




CITY COUNCIL TRANSMITTAL


Rachel Otto (Dec 6, 2023 09:46 MST)

Rachel Otto, Chief of Staff

Date Received: 12/06/2023

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TO: Salt Lake City Council
Darin Mano, Chair

DATE: December 5, 2023

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



SUBJECT: General Plan and Zoning Amendments (Community Benefit and Tenant Displacement Ordinance)

STAFF CONTACT: Krissy Gilmore, Senior Planner, Kristina.Gilmore@slcgov.com, 801-535-7780

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council amend the text of the zoning ordinance as recommended by the Planning Commission.

BUDGET IMPACT: None. However, implementation of the amendments may require additional staff and resources.

BACKGROUND/DISCUSSION: This city-initiated petition is intended to implement policies identified in Thriving in Place to mitigate involuntary displacement due to development pressure. The proposed amendments are intended to prompt growth to benefit the community, prevent loss of naturally occurring affordable housing, and counteract displacement of current tenants. The updates include the creation of a new Title 19 General Plans and amendments to Title 21A.50 Amendments. Additionally, Title 18.97 Mitigation of Residential Housing Loss will be deleted and replaced with the community benefit policy in Title 19 General Plans and Title 21A.50 Amendments. Title 18.64.050 Residential Demolition Provisions will also be amended to include provisions to ensure that replacement of housing units that have a similar rent and unit size if housing is demolished.

PROPOSAL:

1) Title 19: General Plans

This proposal creates a new “Title 19 General Plans” which is the first such ordinance in the history of the city. The creation of Title 19 aims to establish clear and objective criteria for determining the necessity of general amendments, particularly in cases where property owners submit zoning map amendments exceeding recommended community plan densities within the general plan. It also outlines the required components for the general plan.

In situations where an amendment is likely to lead to the demolition of housing, Title 19 would require relocation assistance for displaced tenants and may necessitate property owners to replace demolished dwellings. In addition, Title 19 includes a community benefit policy, compelling property owners to provide benefits to the community when making a request for a general plan amendment.

Title 19 also expands the factors that the Planning Commission and City Council should consider when reviewing a general plan or zoning amendment. This includes specific language on evaluating the impacts of a request based on proximity to amenities and services, potential effects on city services, and the possibility of displacing residents and businesses.

2) 21A:50 Amendments

Chapter 21A.50 is proposed to be amended to include the same community benefit and displacement requirements to apply to text and zoning map amendments. The community benefit and tenant displacement sections will be similar in both Title 19 General Plans and in Title 21A.50 Amendments to ensure that all amendments being considered are using the same process and similar standards. This will help avoid discretionary decisions regarding the amendment process and establish an equitable process for the applicants, the city, the community, and all stakeholders.

3) Title 18: Buildings and Construction/ Housing Loss Mitigation

Changes to [Title 18.97 Mitigation of Residential Housing Loss](#) are also proposed. As part of the proposed changes, Title 18.97 will be deleted, and housing loss mitigation will be addressed through one of these methods:

- Title 19 General Plans (New Requirement): Requires a public benefit, tenant relocation assistance, and replacement of a demolished dwelling with a unit of similar bedroom count and rental rate.

The proposed amendments would:

- **Create a new Title 19: General Plans** that defines what a general plan is, the required plan contents, and when a plan amendment is required.
- Require a **community benefit analysis** for zoning or general plan amendments submitted by a property owner.
- Require the **replacement of demolished housing** units at a similar rent prior to demolition or a payment to the city.
- Establish a **tenant relocation assistance** policy.
- Establish **new review factors** for considering zoning and plan amendments related to displacement.
- **Require data on displacement** to be collected with zoning and plan amendments.

- 21A.50: Zoning Amendments (Replacing Existing Requirement from Title 18.97): Requires a public benefit, tenant relocation assistance, and replacement of a demolished dwelling with a unit of similar bedroom count and rental rate.
- Prohibition on expansions or new commercial parking lots that involve the demolition of a dwelling. This is being done as a separate proposal and is independent of this proposal.
- Removing Title 18.97 also triggers amendments to the demolition requirements in Title 18.64.050 Residential Demolition Provisions. Due to the removal of Title 18.97, Title 18.64.050 needs to be amended to ensure consistency in regulations.

4) Community Benefit Policy

The community benefit policy requires property owners to provide a community benefit when making a request for a general plan or zoning amendment. The policy includes specific criteria to evaluate the community benefit. Applicants are required to provide one or more of the following community benefits, along with demonstrating that the benefit would not otherwise be available without the proposed amendment:

- Housing: Provision of affordable or family-sized housing.
- Dedication of Publicly Accessible Open Space: Dedication of open spaces accessible to the public.
- Preservation of Critical Lands: Conservation or restoration of critical lands such as wetlands, river corridors, or wildlife habitats.
- Historic Building Preservation: Safeguarding historic structures not already protected against demolition.
- Support for Local Businesses: Inclusion of space for small businesses and charitable organizations within a development.
- Expansion of Public Infrastructure: Enhancement of public infrastructure beyond what's necessary for future development.

The proposed amendment includes 11 factors that the Planning Commission and City Council should consider when evaluating a suggested community benefit. These factors include assessing the appropriateness of the proposed community benefit in relation to the increase in development potential, potential strategies to counter displacement and its effects, and the probable impacts on city services and infrastructure. Any community benefit that is required as a condition of approval of the amendment(s) would be secured through a Development Agreement.

5) Replacement of Demolished Housing Units

Thriving in Place identifies the loss of naturally occurring affordable housing units as a concern that is being experienced in the city. To address this concern, if a proposed privately initiated general plan or zoning amendment is likely to result in the demolition of a housing unit, the City Council may require the petitioner to provide replacement of the dwelling within the new development at the same number of bedrooms. The applicant would choose to either limit the rental rate on the replacement dwelling to no more than a 3% annual increase on the rental rate for a period of 20 years, or they could make a

payment to the city in lieu of the rental rate restriction. The payment would be calculated by taking the unit rent prior to demolition and multiplying it by the number of months until a new Certificate of Occupancy is issued. For example, if the unit rent is \$1,000 per month prior to demolition and it takes 36 months for replacement unit to completed, the payment would be \$36,000.

