**
 - a. **Parking:** Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. One detached garage or covered parking space, no greater than 250 sq. ft. per unit, may be provided for each unit and these structure(s) may exceed the yard and building coverage requirements for accessory structures. When covered parking is provided, the 250 sq. ft. per unit of covered parking may be combined into a single structure for each required parking stall provided.

- b. Yards: Minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.
 - c. Density:
 - (1) Lots approved through a planned development prior to the effective date of this Chapter are required to go through a major modification of the planned development to use the incentives.
 - (2) Lots may contain up to four units. Existing lots may be divided such that each unit, not including accessory dwelling units (ADUs), is on its own lot. The new lots are exempt from minimum lot area, lot width, and lot frontage requirements. This paragraph shall not apply to vertical developments.
 - (3) An ADU is considered one unit and counts toward the number of units permitted.
 - (4) Arrangement of dwellings:
 - (A) New dwelling units may be arranged in any manner within a building, as a second detached dwelling, as attached units, or a cottage development with three or more detached dwellings.
 - (B) When an existing building is maintained, new units may be added internal to the existing structure, as an addition, or as a second detached dwelling. Any addition must comply with the standards of the base zoning district; however, the addition may contain additional units. 50% of the exterior walls of the existing dwelling, including the front elevation, shall remain as exterior walls.
 - (C) The units shall comply with this section, applicable requirements of the base zoning district, and any applicable overlay district.
2. Within the RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts the following provisions shall apply:
- a. Unit Mix: No more than 25% of the units in the development shall be less than 500 square feet to promote a mix of unit sizes.
 - b. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required in multifamily developments with less than 10 units.
 - c. Yards: The minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.
 - d. Lot width: Minimum lot width requirements do not apply.
3. In addition to applicable requirements in subsections 1 and 2 above, the following provisions apply to the specific building types listed:

- a. Row house and Sideways row house
- (1) Perimeter yard requirements:
 - (A) Front yards: The front yard and corner side yard of the base zoning district apply.
 - (B) Side yards: A minimum of 10 feet on one side of the building and 6 feet on the other interior side yard unless a greater yard is required by the base zoning district.
 - (C) Rear yard: The rear yard of the base zoning district applies.
 - (2) Number of Units: To qualify for incentives in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A zoning districts there is a minimum of three and a maximum of four residential dwelling units per building.
 - (3) Building length facing street:
 - (A) The building length shall not exceed 60 feet or the average of the block face, whichever is less, in FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A districts;
 - (B) The building length shall not exceed 100 feet in the RMF-30, RMF-35, RMF-45 and RMF-75 districts; and
 - (C) The building length shall not exceed 175 feet in other zoning districts.
 - (4) Building entry facing street: At least one operable building entrance on the ground floor is required for each unit facing the primary street facing façade. All units adjacent to a public street shall have the primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. 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.
 - (5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the proposed material is durable and is appropriate for the structure.
 - (6) Parking requirement and location: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. All provided parking shall be located to the side of the street facing building façade, behind a principal structure that has frontage on a street, or within

the principal structure subject to any other applicable provision.

- (7) Garage doors facing street: Garage doors are prohibited on the façade of the building that is parallel to, or located along, a public street.
- (8) Personal outdoor space: Each unit shall have a minimum outdoor space of 60 square feet where the minimum measurement of any side cannot be less than 6 feet.
- (9) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.
- (10) Blank wall: The maximum length of any blank wall uninterrupted by windows, doors, or architectural detailing at the ground floor level along any street facing façade is 15’.
- (11) Screening of mechanical equipment: All mechanical equipment shall be screened from public view and sited to minimize their visibility and impact. Examples of siting include on the roof, enclosed or otherwise integrated into the architectural design of the building, or in a rear or side yard area subject to yard location restrictions found in section 21A.36.020, table 21A.36.020B, “Obstructions In Required Yards” of this title.

Illustration for 21A.52.050.E.3.a.1 Required Setbacks for Public Street Facing Row House

