

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Blake Thomas
Director

CITY COUNCIL TRANSMITTAL


rachel.otto (Mar 28, 2024 13:52 MDT)

Rachel Otto, Chief of Staff

Date Received: 3/28/2024
Date sent to Council: 3/28/2024

TO: Salt Lake City Council
Victoria Petro, Chair

DATE: 3/21/2024

FROM: Blake Thomas, Director, Department of Community & Neighborhoods



SUBJECT: Zoning text amendment related to enforcement on work done with a Certificate of Appropriateness

STAFF CONTACT: Mayara Lima, Planning Manager-Zoning Administrator,
Mayara.lima@slcgov.com, 801-535-6141

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council adopt the changes to the zoning ordinance as recommended by the Planning Commission.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: This city-initiated petition is intended to address unlawful construction and demolition activities in the City's local historic districts. The purpose of this amendment is to protect historic resources, which includes designated local historic districts and local landmark sites. The amendment adds enforcement tools to prevent and counter potential code violations. It establishes a clear process to remedy alterations or any demolitions that occur without approval. The proposed changes will affect [Chapter 21A.34.020](#) (H Historic Preservation Overlay District) and related provisions of Title 21A-Zoning.

Issue: A Certificate of Appropriateness (COA) is required prior to performing any exterior work on a property located within the historic overlay. The COA is the main tool the city has to ensure the work is appropriate, meets standards/design guidelines and ultimately will not damage

the historic integrity of a historic resource. When work is done without such review, it puts historic resources at risk of losing their status or worse.

The city's zoning and building code enforcement is equipped to address work without permits but currently lacks the necessary tools or fines to account for the illegal demolition or permanent damage of historic resources. Unlike typical code violations that can be reversed through replacement, repair or maintenance, once all or part of a historic building is removed, its value is lost permanently. No replica can recreate the original materials, craftsmanship, and cultural value that provide authenticity and historical context to the individual resource. Because of the higher risk, enforcement of violations in the historic overlay requires a more tailored approach.

Proposal: Based on research of current enforcement limitations and tools used in other cities, the proposal includes the following changes to the Zoning Ordinance:

1. Create an enforcement subsection within the historic overlay (21A.34.020):

The subsection would reference the enforcement chapter in the Zoning Code ([21A.20](#)) and lists additional consequences for work conducted in violation of the historic overlay provisions.

2. Prohibit redevelopment of a property when a principal building is demolished without approval unless the proposal is for reconstruction:

A contributing principal building or landmark site demolished without a COA would require reconstruction. A certificate of noncompliance would be issued and recorded against the property following the violation to prevent redevelopment for 25 years unless the applicant proposes to reconstruct the demolished structure.

3. Establish a reconstruction process:

The reconstruction would have to follow specific standards to ensure the new building is true to the size, proportions, and features of the original structure. The applicant would be required to sign a legally binding restrictive covenant to acknowledge the reconstruction, prohibit future demolition and major alterations for 25 years and ensure that the terms are carried with the land. This process would be consolidated with the recently adopted standards for reconstruction of carriage houses in landmark sites.

4. Prohibit a property owner from requesting a change of status based on a violation:

The city would require that any work done without a COA be undone if retroactive approval is not possible. In the case of an irreversible alteration, a request to administratively change the historic status from contributing to noncontributing based on work done without a COA would be rejected. That is, regardless of the alterations, the structure will still be reviewed as a contributing. This restriction would limit the property owner from further harmful alterations or a full demolition. A change of status would still be possible through a district survey update, subject to Council approval.

5. Clarify that self-imposed conditions are not eligible for Economic Hardship:

Language added to the Economic Hardship process would disqualify requests for demolition of a contributing building based on a hardship that is related to owner's financial ability to

rehabilitate a property, lack of due diligence, or self-imposed conditions, such as demolition by neglect, intentional destabilization of the structure or enforcement of a violation.

- 6. Coordinate with other city code sections that relate to reconstruction and enforcement:** Other sections would be amended to allow nonconforming use and noncomplying structures to be restored in case of reconstruction ([21A.38](#)) and to create a reconstruction definition ([21A.62.040](#)).

PUBLIC PROCESS:

Public Input:

- October 3, 2023: All Salt Lake City recognized organizations were sent the required 45-day notice for the proposed text amendment.
- October 10, 2023: An online open house webpage was posted to provide additional information on the petition.
- October 23, 2023: The planning division sent out public outreach to stakeholders.