6) Tenant Relocation Assistance

Tenant relocation assistance would help renters cover the cost of relocating when they are displaced by new development. The relocation assistance would include the following:

- Up to \$1500 in moving expenses.
- Replacement housing application fees.
- Deposit fees for the new place of residence.
- Rental assistance payment of the difference between the cost of the monthly rent of the demolished unit and a comparable unit. The total amount to not exceed \$7,200.

The property owner may propose to relocate the tenant to an alternative property that they also own. If this occurs, the tenant would not be eligible to receive payment for application fees or deposit.

7) Standards for General Plan and Zoning Amendments

The current consideration factors for general plan or zoning amendments do not address potential tenant displacement or the loss of affordable housing. Both proposed draft amendments to Title 19 and 21A.50 include new review factors that address these concerns. The goal of creating new consideration factors is to provide a clear and detailed analysis of the impact of the requested amendment to decision-makers.

8) Data Collection

Thriving in Place also identified a need for the collection of rental cost data for the purposes of analyzing displacement. This data is crucial to understand whether the demolished unit is considered affordable, and to track the loss of affordable or naturally occurring affordable housing. The city does not currently have a method of collecting this information from building permits or planning applications. To address this void of information, the amendments include more robust submittal requirements when making a general plan or zoning amendment application that include current information on housing unit rent and size.

PUBLIC PROCESS:

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

- July 20, 2023 – Planning Staff and Community and Neighborhoods Division representatives met with the Recognized Organization chairs to brief them on the proposal.
- August 31, 2023 – The project website was published and an email notification regarding the project was sent out to the Planning Division's listserv.

- September 5, 2023 – Recognized Organizations were sent the 45-day required notice for recognized community organizations.
- August 19 & 28 and October 4, 2023: In-person public open houses were held at the Sugarhouse Fire Station, the Sorenson Community Center, and the downtown Salt Lake City Library. The open houses were primarily used to explain the proposal and answer questions. Feedback was generally positive.
- August 25 & 26: Roundtable meetings with development community representatives to gather input.

Development Community Roundtables

The Mayor's Office hosted two development community roundtable meetings that allowed Planning Staff to introduce the amendments and obtain feedback. The development community raised concerns regarding the rental rate restriction on replacement units (proposed at no more than a 3% increase per year for 20 years). Their concern centered on cost implications and the unpredictability of such an extended timeframe. Multiple comments indicated a preference for an upfront fee as an alternative approach. This preference was both a desire to enhance cost predictability and to allocate the fee toward providing assistance to a greater number of people facing displacement. As a result, the draft was modified to allow a payment option in addition to the rental rate restriction option.

PLANNING COMMISSION REVIEW AND RECOMMENDATION:

The Planning Commission held a briefing on the proposed changes on October 11, 2023. The briefing was a public meeting, open to the public, and broadcast on SLCTV and on the city's YouTube live channel. The briefing was advertised by posting the agenda as required by the Utah State Code and City Code and emailed to those on the Planning Division email list.

The Planning Commission held a public hearing on November 8, 2023. The public hearing was posted as required by the Utah State Code and City Code, including posting a notice in a public location within the city that is reasonably likely to be seen by residents of the municipality. To comply with this requirement, notice was posted within three city libraries: the Main Library, Sprague Branch, and Marmalade Branch.

In addition to the input received during the open houses or at the development community roundtable meetings, three written comments were received that are included in the Planning Commission Staff Report. Comments focused on a concern that the proposal is too restrictive and may add unnecessary 'red tape' which could inhibit the production of housing. One public comment was received after the Planning Commission Staff Report was published and is included as Exhibit 5 of this memo.

The Planning Commission provided a positive recommendation on the proposed amendments with two additional recommendations, which are included in the attached ordinance. The Planning Commission recommends the following language be adopted by the City Council:

- Space for charitable organizations is considered as a potential community benefit.
- The word 'fee' is replaced with the word 'payment' when considering the option to allow a payment to the city in lieu of limiting the rental rate on replacement dwelling units. This was recommended by Planning Staff following additional consideration and counsel from the Attorney's Office.

Planning Commission Briefing Records

- a) [PC Agenda of October 11, 2023](#) (Click to Access)
- b) [PC Minutes of October 11, 2023](#) (Click to Access)
- c) [PC Briefing Staff Report of October 11, 2023](#) (Click to Access)

Planning Commission Public Hearing Records

- a) [PC Agenda of November 8, 2023](#) (Click to Access)
- b) [PC Minutes of November 8, 2023](#) (Click to Access)
- c) [PC Staff Report of November 8, 2023](#) (Click to Access Report)

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 202__

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

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

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 8, 2023 to consider a petition to amend various provisions of Title 18 and Title 21A and enacting a new Title 19 of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2023-00535; and

WHEREAS, at its November 8, 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, 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 18.64.050. That Section 18.64.050 of the *Salt Lake City Code* (Demolition: Residential Demolition Provisions) shall be, and hereby is amended as follows:

18.64.050: RESIDENTIAL DEMOLITION NOTICE:

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

1. Information about the demolished property as required by the city, including the number of dwelling units and respective number of bedrooms, and the amount of rent

charged in the year prior to the demolition, and the level of affordability if the rent is a below market rate.

2. Notice that the future development of the property may have specific development requirements under city code, including without limitation the requirements identified in Title 19 and Section 21A.50.050.

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

~~CHAPTER 18.97~~
~~MITIGATION OF RESIDENTIAL HOUSING LOSS~~

~~18.97.010: PURPOSE:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1.——Request By Petitioner For Flat Fee Consideration: In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market~~

value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the department of community and neighborhoods as provided below. A judgment as to whether deterioration has occurred as the result of deliberate indifference shall be based on a preponderance of evidence.

