



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** April 15, 2025

**RE: Permitting Outdoor Theaters in Commercial Districts Text Amendment  
PLNPCM2024-00595**

**Item Schedule:**

Briefing: March 4, 2025  
Set Date: March 25, 2025  
Public Hearing: April 15, 2025  
Potential Action: May 6, 2025

## BRIEFING UPDATE

During a March 4, 2025 briefing the Council was generally supportive of the proposed text amendment. They clarified with Planning staff that buffers between commercial and residential lots includes entire residential lots.

When asked about neighborhood backyard concerts, Planning noted those are allowed provided they are not commercial in nature. If these events create noise or parking issues, those can be enforced. There would also not be changes to the noise ordinance as a result of this proposal.

***The following information was provided for the March 4, 2025 Council briefing. It is included again for background purposes.***

Planning staff briefed the Council on changes to the *City code* the Administrating is proposing for work done without a certificate of appropriateness (COA). It would address unlawful construction and demolition activities in the Historic Preservation Zoning District Overlay to protect historic resources in local historic districts and local landmark sites citywide. Work on the proposed text amendment began several months ago and was not initiated by any single event.

Council Members discussed the importance of preserving historic structures and the increased risk of losing them given pressures associated with growth in the city. A Council Member noted owners of historic buildings are stewards of the structures and responsible for their maintenance during the time they own them giving future generations an opportunity to enjoy these buildings and have a chance at stewardship.



The Council expressed a desire for the financial penalty of illegally demolishing a historic structure to be significant enough to dissuade someone from doing so and not have fees and fines low enough to be considered a “cost of doing business.” There was also a discussion of a potentially higher level of scrutiny for landmark sites, which are seen as buildings that have an even greater value. Planning is working on additional information and will provide it to the Council when it is ready.

Under the proposal, a contributing building that is demolished without a COA would require reconstruction. The property owner would be required to enter a restrictive covenant with the City prohibiting demolition and major alterations to the reconstructed building for 25 years and the restrictive covenant would transfer to any future property owner during that period. Planning found that development potential of property is sometimes viewed as more valuable than buildings on the property. Restricting development on a site is seen as a more effective deterrent than fines.

Planning staff is working on a separate text amendment with fees that relate to the current enforcement without a certificate of appropriateness proposal. This proposed text amendment will come to the Council in the coming weeks. Some of the proposed fees include:

- work without a certificate of appropriateness for full or partial demolition of contributing structure or landmark site: \$250/day (new)
- Increased boarded building fee outside H overlay: \$14,000 (currently \$1,560)
- Enhanced fee for boarded contributing structures: \$14,850 (new)
  - It is worth noting that only one of the boarded building fees would be charged.
- Stop work order: \$230/day (new)
- Increase general fines for violations to \$50-\$200/day.

Following the briefing, a Council Member asked about requiring demolition permits to be posted on sites where demolition is happening. The Administration said International Commercial, and Residential Building Codes, which are included in State code, require permits to be kept at the work site. The International Code Council oversees these building codes and provided commentary saying permits must be displayed at work sites, but these comments are not included in the adopted International Building Codes. The City’s building code follows State code which requires permits onsite but does not require them to be posted.

If the City building code is changed to be more restrictive than State code, the State Building Code Commission generally needs to grant permission. There is a process for this which takes several months and may or may not be approved.

In addition, Council Members asked the following questions during the briefing. As of the publishing of this staff report the Administration’s responses are not yet available, but we will forward them to the Council as soon as they are.

- Can the City prohibit a developer who demolishes a historic building without a certificate of appropriateness from doing business in the city for one year (or another timeframe)?
- Can the City assess a vacant property fine for buildings demolished without a certificate of appropriateness?
- What is the feasibility of assessing some number of historic buildings in the city each year (number TBD) and creating a report describing building condition. This would help identify buildings that are allowed to deteriorate to the point of being economically unfeasible to preserve.
- Can the fee for full or partial demolition of a contributing building be either the proposed \$250/day or tied to a percentage of the property’s assessed value, whichever is greater?

## **POLICY QUESTION**

1. The Council may wish to discuss changing City code by adding a requirement to display demolition permits on work sites. This would follow the State Building Code Commission process discussed above.