Commission Briefing:

Staff presented preliminary draft proposal to Historic Landmark and Planning Commissions to introduce the request, gather feedback, identify key issues, and answer questions.

- [November 2, 2023: Historic Landmark Commission](#)
- [November 8, 2023: Planning Commission](#)

Their concerns were discussed in the meetings and several topics/questions were outlined and addressed in detail in Key Consideration #4 of the PC Staff Report.

Public Hearings:

- [January 4, 2024: Historic Landmark Commission](#)
Following the public hearing, the Historic Landmark Commission voted unanimously to forward a positive recommendation to City Council with the following modifications:
 - That the 25-year period prohibiting redevelopment and the demolition of the reconstructed structure be increased to 50 years.
 - That staff explore a fee, similar to the boarded building fee, for a property that is left vacant and not reconstructed.

The agenda, minutes, and staff report are bookmarked below for reference.

- [January 10, 2024: Planning Commission](#)
Following the public hearing, the Planning Commission voted to forward a positive recommendation to City Council to adopt the ordinance as proposed. The Planning Commission did not agree with the modifications recommended by the Historic Landmark Commission. The agenda, minutes, and staff report are bookmarked below for reference.

Historic Landmark Commission (HLC) and Planning Commission (PC) Records

- a) [HLC Agenda of January 4, 2024](#) (Click to Access)
- b) [HLC Minutes of January 4, 2024](#) (Click to Access)
- c) [HLC Staff Report of January 4, 2024](#) (Click to Access)

- d) [PC Agenda of January 10, 2024](#) (Click to Access)
- e) [PC Minutes of January 10, 2024](#) (Click to Access)
- f) [PC Staff Report of January 10, 2024](#) (Click to Access)

EXHIBITS:

- 1) Ordinance
- 2) Project Chronology
- 3) Notice of City Council Public Hearing
- 4) Public Comment Received after the Planning Commission Staff Report was Published

1. ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2024

(An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pertaining to penalties for work done without a certificate of appropriateness.)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2023-00336 pertaining to the creation of penalties for work done without a certificate of appropriateness.

WHEREAS, on January 4, 2024, the Salt Lake City Historic Landmark Commission (“Landmark Commission”) held a public hearing to consider a petition submitted by Mayor Erin Mendenhall to amend various sections of Title 21A of the *Salt Lake City Code* pertaining to the creation of penalties for work done without a certificate of appropriateness pursuant to Petition No. PLNPCM2023-00336; and

WHEREAS, at its January 4, 2024 meeting, the Landmark Commission voted in favor of transmitting a positive recommendation with modifications to the Salt Lake City Planning Commission (“Planning Commission”) and the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, on January 10, 2024 the Planning Commission held a public hearing on said petition; and

WHEREAS, at its January 10, 2024 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the 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 Section 21A.34.020. That the list of subsections in Section 21A.34.020 of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District) shall be, and hereby is amended as follows, with no other revisions to Section 21A.34.020:

21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:

- A. Purpose Statement
- B. Applicability
- C. Local Historic Designation, Amendments or Revocation
- D. Historic Status Determination
- E. Certificate of Appropriateness Required
- F. Procedures for Issuance of a Certificate of Appropriateness
- G. Standards for Alteration of a Landmark Site, Contributing Structure or New Construction of an Accessory Structure
- H. Standards for New Construction or Alteration of a Noncontributing Structure
- I. Standards for Relocation
- J. Standards for Demolition of a Landmark Site
- K. Standards for Demolition of a Contributing Principal Building
- L. Economic Hardship Determination
- M. Reconstruction
- N. Enforcement

SECTION 2. Amending the text of Subsection 21A.34.020.E.1. That Subsection 21A.34.020.E of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District: Certificate of Appropriateness Required) shall be, and hereby is amended to read as follows:

1. A certificate of appropriateness shall be required for all of the following:
 - a. Any exterior alteration to the property or any structure on the property unless specifically exempted under Subsection 21A.34.020.E.2;
 - b. New construction;
 - c. Relocation of a structure or object on the same site or to another site;
 - d. Demolition; and
 - e. Reconstruction