2. ~~Required Facts Of Natural Deterioration/Increase Fair Market Value Of Units To Be Demolished:~~ The petitioner may submit to the director of the department of community and neighborhoods every fact known to support the proposition that the residential dwelling units were not purposely allowed to deteriorate by lack of reasonable maintenance, ordinary and prudent repairs, or other acts or omissions to act. The value of the unit(s) targeted or proposed for demolition may be increased to the fair market value that the units would have, if each unit was in a state of habitability and minimally meeting applicable building codes and other applicable law, excluding land value. This enhanced value will then be applied in thus computing any housing mitigation payment provided in subsection B of this section.

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

18.97.040: HOUSING MITIGATION JUSTIFICATION TO COUNCIL:

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

B. ~~Report To Planning Director On Conditional Use Permit Petitions:~~ In the event of a conditional use permit, said report shall be submitted to the city's planning director. The report shall be duly evaluated, considered and included in the decision regarding any conditional use permit. The planning director, or designee, shall memorialize, in writing, the factual basis supporting any decision dealing with the housing mitigation component of any such conditional

use permit and include this finding and evaluation in the file for due consideration should there be an appeal relating thereto.

~~C. — Report To Housing Advisory And Appeals Board: A housing mitigation plan required under chapter 18.64, "Demolition", of this title shall be considered by the housing advisory and appeals board as provided in such chapter. The director of the department of community and neighborhoods shall prepare a report justifying the method of housing mitigation recommended by the director, including the factual basis upon which it is premised and a factually based justification for the recommendation. This report shall be submitted to the housing advisory and appeals board in sufficient time for its deliberation concerning the advisability of effectuating the petitioner's request for a demolition permit. The petitioner may, likewise, submit its proposal and the factual and legal justification for mitigation, if any, or why the director's recommendations are appropriate or should be modified. The board shall include in its evaluation an evaluation of the adequacy of the housing loss mitigation plan, proposed by the petitioner and that recommended by director of the department of community and neighborhoods.~~

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

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

SECTION 3. Enacting the text of *Salt Lake City Code* Title 19. That a new Title 19 of the *Salt Lake City Code* (General Plans) is hereby enacted as follows:

TITLE 19 GENERAL PLANS

19.02 Title, Purpose, Authority, and General Plan Defined
19.04 General Plan Requirements
19.06 Process for General Plans and Amendments
19.08 Appeals
19.10 Definitions

CHAPTER 19.02 TITLE, PURPOSE, AUTHORITY AND GENERAL PLAN DEFINED

19.02.010: TITLE:

This title shall be known, cited, and referred to as the General Plans Ordinance of Salt Lake City. All references to the various parts of this title shall be considered as references to corresponding numbers, sections, and chapters.

19.02.020: AUTHORITY:

The city council of Salt Lake City adopts this title pursuant to the Municipal Land Use Development and Management Act, title 10, chapter 9a, of the Utah Code or its successor, and such other authorities and provisions of Utah statutory and common law that are relevant and appropriate.

19.02.030: PURPOSE:

The purpose of this title is to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, chapter 9a, of the Utah Code or its successor. This title is also intended to:

- A. Define the general plan of the city, including the required and desired elements that collectively establish the general plan of the city.
- B. Provide guidance on the future growth of the city.
- C. Assist in consideration of decisions to amend sections of city code that relate to the development of land.
- D. Identify issues that may arise as the city changes over time, including projections related to population growth, housing, natural resource consumption and availability, air quality, water quality, protection of sensitive lands, and access to necessary services and amenities to maintain quality of life.
- E. Establish a process for adopting and amending any aspect of the adopted general plan.

19.02.040: GENERAL PLAN DEFINED:

The general plan of Salt Lake City consists of the following plans:

- A. Plan Salt Lake or its successor as the overarching vision plan for the city.
- B. Element Plans: The following types of plans are considered element plans and are part of the general plan:

1. Community plans and associated corridor, small area, station area, or block plans, as the land use plans for the city, that include a future land use map or description of future development characteristics that provide direction for future changes to the zoning code.
 2. Any adopted moderate income housing plan that includes policies related to housing.
 3. Transportation Plan, including any plan that guides future decision making regarding any aspect of the transportation network in the city.
 4. Public Lands and/or Open Space Plans, including any plan that includes policies for the creation or expansion of parks, trails, natural lands, or other public spaces.
 5. Historic Preservation Plan, including any plan that guides future decision making regarding the preservation of historic buildings, structures, and places.
 6. Water Use and Preservation Plan and any other plan regarding the future use or conservation of water.
 7. Any other plan that is determined necessary to carry out the purpose of this chapter and the purpose of Utah Code 10-9a part 4 or its successor.
- C. Separate Plans: The city council may adopt separate, individual plans to collectively fulfill the general plan requirements of Utah Code 10-9a part 4.
- D. Implementation Plans: Plans created by the city to implement the general plan, manage improvements to existing public lands, or construct existing public facilities are not considered to be an element of the general plan and are not subject to the adoption processes required by this title. Implementation plans required in Utah Code to be part of the general plan are subject to the adoption process required by Utah Code and this title.

19.02.050: LINKING PLANS:

If separate plans are adopted, each separate plan should indicate how the plan relates to the other plans.

19.02.060: EFFECT OF ADOPTED GENERAL PLAN:

- A. All general plans recommended by the planning commission and adopted by the city council, or for an area of the city, shall serve as an advisory guide for:
1. Amendments to Title 21A, including amendments to the zoning map.
 2. Decisions related to the allocation of resources related to the development of land.
 3. Decisions related to processes or applications identified in Titles 20 Subdivisions and 21A Zoning as indicated in those titles.
- B. Complying with any portion of a general plan shall be required when specified in Title 20 Subdivisions or Title 21A Zoning.
- C. Public Uses to Conform to General Plan: After the city council has adopted a general plan, no dedicated street, park, or other public way, ground, place, or space, no publicly owned

building or structure, and no public utility, whether publicly or privately owned, may be constructed, or authorized until and unless it conforms to the current general plan.