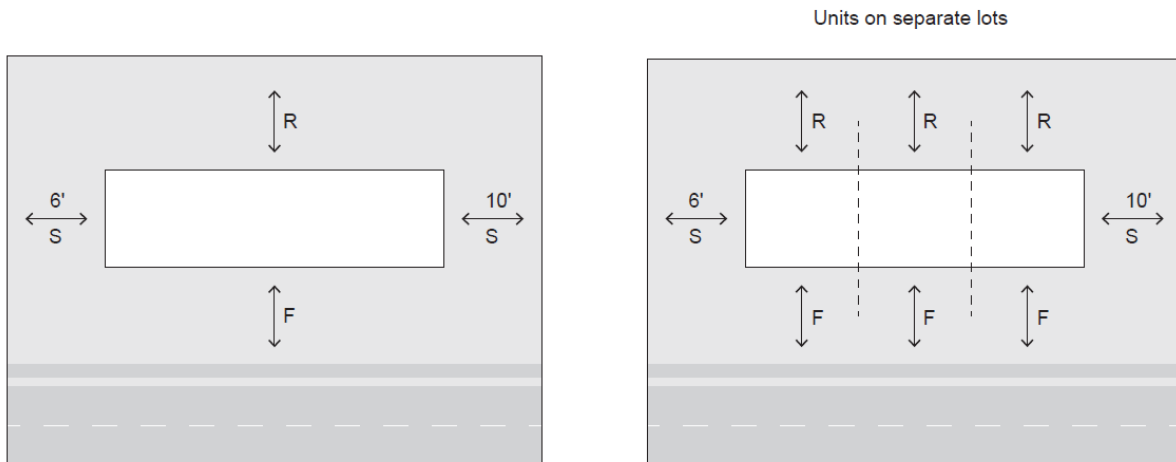
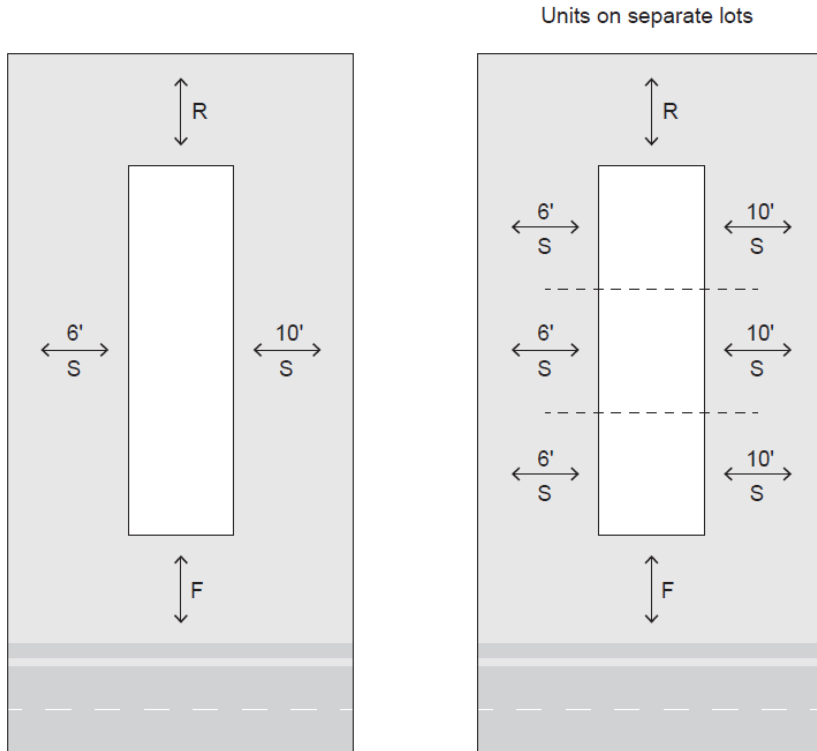


Illustration for 21A.52.050.E.3.b.1 Required Setbacks for Sideways Row House



- b. Cottage Development
- (1) Perimeter yard requirements:
 - (A) Front yards: The front yard and corner side yard of the base zoning district apply.
 - (B) Side yards: A minimum of 10 feet on one side of the property line and 6 feet on the other interior side yard, unless a greater yard is required by the base zoning district.
 - (C) Rear yard: The rear yard of the base zoning district applies.
 - (2) Setbacks Between Individual Cottages: All cottages shall have a minimum setback of eight feet from another cottage.
 - (3) Area: No cottage shall have more than 850 square feet of gross floor area, excluding basement area. There is no minimum square foot requirement.
 - (4) Building Entrance: All building entrances shall face a public street or a common open space.
 - (5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the

proposed material is durable and is appropriate for the structure.

- (6) Open Space: A minimum of 250 square feet of common, open space is required per cottage. At least 50% of the open space shall be in a courtyard or other common, usable open space. The development shall include landscaping, walkways or other amenities intended to serve the residents of the development.
 - (7) Personal Outdoor Space: In addition to the open space requirement in this section, a minimum of 120 square feet of private open space is required per cottage. The open space shall provide a private yard area for each cottage and will be separated with a fence, hedge, or other visual separation to distinguish the private space.
 - (8) Parking: Unless there is a lesser parking requirement in 21A.44, one off-street parking space per unit is required. All provided parking shall be located to the side of a street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.
- c. In addition to applicable requirements in 21A.52.050.H above, the following provisions apply to all other buildings containing more than two residential units. If the base zone has a greater design standard requirement, that standard applies.
- (1) Perimeter yard requirements:
 - (A) Front yards: The front yard and corner side yard setback of the base zoning district apply.
 - (B) Side yards: For housing types not otherwise allowed in the zoning district, a minimum of 10 feet on each side property line, unless a greater setback is required for single-family homes.
 - (C) Rear yards: The rear yard of the base zoning district applies.
 - (2) Building entrances: The ground floor shall have a primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. Stairs to second floor units are not permitted on street facing elevations.
 - (3) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.
 - (4) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the

proposed material is durable and is appropriate for the structure.