SECTION 3. Amending the text of Subsection 21A.34.020.F.2. That Subsection 21A.34.020.F.2 of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District: Procedure for Issuance of Certificate of Appropriateness) shall be, and hereby is amended to read as follows:

2. Historic Landmark Commission Authority: The following shall only be decided by the historic landmark commission:
 - a. Substantial alteration or addition to a landmark site or contributing site, building, and/or structure;
 - b. New construction of a principal building in the H Historic Preservation Overlay District;
 - c. Relocation of a landmark site or contributing principal building;
 - d. Demolition of a landmark site or contributing principal building;
 - e. Economic hardship determination;
 - f. Reconstruction; and
 - g. Applications referred by the planning director.

SECTION 4. Enacting the text of Subsection 21A.34.020.F.3.c. That a new Subsection 21A.34.020.F.3.c of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District: Procedure for Issuance of Certificate of Appropriateness: Submission of Application) is hereby enacted as follows:

- c. Reconstruction Application Requirements: In addition to the general application requirements listed above, applications for reconstruction shall include drawings and photographs of the original structure that justify the dimensions and details of the proposed structure. The applicant shall provide documentation that indicates the original structure's approximate:
 - (1) Location on the site and the estimated setbacks.
 - (2) Building footprint, including shape and size.
 - (3) Roof shape, slope and details.
 - (4) Building height, including wall height and roof height.
 - (5) Openings, including location, arrangement, size and details of any window or door openings. For reconstruction of carriage house, include carriage entries.
 - (6) Exterior building materials.

SECTION 5. Amending the text of Subsection 21A.34.020.F.6. That Subsection 21A.34.020.F.6 of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation

Overlay District: Procedure for Issuance of Certificate of Appropriateness) shall be, and hereby is amended to read as follows:

6. Administrative Decisions: The planning director or designee shall approve, conditionally approve, or deny the application for a certificate of appropriateness based upon written findings of fact. The decision of the planning director or designee shall become effective upon issuance of the certificate of appropriateness or of the findings and order in the case of an administrative denial.

SECTION 6. Amending the text of Subsection 21A.34.020.L.3.c. That Subsection 21A.34.020.L.3.c of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District: Economic Hardship Determination: Procedure for Determination of Economic Hardship) shall be, and hereby is amended to read as follows:

c. Finding of Economic Hardship: If after reviewing all of the evidence presented by the applicant and the advice/testimony of the planning director's appointed qualified expert, and if the historic landmark commission finds that the applicant has presented sufficient information supporting a determination of economic hardship, then the historic landmark commission shall approve the demolition. In order to show that all beneficial or economically viable use cannot be obtained, the historic landmark commission must find that all of the following are met:

- (1) The contributing principal building or landmark site cannot be economically used or rented at a reasonable rate of return in its present condition or if rehabilitated;
- (2) The contributing principal building or landmark site cannot be put to any reasonable beneficial use in its present condition, or if rehabilitated;
- (3) Bona fide efforts during the previous year to sell or lease the contributing principal building or landmark site at a reasonable price have been unsuccessful; and
- (4) The hardship is not a mere reduction in economic value of the property, is not caused by the owner's financial ability to rehabilitate a property, is not caused by the owner's lack of due diligence to rehabilitate a property, or by any other self-imposed condition, such as demolition by neglect, intentional destabilization of the structure or a violation outlined in 21A.34.020.N.3.

SECTION 7. Amending the text of Subsection 21A.34.020.M. That Subsection 21A.34.020.M of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District) shall be, and hereby is amended to read as follows:

M. Reconstruction:

1. Applicability:
 - a. Reconstruction after demolition without a certificate of appropriateness: If a landmark site or contributing structure is demolished without a certificate of appropriateness, an application for reconstruction will be considered in accordance with the provisions of this Subsection.
 - b. Reconstruction of a carriage house on a landmark site: An application for the reconstruction of a historic carriage house is allowed subject to the provision of this Subsection and if the following criteria are satisfied:
 - (1) The carriage house is located on a landmark site. For the purpose of this section, any site that has been further subdivided since the construction of the last principal building on the site shall be considered part of the landmark site.
 - (2) Documentation has been provided that indicates a carriage house associated with the historic period of the landmark site existed on the site. Documentation may include any property related record, prior survey, photographs, site plans, or similar records. It is the responsibility of the applicant to provide the necessary documentation and justification for the proposed dimensions and details of the carriage house that is proposed to be reconstructed. Documentation shall provide sufficient detail to estimate the approximate details of the carriage house.
2. Modifications authorized: The following modifications are authorized for reconstruction in accordance with this Subsection:
 - a. Density: The qualifying provisions for density found in the minimum lot area and lot width tables of the zoning district do not apply to the proposed reconstruction, and in the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply.
 - b. Multiple buildings on a single parcel: If the reconstruction results in multiple buildings on a single parcel, the buildings are allowed without each building having street frontage.
3. Compliance with additional codes: An application for reconstruction shall comply with all applicable codes, regulations and engineering standards that have been adopted by the State of Utah or the city.
4. Approval Standards: In considering an application for a certificate of appropriateness involving reconstruction, the historic landmark commission shall grant the certificate if it finds the project complies with all of the following standards:
 - a. Reconstruction depicts only vanished or non-surviving portion of a property and includes measures to preserve any remaining historic materials, features, and spatial relationships.

- b. The reconstruction is an accurate duplication of historic features and elements substantiated by documentary or physical evidence. When evidence is not available, conjectural designs may be allowed if supported by research of similar structures of the same era as the original structure.
 - c. Designs that were never executed historically will not be allowed.
 - d. The proposed structure replicates the size, shape, location, orientation, material and design of the original structure.
 - e. The proposed structure replicates character defining features and details of the original structure.
 5. Additional requirements for reconstruction of a carriage house on a landmark site:
 - a. Subdivision Prohibited: Further subdivision of the property after approval of a reconstruction under this section is prohibited and portions of Section 21A.38.060 authorizing subdivisions of lots with more than two principal buildings shall not be applicable.
 - b. Updated Intensive Level Survey: If reconstruction is approved, the applicant shall provide the city an updated intensive level survey to document the changes to the landmark site.
 - c. Allowed Uses After Reconstruction: The following uses shall be allowed in a reconstructed carriage house approved under this section:
 - (1) A single-family dwelling, regardless of lot area, lot width or street frontage;
 - (2) Any accessory use authorized in the underlying zoning district or overlay district; or
 - (3) Accessory dwelling units subject to the applicable regulations for accessory dwelling units.
 6. Restrictive covenant for reconstruction after demolition: In the case of a reconstruction after demolition without a certificate of appropriateness, the property owner shall enter into a legally binding restrictive covenant, the form of which shall be approved by the city attorney. The restrictive covenant shall be recorded on the property with the Salt Lake County Recorder prior to issuance of a certificate of appropriateness for the reconstruction required pursuant to 21A.34.020.N.3. The restrictive covenant shall, without limitation:
 - a. Acknowledge the required reconstruction;
 - b. Prohibit demolition and major alterations to the reconstructed structure for 25 years from the date of the issuance of the certificate of occupancy, transferrable to any future property owner;
 - c. Identify the nature of the approval and any conditions thereof;
 - d. Require compliance with all applicable regulations; and
 - e. Identify the city's remedies for any violation of the covenant.
 7. Historic status for reconstruction after demolition: Following reconstruction, the zoning administrator shall issue a historic status determination in accordance with section 21A.34.020.D, indicating the historic status of the reconstructed structure as noncontributing. Any future historic resource survey or status determination shall evaluate the reconstructed structure on its own merits.

SECTION 8. Enacting the text of Subsection 21A.34.020.N. That a new Subsection 21A.34.020.N of the *Salt Lake City Code* (Zoning: Overlay Districts: H Historic Preservation Overlay District) is hereby enacted as follows:

N. Enforcement: Any property on which work is done without a certificate of appropriateness when such is required under 21A.34.020, shall be subject to the enforcement process established in Section 21A.20. As applicable, the city shall have the following additional remedies as set forth below:

1. Any work done in violation of this chapter, and which does not comply with or cannot be made to comply with the standards of this chapter shall be undone. The structure or site shall be restored to its condition prior to such unlawful alteration to the greatest extent possible without further damage.
2. A request for historic status determination as outlined in 21A.34.020.D to change the status from contributing to noncontributing based on work done without a certificate of appropriateness shall be rejected.
3. In the case of demolition of a contributing principal structure or local landmark site without a certificate of appropriateness, a certificate of noncompliance will be issued and recorded against the property prohibiting redevelopment for 25 years unless the proposed redevelopment is for reconstruction as permitted by 21A.34.020.M.