1. A public use is considered to conform to the general plan when:
 - a. The use is consistent with the designation on the future land use map; or
 - b. The use is described in specific policies within the general plan or general plan elements.
2. The future land use map shall take precedence over any policy within the general plan when determining if a public use conforms to the general plan.

CHAPTER 19.04 GENERAL PLAN REQUIREMENTS

19.04.010: GENERAL PLAN REQUIRED:

The general plan of Salt Lake City shall include the entirety of the city as required by the Utah Code Municipal Land Use Development and Management Act, title 10, chapter 9a, of the Utah Code or its successor.

19.04.020: REQUIRED ELEMENTS:

The general plan is required to include elements and components as required by Utah Code 10-9a-403 or its successor and any other applicable section of state code. The general plan may also include any elements that are deemed necessary by the city to address the purposes identified in this title.

19.04.030: ROLE OF PLAN SALT LAKE:

Plan Salt Lake, or its successor, shall establish the purpose and goals of the general plan. All other elements that collectively comprise the city's general plan shall identify how the plan aligns with Plan Salt Lake and establish specific policies to achieve the purpose and goals of the general plan.

CHAPTER 19.06 PROCESS FOR GENERAL PLANS AND AMENDMENTS

19.06.010: PURPOSE:

The purpose of this chapter is to establish the minimum process requirements for:

- A. Adopting a new general plan or element;

- B. Adopting comprehensive updates to a general plan or element; and
- C. Amendments to existing plans proposed by a property owner.

19.06.020: INITIATION:

The creation of a new plan, a comprehensive update to an existing plan, or an amendment to an existing plan may be initiated by:

- A. The mayor, by signing a document to initiate the process;
- B. The city council, following the policies adopted by the council for such action; or
- C. A property owner or the owner's designee when the amendment relates to the owner's properties. A property owner may only submit a petition to amend the general plan as it pertains to property that they own.
- D. The planning commission may make a recommendation to the mayor or city council to initiate an amendment to an existing plan.

19.06.030: WHEN REQUIRED:

A petition to amend or modify the adopted general plan shall be required as described in this section. The planning director shall determine if a petition to amend a general plan is required based on the guidance in this section.

- A. New Plans and Comprehensive Updates: Petitions for a new general plan or a comprehensive update to an existing general plan are at the discretion of the city council or mayor.
- B. Annexation Petitions: The below standards apply to petitions for annexation into Salt Lake City.
- C. Property Owner Petitions: The below standards apply to petitions made by a property owner or owner's designee, including the city when a petition is property specific.
 - 1. Petition Required: A petition to modify the general plan shall be required in the following instances:
 - a. Zoning Amendment: A petitioner is proposing a zoning amendment that includes an increase in the recommended density, scale, or intensity identified in the applicable future land use map or in the description of the desired future development characteristics found in the land use element of the general plan.

- b. **Specific Property:** A petitioner is requesting to change the future land use map designation or description of the desired future development characteristics found in the land use element of the general plan that pertains to a specific property.
 - c. **Public Facility or Space:** A request that involves altering an identified transportation or public facility, building, open space, or other public space that is identified in the plan, for the purpose of expanding the petitioner's land or development right.
 - d. If the general plan does not describe the recommended density, land use intensity, or scale of development, any petition to change the zoning of the property shall include a petition to modify the general plan.
2. **Petition Not Required:** A petition to modify a general plan is not required in any of the following instances.
- a. The future land use map or a policy in an adopted plan specifically identifies privately owned land for future public use and the current zoning district of the property substantially interferes with the use of the property.
 - b. The petition satisfies one of the following criteria:
 - i. A proposed zoning amendment includes a zoning designation that is generally consistent with either the future land use map or description of the desired future development characteristics found in the land use element of the general plan. To be considered consistent, the proposed zoning amendment shall fit within the recommended density, land use, land use intensity, and scale of future development identified in an applicable plan.
 - ii. A proposed zoning amendment includes a proposal to provide affordable housing that is consistent with the identified need for affordable housing in any housing plan adopted by the city or with any affordable housing policy within the general plan as defined in 19.02.040.
 - c. When a petition for a general plan amendment is not required, a petition to amend Title 21A shall follow the process outlined in 21A.50.

19.06.040: PROPERTY OWNER INITIATED PETITION REQUIREMENTS:

After a petition has been submitted by a property owner to amend the general plan, the following steps, at a minimum, shall be required.

- A. **Petition Requirements:** The petitioner shall submit a petition for an amendment to the general plan on a form approved by the zoning administrator and pay all required fees as shown on the Salt Lake City consolidated fee schedule. The petition shall include the following information:
 - 1. Legal description, address, and property tax identification number of the properties that are the subject of the proposed petition.

2. Contact information, including address, phone, and email of the property owners or the property owner's authorized representative.
3. Property owner signature or signed acknowledgment authorizing a designee to submit the petition.
4. A description of the proposed modification to the general plan, including any changes to the future land use map, future land use designation, or description of scale and density/intensity of the proposed change. Any proposed amendment to the text of the plan shall include the exact proposed text and changes that are proposed in a strike and underline format.
5. Maps that show the current use of the subject property and adjacent properties.
6. When the property that is subject to the petition contains residential uses, the following information must be provided:
 - a. The current number of dwellings or any other residential use and any number of dwellings that have been demolished in the past 36 months.
 - b. The square footage and number of bedrooms for each dwelling unit;
 - c. The current cost of rent and the cost of rent for the previous 36 months;
 - d. The total number of households and people residing on the property.
7. When a property contains nonresidential uses, the following information must be provided:
 - a. Details on the nature of the existing and prior use for the past 10 years or, if 10 years of records are not available, for as long as the current owner has records of the use of the property;
 - b. Square footage of the leasable area;
 - c. Detailed list of current or prior occupants;
 - d. The current cost to lease and the cost to lease for the previous 36 months.
8. A written general description of any future development that is planned for the property including the anticipated use, density, scale of development, timing of development, and any additional land use applications that may be required to develop the site.
9. A written description regarding the proposed community benefit identified in 19.06.070.B. The description shall adequately describe the necessary details to demonstrate that the proposed community benefit is roughly proportionate to the potential increase in development right if the proposed amendment were to be adopted.
10. The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10. Application and noticing fees for petitions filed by the city council, planning commission or the mayor shall not be required.