- (5) Open space: Open space area may include landscaped yards, patios, dining areas, and other similar outdoor living spaces. All required open space areas shall be accessible to all residents or users of the building.
 - (A) Single- and two-family zoning districts: 120 sq. ft. of open space with a minimum width of 6 ft. shall be provided for each building with a dwelling.
 - (B) All other zoning districts: A minimum of 10% of the land area within the development shall be open space, up to 5,000 square feet. Open space may include courtyards, rooftop and terrace gardens and other similar types of open space amenities. All required open space areas shall be accessible to all residents or users of the building.
- d. Single- and Two-family Dwellings: No additional design standards except as identified in 21A.24.
- e. Lots without public street frontage may be created to accommodate developments without planned development approval subject to the following standards:
 - (1) Required yards shall be applied to the overall development site not individual lots within the development. The front and corner yards of the perimeter shall be maintained as landscaped yards;
 - (2) Lot coverage shall be calculated for the overall development not individual lots within the development; and
 - (3) Required off street parking stalls for a unit within the development are permitted on any lot within the development.
 - (4) The subdivision shall be finalized with a final plat and the final plat shall document that the new lot(s) has adequate access to a public street by way of easements or a shared driveway or private street; and
 - (5) An entity, such as a homeowner association, must be established for the operation and maintenance of any common infrastructure. Documentation establishing that entity must be recorded with the final plat.

SECTION 17. Amending the text of Salt Lake City Code Subsection 21A.55.010.C.1. That Subsection 21A.55.010.C.1 of the *Salt Lake City Code* (Zoning: Planned Developments: Purpose Statements) shall be and hereby is amended to read as follows:

- 1. Affordable housing that meets the requirements of 21A.52.050.

SECTION 18. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Affordable Housing
Affordable Housing Incentives Development
Dwelling, Three-family
Dwelling, Four-family
Dwelling, Row House
Dwelling, Sideways Row House
Dwelling, Cottage Development

SECTION 19. 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 as follows:

- a. Adding the definition of “AFFORDABLE HOUSING.” That the definition of “AFFORDABLE HOUSING” be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING: Affordable housing shall be both income and, as applicable, rent-restricted. The affordable units shall be made available only to individuals and households that are qualifying occupants at or below the applicable percentage of the area median income for the Salt Lake City Utah, U.S. Department of Housing and Urban Development (“HUD”) Metro FMR Area the “SLC Area Median Income” or “AMI”, as periodically determined by HUD and adjusted for household size) and published by the Utah Housing Corporation, or its successor. Affordable (30% of gross income for housing costs, including utilities) housing units must accommodate at least one of the following categories:

- a. Extremely Low-Income Affordable Units: Housing units accommodating up to 30% AMI;
- b. Very Low-Income Affordable Units: Housing units accommodating greater than 30% and up to 50% AMI; or
- c. Low-Income Affordable Units: Housing units accommodating greater than 50% and up to 80% AMI.

- b. Adding the definition of “AFFORDABLE HOUSING INCENTIVES

DEVELOPMENT.” That the definition of “AFFORDABLE HOUSING INCENTIVES DEVELOPMENT” be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING INCENTIVES DEVELOPMENT: A housing development that meets the criteria in 21A.52.050.

- c. Adding the definition of “DWELLING, THREE-FAMILY.” That the definition of “DWELLING, THREE-FAMILY” be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, THREE-FAMILY: A detached building containing three dwelling units.

- d. Adding the definition of “DWELLING, FOUR-FAMILY.” That the definition of “DWELLING, FOUR-FAMILY” be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, FOUR-FAMILY: A detached building containing four dwelling units.

- e. Adding the definition of “DWELLING, ROW HOUSE.” That the definition of “DWELLING, ROW HOUSE” be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a public street. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

- f. Adding the definition of “DWELLING, SIDEWAYS ROW HOUSE.” That the definition of “DWELLING, SIDEWAYS ROW HOUSE” be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, SIDEWAYS ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each

unit faces a side yard as opposed to the front yard. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

g. Adding the definition of “DWELLING, COTTAGE DEVELOPMENT.” That the definition of “DWELLING, COTTAGE DEVELOPMENT” be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, COTTAGE DEVELOPMENT: A cottage development is a unified development that contains a minimum of two and a maximum of eight detached dwelling units with each unit appearing to be a small single-family dwelling with a common green or open space. Dwellings may be located on separate lots or grouped on one lot.

SECTION 20. That the “ZONING FEES” section of the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to add the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 21. Effective Date. The city recorder is hereby directed to publish this ordinance forthwith but it will not become effective until April 30, 2024.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 202__.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 202__.

Published: _____.

Ordinance creating affordable housing incentives

<p>APPROVED AS TO FORM</p> <p>Salt Lake City Attorney's Office</p> <p>Date: <u>November 30, 2023</u></p> <p>By: <u><i>Katherine Pasker</i></u></p> <p>Katherine Pasker, <i>Senior City Attorney</i></p>
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EXHIBIT A

Service	Fee	Additional Information	Section
Affordable Housing Incentives Fines			
Noncompliance violation	\$100/affordable unit/day	Plus rental difference	21A.20.040.B