SECTION 9. Amending the text of Subsection 21A.38.040.H.5. That Subsection 21A.38.040.H.5 of the *Salt Lake City Code* (Zoning: Nonconforming Uses and Noncomplying Structures: Nonconforming Uses: Modifications to Nonconforming Uses) shall be, and hereby is amended to read as follows:

5. Deterioration or Destruction of Structure with a Nonconforming Use: Restoration of a deteriorated, damaged or destroyed structure and continuance of a nonconforming use shall be subject to the following:
 - a. If a building or structure that contains a nonconforming use is allowed to deteriorate to a condition that the structure is rendered uninhabitable as determined by the building official and is not repaired or restored within one year after written notice to the property owner that the structure is uninhabitable, the nonconforming use will cease to be legal.
 - b. If a building or structure that contains a nonconforming use is voluntarily razed, or is required by law to be razed, the nonconforming use shall not be resumed.

- c. If a property owner has voluntarily demolished seventy five percent (75%) or more of the perimeter wall length and area dimensions of the exterior walls and/or total floor area of a structure, the structure shall not be restored.
- d. A nonconforming use may be restored when reconstruction is approved according to the provisions of 21A.34.020.M.1.a.
- e. If a building or structure that contains a nonconforming use is involuntarily destroyed in whole or in part due to fire or other calamity and the structure or use has not been abandoned, the nonconforming use may be resumed and the building or structure may be restored to the condition prior to the destruction, provided such work is reasonably pursued in a time frame determined by the building official after such calamity.

SECTION 10. Amending the text of Subsection 21A.38.050.G. That Subsection

21A.38.040.G of the Salt Lake City Code (Zoning: Nonconforming Uses and Noncomplying Structures: Noncomplying Structures) shall be, and hereby is amended to read as follows:

- G. Deterioration, Damage or Destruction of Noncomplying Structure: Restoration of a deteriorated, damaged or destroyed noncomplying structure shall be subject to the following:
 - 1. If a noncomplying structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable as determined by the building official and is not repaired or restored within one year after written notice to the property owner that the structure is uninhabitable, the noncomplying structure status will be lost and requires either complete demolition or compliance with the standards of the zoning district in which the structure is located.
 - 2. If a property owner or authorized representative voluntarily demolishes a noncomplying structure or the noncomplying structure is required by law to be razed, the structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located. Demolition of a noncomplying structure includes any act or process that destroys or removes seventy five percent (75%) or more of the perimeter wall length and area dimensions of exterior walls and/or total floor area of a structure.
 - 3. A noncomplying structure may be restored when reconstruction is approved according to the provisions of 21A.34.020.M.1.a.
 - 4. If a noncomplying structure is involuntarily destroyed in whole or in part due to fire or other calamity and the structure or use has not been abandoned, the structure may be restored to its original condition with respect to building footprint, setback, height and other noncomplying dimensional standards of the zoning district in which the structure is located, provided such work is started within one year, unless a longer time frame is approved by the building official, after such calamity.

SECTION 11. Amending the text of Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms) shall be and hereby is amended to add the following definitions, which shall be inserted in alphabetical order and shall read as follows:

RECONSTRUCTION (AS IT APPLIES TO PROPERTIES WITHIN THE H HISTORIC PRESERVATION OVERLAY DISTRICT): The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

SECTION 12. Adopting a “Reconstruction” fee in the Consolidated Fee Schedule. That the section of the Salt Lake City consolidated fee schedule titled, “Zoning Fees: Historic Landmarks Commission Review (Application)” shall be, and hereby is amended to add a new “Reconstruction” fee, which shall read as follows:

| Service | Fee | Additional Information | Section |
|----------------|------------|---|----------------|
| Reconstruction | \$2,982 | See also fee for required public notices (21A.10.010 E) | 21A.34.020 |

SECTION 13. Effective Date. This Ordinance shall become effective on the date of its first publication.

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

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2024.