B. Process: A petition is subject to the following process:

1. Determining if Application is Complete: After the petition is submitted and fees are paid, the planning director shall review the materials submitted with the petition to determine if

all required materials have been submitted. If a required item is missing or deficient, the petitioner shall be notified of the deficiency and be given 30 days to submit the missing information or correct the deficient material. If not submitted within 30 days, the petition may be considered withdrawn and closed. A refund of any required fees will be provided minus the cost to review the petition for completeness.

2. Notice to Neighbors and Recognized Community Organizations: After the application is found to be complete, a notice shall be sent to all neighbors and recognized community organizations as required by Section 21A.10.015. The notice shall include a minimum of 45-day public input period and any information required for public notice by Utah Code 10-9a or its successor and by this title.
3. Applicant Presentation to the Community: The petitioner shall arrange for a public presentation of the proposal to the recognized community organization when the subject property is within a defined boundary of the recognized community organization. The presentation shall occur after the notice has been sent to the neighbors and recognized organization. The petitioner is responsible for presenting the proposal.
4. Additional Public Input: The planning director may extend the public input period based on the level of controversy, or changes to the petition made by the applicant that include a future land use designation that increases the recommended densities or development intensity beyond the original request.
5. Early Planning Commission Public Hearing: The planning director may schedule a public hearing to be held with the planning commission within the 45-day public notice period required by this Title. If a public hearing is held within 45 days, the planning commission shall continue the public hearing to a future date that is after the required 45-day public input period required by this title.
6. Planning Commission Public Hearing: Prior to making a recommendation to the city council to consider a petition to amend the general plan, the planning commission shall hold a public hearing after the 45-day noticing period ends. All Planning Commission public hearings shall be noticed in accordance with Utah Code and in accordance with Chapter 21A.10.020.

19.06.050: CITY INITIATED PETITION REQUIREMENTS:

This section applies to city-initiated petitions proposing new general plans or comprehensive updates to existing general plans. This section does not apply to petitions subject to 19.06.040. A petition to adopt a new general plan, or comprehensive update to a general plan, that is initiated by the mayor or city council shall include at a minimum the following procedural steps:

- A. Development of a written purpose and need statement that explains why the plan or amendment is being considered.
- B. Creation of a work plan that includes at a minimum the following information:
 1. Public engagement plan that provides multiple opportunities for the community and city boards or commissions to be included in determining how the plan can achieve the vision in Plan Salt Lake and purposes of this section.

2. Identification of key points in the process for city council, mayor, and planning commission review and input regarding the progress, direction, and general content of the plan.
 3. The necessary steps to comply with the legally established adoption process.
 4. Identification of resources needed to create and adopt the plan or comprehensive update.
 5. A timeline for the project that is based on the available resources and steps necessary to adopt the plan or comprehensive update.
- C. Notice of intent to prepare a general plan or comprehensive update to the general plan shall be sent to the affected entities as required by Utah Code 10-9a-203 or its successor as well as posted on the city website and sent to all registered recognized organizations.
- D. After a complete public draft of a plan is created, the following steps shall be followed:
1. A minimum review time of 45 days shall be provided for the community to provide input on the plan that complies with the notification requirements of 21A.10.015 or its successor.
 2. A minimum of one public hearing before the planning commission. The public hearing shall comply with all public notice requirements required under Utah Code.
 3. The historic landmark commission may make a recommendation for the city council to adopt, amend and adopt, or deny the proposed plan after a public hearing when the general plan amendment impacts an H Historic Preservation Overlay District.
 4. The planning commission shall make a recommendation for the city council to adopt, amend and adopt, or deny the proposed plan after a public hearing.
 5. The city council shall hold a public hearing prior to making a final decision regarding a proposed general plan or amendment to the general plan.

19.06.060: REQUIRED NOTICE:

A petition submitted under this title is subject to the following public notice procedures:

- A. City Code: Public notice shall be provided as required by 21A.10.020.
- B. State Code: Public notice shall be provided as required by Utah Code 10-9a-203 and Utah Code 10-9a-204, or their successors, as applicable.

19.06.070: FACTORS TO CONSIDER FOR AMENDMENTS TO THE GENERAL PLAN:

The intent of this section is to establish a list of factors that the planning commission and city council should consider when evaluating a proposed plan or plan amendment. Each factor should be considered with the understanding that not all factors will be applicable to all petitions.

- A. If an amendment is approved by the city council, no certificate of occupancy shall be issued until the property owner demonstrates compliance with the council approval, an applicable development agreement, and this chapter if required by the approval.
- B. Consideration Factors: In reviewing a proposal to modify the general plan, the planning commission and city council should consider, but are not limited to, the following factors:
 - 1. Whether the proposal is consistent with citywide policies.
 - 2. Whether the proposal is consistent with the goals, policies, or implementation actions of the general plan, including applicable element plans.
 - 3. Whether significant change has occurred that warrants the creation of a new plan or an update to an adopted plan.
 - 4. Whether the goals, policies, or implementation actions of the plan to be amended have been achieved, are no longer relevant to or capable of addressing the current issues or needs of the neighborhood or the city, or are no longer aligned with policies in citywide plans.
 - 5. For petitions submitted by a property owner, the extent, effectiveness, and proportionality of the public benefit proposed by the petitioner to the increase in development potential if the proposal were to be adopted by the city council.
 - 6. The potential for displacement of people who reside in any housing that is within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.
 - 7. The potential for displacement of any business that is located within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.
 - 8. The potential impacts to properties in the immediate vicinity of the proposal.
 - 9. The potential impacts on the city to provide safe drinking water, storm water, and sewer to the property based on the additional development potential of future development.
 - 10. The potential impacts to public safety resources created by the increase in development potential that may result from the proposed amendment.
 - 11. The potential impacts to any other city service, infrastructure, or resource that may be impacted by the increase in development potential that may result from the proposed amendment.
- C. Community Benefit Requirement. Each petition that is initiated by a private property owner shall identify the community benefit(s) provided by the proposal that would not otherwise be provided without the amendment as provided for in this section.
 - 1. The proposed public benefit(s) shall be from one or more of the following categories:
 - a. Providing housing that aligns with the current or future needs of the community as determined by the general plan. Needs could include the level of affordability in excess of the number of dwellings that exist on the site, size in terms of number of bedrooms, or availability of housing for purchase.
 - b. Providing commercial space for local businesses or charitable organizations.
 - c. Providing a dedication of public open space.

- d. Providing a dedication or other legal form of protection from future development of land that is adjacent to a river, creek, wetland, floodplain, wildlife habitat, or natural lands.
 - e. Preserving historic structures.
 - f. Expanding public infrastructure that expands capacity for future development.
2. The proposed community benefit may be evaluated based on the following, if applicable:
- a. For proposals that are intended to increase the housing supply, the level of affordability of the additional density that may be allowed if the proposal were to be adopted;
 - b. The percentage of space allocated to commercial use compared to the total ground floor area that could be developed on the site;
 - c. The size of the public open space compared to the total developable area of the lot, exclusive of setbacks, required landscaped yards, and any open space requirement of the proposed zoning district;
 - d. The relative size and environmental value of any land that is to be dedicated;
 - e. The historic significance of the structures proposed to be preserved;
 - f. The amount of development that could be accommodated due to the increase in public infrastructure capacity compared to the general need for the area;
 - g. The input received related to the community benefit during the 45-day engagement period.
 - h. Policies in the general plan that support the proposed community benefit;
3. The planning commission may make a recommendation to the city council regarding accepting the proposed public benefit.
4. The city council has final authority regarding requiring a public benefit. The city council may accept the proposed public benefit, modify the benefit, require a different public benefit, or waive the public benefit based on the merits of the proposal.
5. Any future development where a public benefit is required shall be subject to a development agreement to ensure that the agreed upon public benefit is provided prior to a certificate of occupancy being issued for any building within the future development.
6. A violation of the development agreement that includes not providing the agreed to public benefit shall require the property owner to pay a fine that is equal to the fair market value of the public benefit in the development agreement plus the fines identified in 21A.20.040.
- D. Displaced Tenant Resulting from Demolition of Housing: If a proposed amendment submitted by a property owner includes the likely demolition of any dwelling, the city council may require the petitioner to provide relocation assistance for the current tenant(s), or a replacement dwelling as required by this section for each demolished dwelling within a future development.
1. This subsection may be applied by the city council when a proposal for a property owner initiated general plan amendment is likely to result in an existing housing unit being

demolished due to the increase in development rights that may result from the proposed amendment.

2. For the purpose of this section, any term that is used in the singular shall be interpreted to include the plural of the term.
3. A petitioner may not terminate a lease or evict a tenant for the purpose of evading the obligation to provide tenant relocation assistance and other requirements set forth in this section.
4. Tenant Relocation Assistance: When a petition is likely to result in the demolition of a dwelling unit, the property owner may be required to provide the tenant with relocation assistance to supplement the costs of leasing a comparable replacement dwelling. The rental relocation assistance includes the following:

- a. Moving expenses based on a reasonable estimate provided by the tenant, up to a maximum of \$1,500.
- b. Application fees for the replacement housing.
- c. The deposit that the displaced tenant would have to pay to secure replacement housing.
- d. Monthly Rental Assistance payment. The rental assistance payment is based on the difference, if any, between the cost of the monthly rent of the demolished housing and a comparable unit. The rental payment total amount paid shall not be more than \$7,200.
- e. If the property owner relocates the displaced tenant into an existing unit that is owned by the applicant within Salt Lake City at the same rental rate that the displaced tenant was paying and without an additional applicant fee or deposit, then paragraphs b, c, and d above do not apply.
- f. Any and all payments should be received by the tenant 24 hours in advance of leaving the unit to be demolished.
- g. Tenant Relocation Assistance Exemptions: If the project is receiving identified federal funds and subject to the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, 42. U.S.C 4601-4655, The relocation assistance rules for the developer/tenant under that act will govern and the tenant relocation assistance outlined in this section will not apply. The developer shall inform the city if they are subject to URA and details of assistance to be provided. Tenants who receive tenant relocation assistance from this section are not eligible to receive relocation benefits from the city.

E. Demolished Unit Replacement. The future development may be required to replace the demolished housing unit within the new development. The replacement housing unit shall have the same number of bedrooms. In addition, the applicant shall propose one of the options listed in this section. The city council has the authority to waive or modify this requirement.

1. The replacement unit shall be rented at the same amount as the demolished unit with no more than a 3% annual increase on the rental rate for a period of 20 years.
2. The applicant may propose a payment to the city in lieu of the rental restriction on the new unit to go toward the city's housing fund to offset the loss of affordable housing. The

payment shall be equal to the monthly rent of the unit prior to demolition multiplied by the number of months between the time the unit is vacated prior to demolition until a certificate of occupancy for the replacement dwelling is issued.

- F. If a housing unit is demolished or neglected to the point of being uninhabitable at any time during the five years prior to a petition for a plan amendment being submitted or is placed on the city's boarded building inventory, the city council may require this section to apply to tenants that were displaced by the demolition or require the tenant relocation amount to be paid to the city for the purpose of other tenant relocation assistance.

19.06.080 DEVELOPMENT AGREEMENTS:

The petitioner may be required by the city council to enter into a development agreement as indicated in this section.