Published: _____.
Ordinance for Work Without a COAv2

| |
|---|
| <p>APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>March 19, 2024</u> By: <u>Katherine Pasker</u> Katherine D. Pasker, <i>Senior City Attorney</i></p> |
|---|

2. CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2023-00336

| | |
|-------------------|---|
| May 1, 2023 | Mayor signed the petition initiation to address unlawful construction and demolition activities in the H Historic Preservation Zoning District Overlay. |
| May 5, 2023 | Petition assigned to Katia Pace, Principal Planner, for processing and research. |
| October 3, 2023 | Notice emailed to recognized organizations citywide. |
| October 10, 2023 | Proposed code changes posted to the Planning Division's webpage as an online open house. |
| November 1, 2023 | Petition re-assigned to Mayara Lima, Planning Manager-Zoning Administrator. |
| November 2, 2023 | Briefing with the Historic Landmark Commission. |
| November 8, 2023 | Briefing with the Planning Commission. |
| December 22, 2023 | HLC public hearing notice posted on City and State websites and Planning Division listserv. |
| December 29, 2023 | HLC Staff Report posted online and sent to the Historic Landmark Commission. |
| December 29, 2023 | PC public hearing notices were posted on City and State websites and at city library. |
| January 4, 2024 | PC Staff Report posted online and sent to the Planning Commission. |
| January 4, 2024 | HLC held the public hearing and forwarded a positive recommendation with modifications to City Council. |
| January 10, 2024 | PC held the public hearing and forwarded a positive recommendation to City Council. |
| January 11, 2024 | Ordinance corrections forwarded to the Attorney's Office. |
| March 19, 2024 | Ordinance returned from the Attorney's Office. |
| March 19, 2024 | Transmitted to CAN administration. |

3. NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering **Petition PLNPCM2023-00336** – Enforcement on work without a Certificate of Appropriateness – Mayor Erin Mendenhall has initiated a petition for a zoning text amendment to address unlawful construction and demolition activities in the H Historic Preservation Zoning District Overlay. The purpose of the petition is to protect historic resources, which includes designated local historic districts and local landmark sites. The text changes are aimed at adding enforcement tools to prevent and counter potential code violations and at establishing a clear process to remedy alterations or demolition that occur without approval. The proposed changes will affect Chapter 21A.34.020 and related provisions of Title 21A-Zoning.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing.

DATE:

PLACE:

**Electronic and in-person options.
451 South State Street, Room 326, Salt Lake City, Utah**

**** This meeting will be held via electronic means, while also providing an in-person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, including Zoom connection information, please visit www.slc.gov/council/virtual-meetings. Comments may also be provided by calling the 24-hour comment line at (801) 535-7654 or sending an email to council.comments@slcgov.com. All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Cassie Younger at 801-535-6211 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at mayara.lima@slcgov.com. The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “planning” tab and entering the petition number PLNPCM2023-00336.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

4. ADDITIONAL PUBLIC COMMENT

Lima, Mayara

From: cindy cromer [REDACTED]
Sent: Friday, January 5, 2024 6:53 AM
To: Lima, Mayara
Cc: Clark, Aubrey
Subject: (EXTERNAL) Fw: comment to Landmarks on 1/4/24; dropbox for the PC on 1/10

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Mayara-My remarks at HLC last night are below, very close to the way I delivered them. (I may have fumed briefly about the silos.)

Please submit the comments to the Dropbox for the Planning Commission's hearing next week. My comments in person on 1/10 will focus on the obstacles that I face as a landlord in historic districts and the tools that I need: TDRs and density bonuses. I will ask the Planning Commission to initiate a petition for TDRs. Soren Simonsen has identified 5 communities in Utah which already have TDRs. (I also need a reduction in property taxes for providing housing far below market rate.)

Onward with my thanks for an elegant piece of writing, cindy c.

To the Landmarks Commission
1/4/24
text amendment re COAs
From cindy cromer

I am not opposed to this proposal as part of a much larger set of changes regarding the maintenance of the City's historic districts. The short version is that this proposal is not enough, not nearly enough.

In the Central City Historic District, the obstacles to the effectiveness of this proposal include

- inaccuracies in the survey
- zoning, especially along the TRAX corridor, which is inconsistent with preservation
- the vast majority of residents are renters, unfamiliar with the regulations
- properties are changing ownership quickly, making the City's notification to owners less effective
- the buildings have a history of poor maintenance promoting partial and total demolition

Additionally, Citywide

- by complaint only doesn't work
- staff issue permits inappropriately
- different departments involved in enforcement operate in silos
- there is inadequate emphasis on the streetscape in the ordinance

What we need in addition to this proposal are

- data on the outcomes of enforcement, including cases before this Commission
- increased benefits for owners of contributory structures through density bonuses not linked to requirements for affordable housing
- implementation of transfer of development rights
- focus on compatible mass and scale for new construction after examining the relationship between base zoning and overlay zoning
- addressing so-called acts of God such as fires in vacant buildings God does not burn historic buildings.

Lima, Mayara

From: Mike Young [REDACTED]
Sent: Tuesday, January 9, 2024 8:49 AM
To: Lima, Mayara
Subject: Re: (EXTERNAL) Fwd: [Normandies] LHDs

Follow Up Flag: Follow up
Flag Status: Flagged

Yes, please forward it to the commission.

You can call it ignorance, but prior to my issue, I had received one postcard in 7 years of homeownership. The HLC/city need to do more to notify homeowners in historic districts of their obligations to the HLC. I've said it several times now, formal notice at the time of a home changing ownership would go a long way to prevent similar issues. The post cards that the city is now sending out once a year is inadequate.

Mike Young
[REDACTED]

On Jan 8, 2024, at 2:50 PM, Lima, Mayara <Mayara.Lima@slcgov.com> wrote:

Hi Mike,

You are certainly not the only one. The text amendment referenced below is related to enforcement of demolition without a COA and includes other violations. The standards apply regardless of a violation occurring due to ignorance or not. If you are interested in reviewing the proposal, see the staff report here: <https://www.slc.gov/planning/public-meetings/planning-commission-agendas-minutes/>.

Would you like me to forward your email for Planning Commission's review as part of the text amendment record?

Thank you,

<image001.png>

MAYARA LIMA | (She/Her/Hers)
Zoning Administrator & Planning Manager
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Mobile: (801) 808-2028
Email: Mayara.Lima@slcgov.com
WWW.SLC.GOV/PLANNING WWW.SLC.GOV

From: Mike Young [REDACTED]
Sent: Friday, January 5, 2024 4:40 PM
To: Lima, Mayara <Mayara.Lima@slcgov.com>
Subject: (EXTERNAL) Fwd: [Normandies] LHDs

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Mayara,

As a side note to the ongoing appeal, a neighbor sent me this. Clearly I'm not the only one that has had these types of violations. The city has neglected to adequately inform residents of the requirements to check with the HLC regarding alterations. In the meeting with the committee, I suggested the HLC provide formal notice to new home owners when they close on a home regarding the HLC and its presence, mission and authority. That suggestion seemed to fall on deaf ears. In the past two years, the city/HLC has sent out two small post cards that can easily be thrown away without a second thought. I want to again stress that the HLC needs to provide **formal notice**, once a home in the historic districts changes ownership. The once a year post card is completely inadequate. I'm sure the formal notice approach will be easy to implement, cost very little, and go much further to prevent these types of problems than the post card could ever do.

Best,

Mike Young
[REDACTED]

Begin forwarded message:

From: Katharine Biele [REDACTED]
Subject: [Normandies] LHDs
Date: January 5, 2024 at 12:33:58 PM MST
To: 'Harmony Young' via Normandies [REDACTED]
Reply-To: [REDACTED]

I haven't read this amendment, but I hope it addresses your frustration with the murky process:

2. Zoning Text Amendment for Enforcement on work done without a COA -

Mayor Erin Mendenhall has initiated a petition for a Zoning Text Amendment to address unlawful construction and demolition activities in the H Historic Preservation Overlay District. The purpose of the petition is to protect historic resources, which includes designated local historic districts and local landmark sites. The text changes are aimed at adding enforcement tools to prevent and counter potential code violations. It also aims to establish a clear process to remedy alterations or demolition that occur without a COA (Certificate of Appropriateness). The proposed changes will affect Chapter 21A.34.020 and related provisions of Title 21A-Zoning. (Staff Contact: Mayara Lima at 801-535-6141 or mayara.lima@slcgov.com) Case Number: PLNPCM2023-00336

--
Katharine Biele
[REDACTED]

--
You received this message because you are subscribed to the Google Groups "Normandies" group.
To unsubscribe from this group and stop receiving emails from it, send an email to [REDACTED]

To view this discussion on the web visit