- A. The city council may consider applying requirements through an appropriate legal agreement with a petition for a zoning amendment when the city council determines that such an agreement is necessary to increase the benefit of the proposed zoning amendment and/or to address potential impacts to city services, surrounding land uses, public safety, and the health of current and future residents, business owners, and visitors to the city. The agreement may modify any applicable requirement of this title provided the modification was proposed to and considered by the planning commission as required for any zoning amendment. Agreements that constrain the development potential or land uses of the subject property compared to what is authorized in the proposed zoning district are not required to be reviewed by the planning commission prior to consideration of the agreement.
- B. The petitioner shall enter into a development agreement with the city if the city council requires any or all of the following: a community benefit, tenant relocation assistance, or replacement of demolished housing units. The development agreement shall include the following information.
 - 1. The details of the public benefit, relocation assistance, timeline for replacement of demolished units, fee payment requirements or installments, or any other requirement of the city council in sufficient detail to ensure that the requirements of the development agreement can be administered and enforced for the life of the agreement.
 - 2. Direction regarding how the development agreement will be enforced, including necessary notice of any violation, a timeframe for curing the violation, penalties for any violation that may be assessed if the violation is not cured, and any other necessary provisions to ensure that the agreement is followed.
 - 3. The timeframe that the development agreement shall be effective and a provision that automatically terminates the development agreement after the timeframe expires.
 - 4. The development agreement shall be recorded on the title of the property with the Salt Lake County Recorder as well as on the title of any other property that is part of the approved community benefit, tenant relocation assistance, or other requirement imposed by the city council.

19.06.090: EFFECT OF ADOPTION:

The adoption of a plan or modification to a plan shall establish applicable policies related to the subject matter of the plan and may be used as a guide in making decisions related to any component of the plan as required by state code or elsewhere in this title.

19.06.100: LIMITATIONS:

A petition to amend any aspect of the city's general plan is subject to the following limitations:

- A. If the petitioner chooses to modify a petition after the planning commission has made a recommendation, the petitioner may withdraw the application and submit a new application, including fee, and start a new process as required by this chapter.
- B. A modification by the applicant to a petition in a manner that increases the density or development potential in relationship to the original proposal prior to the planning commission recommendation shall start the public engagement process over.
- C. No application for a general plan amendment shall be considered by the city council or the planning commission within one year of a final decision of the city council upon a prior application covering substantially the same subject or substantially the same property. This provision shall not restrict the mayor, the city council, or the planning commission from proposing any general plan amendments at any time.
- D. A petition that is withdrawn for reasons other than those listed in this section and before the first public hearing is held shall be closed with no action. Once a petition is closed after it is withdrawn, it cannot be reopened, and a new application will be required.

19.07: APPEALS:

An appeal of final decisions related to general plan amendments made by the city council may be appealed in accordance with Utah Code. Recommendations from the planning commission, the administration of the city, or any other entity are advisory in nature and not subject to appeal.

19.08: DEFINITIONS:

All terms used in this title shall be as defined in Utah Code 10-9a or Title 21A. Definitions in Utah Code 10-9a will take precedence followed by Title 21A. Any term not defined in Utah Code 10-9a or in Title 21A shall be as defined in Merriam-Webster online dictionary.

SECTION 4. Amending the text of *Salt Lake City Code* Chapter 21A50. That Chapter

21A.50 of the *Salt Lake City Code* (Amendments) shall be, and hereby is amended as follows:

21A.50.010: PURPOSE STATEMENT:

The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

21A.50.020: AUTHORITY:

The text of this title and the zoning map may be amended by the passage of an ordinance adopted by the city council in accordance with the procedures set forth in this chapter. Applications related to H Historic Preservation Overlay District or Landmark Sites are subject to the procedures in Chapter 21A.51, Local Historic Designations and Amendments.

21A.50.030: INITIATION:

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, the city council, the planning commission, or the owner of the property included in the application, or the property owner's authorized agent.

21A.50.040: PROCEDURE:

An amendment to the text of this title or to the zoning map initiated by any of the methods described in Section 21A.50.030 of this chapter shall be processed in accordance with the following procedures:

- A. Petition Required: A petition shall be made to the zoning administrator on a form or forms provided by the zoning administrator, which shall include at least the following information:
 - 1. Contact information, including address, phone, and email of the property owners or the property owner's authorized representative;
 - 2. Legal description, address, and property tax identification number of the properties that are the subject of the proposed petition;
 - 3. Property owner signature or signed acknowledgment authorizing a designee to submit the petition.;
 - 4. A description of the proposed modification to the zoning map and justification for the proposal. Any proposed amendment to the text of this code shall include the exact text and citation of the proposed location within the zoning ordinance. Text that is proposed

to be added shall be underlined and text that is proposed to be deleted shall be shown with a strikethrough line.

5. Maps that show the current use of the subject property and adjacent properties.
 6. For residential properties, the following information must be provided:
 - a. The current or prior number of dwellings;
 - b. Square footage and number of bedrooms for each dwelling unit;
 - c. The current cost of rent and the cost of rent for the previous 36 months;
 - d. The total number of people residing on the property.
 7. For nonresidential properties, the following information must be provided:
 - a. Details on the nature of the existing and prior use;
 - b. Square footage of the leasable area;
 - c. Detailed list of current or prior occupants;
 - d. The current cost to lease and the cost to lease for the previous 36 months.
 8. A written general description of any future development that is planned for the property including the anticipated use, density, scale of development, timing of development, the anticipated impact to existing land uses and occupants of the land subject to the proposal, and any additional land use petitions that may be anticipated to develop the site. Visual renderings and basic site plans may be provided by the applicant.
 9. A written description regarding any proposed community benefits, as identified in 21A.50.050.C. The description shall adequately describe the necessary details to demonstrate that the proposed community benefit is roughly proportionate to the potential increase in development right if the proposed amendment were to be adopted.
- B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by Chapter 21A.10 of this title. Application and noticing fees filed by the city council, planning commission or the mayor shall not be required.
- C. Determination of Completeness: After the petition is submitted and fees are paid, the planning director shall review the materials submitted with the petition to determine if all materials have been submitted. If a required item is missing or deficient, the petitioner shall be notified of the deficiency and be given 30 days to submit the missing information or correct the deficient material. If not submitted within 30 days, the petition may be considered withdrawn and closed. A refund of any required fees will be provided minus the cost to review the petition for completeness.
- D. Public notice and process shall follow the requirements of 21A.10 and as required in Utah Code Chapter 10-9a.
- E. Staff Report: A staff report evaluating the amendment application shall be prepared by the planning director and shall contain at least the following information:

1. An analysis of any factors to be considered found in this title.
 2. A discussion regarding input received from the public.
 3. Input from other city departments or entities who have provided comments related to the proposal.
- F. Planning Commission Public Hearing: The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title. The following provisions apply for petitions to amend the zoning map that are requesting to apply the Homeless Resource Center Overlay District:
1. The planning commission may hold a public hearing during the required 45-day public notification period required in Section 2.60.050 of the Salt Lake City Code for zoning map amendments to apply the Homeless Resource Center Overlay District. No recommendation shall be made by the planning commission during the 45-day notification period.
 2. During the 45-day public notification period, the petitioner shall arrange an opportunity for people who are experiencing homelessness to provide input on the proposed location of the Homeless Resource Center Overlay District.
 3. Notice of the public hearing shall be sent via first class mail to property owners and tenants within 450 feet of the proposed boundaries of the petition to map the Homeless Resource Center Overlay District.
 4. The petition shall be scheduled for a recommendation from the planning commission at the first regularly scheduled commission meeting following the end of the 45-day notification period.
- G. Planning Commission Decision: Following the public hearing, the planning commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the city council.
- H. City Council Hearing: The city council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in Chapter 21A.10, “General Application and Public Hearing Procedures”, of this title within 90 days of receipt of the administration’s transmittal.
- I. City Council Decision: Following the hearing, the city council within a reasonable time frame may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be zoned to a different classification than was contained in the public notice.

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard.

A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the applicable purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.
5. The impact that the proposed text amendment may have on city resources necessary to carry out the provisions and processes required by this title.
6. The impact that the proposed text amendment may have on other properties that would be subject to the proposal and properties adjacent to subject properties.
7. The community benefits that would result from the proposed text amendment, as identified in 21A.50.050.C.

B. In making a decision to amend the zoning map, the city council should consider the following:

1. Whether a proposed map amendment is consistent with and helps implement the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed map amendment furthers the applicable purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect adjacent and nearby properties due to the change in development potential and allowed uses that do not currently apply to the property;
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. The potential impacts on the city to provide safe drinking water, storm water, and sewer to the property and other properties based on the additional development potential of future development including any impact that may result in exceeding existing or planned capacities that may be located further away from the subject property.
6. The status of existing transportation facilities, any planned changes to the transportation facilities, and the impact that the proposed amendment may have on the city's ability, need, and timing of future transportation improvements.
7. The proximity of necessary amenities such as parks, open space, schools, fresh food, entertainment, cultural facilities, and the ability of current and future residents to access these amenities without having to rely on a personal vehicle.
8. The potential impacts to public safety resources created by the increase in development potential that may result from the proposed amendment.

9. The potential for displacement of people who reside in any housing that is within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.
10. The potential for displacement of any business that is located within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.
11. The community benefits that would result from the proposed map amendment, as identified in 21A.50.050.C.

C. Community Benefit. Each petition for a zoning amendment that is initiated by a private property owner shall identify a community benefit(s) provided by the proposal that would not otherwise be provided without the amendment as provided for in this section.

1. The proposed community benefit(s) shall be within any of the following categories:
 - a. Providing housing that aligns with the current or future needs of the community as determined by the general plan. Needs could include the level of affordability in excess of the number of dwellings that exist on the site, size in terms of number of bedrooms, or availability of housing for purchase;
 - b. Providing commercial space for local businesses or charitable organizations;
 - c. Providing a dedication of public open space;
 - d. Providing a dedication or other legal form of protection from future development of land that is adjacent to a river, creek, wetland, floodplain, wildlife habitat, or natural lands;
 - e. Preserving historic structures;
 - f. Expanding public infrastructure that expands capacity for future development.
2. The proposed community benefit may be evaluated based on the following, if applicable:
 - a. For proposals that are intended to increase the housing supply, the level of affordability of the additional density that may be allowed if the proposal were to be adopted;
 - b. The percentage of space allocated to commercial use compared to the total ground floor area that could be developed on the site;
 - c. The size of the public open space compared to the total developable area of the lot, exclusive of setbacks, required landscaped yards, and any open space requirement of the proposed zoning district;
 - d. The relative size and environmental value of any land that is to be dedicated;
 - e. The historic significance of the structures proposed to be preserved;
 - f. The amount of development that could be accommodated due to the increase in public infrastructure capacity compared to the general need for the area;
 - g. The input received related to the community benefit during the 45-day engagement period;
 - h. Policies in the general plan that support the proposed community benefit.
3. The community benefit shall be subject to public input as part of the required 45-day public input period.

4. The planning commission may make a recommendation to the city council regarding accepting the proposed public benefit.
5. The city council has final authority regarding requiring a public benefit. The city council may accept the proposed public benefit, modify the benefit, require a different public benefit, or waive the public benefit based on the merits of the proposal.
6. Any future development where a public benefit is required shall be subject to a development agreement to ensure that the agreed upon public benefit is provided prior to a certificate of occupancy being issued for any building within the future development.
7. A violation of the development agreement that includes not providing the agreed to public benefit shall require the property owner to pay a fine that is equal to the fair market value of the public benefit in the development agreement plus the fines identified in 21A.20.040.

D. Displaced Tenants Resulting from Demolition of Housing: If a proposed amendment submitted by a property owner includes the likely demolition of any dwelling, the city council may require the petitioner to provide relocation assistance for the current tenant(s), or a replacement dwelling as required by this section for each demolished dwelling within a future development.

1. This subsection may be applied by the city council when a proposal for a property owner initiated zoning map amendment is likely to result in an existing housing unit being demolished due to the increase in development rights that may result from the proposed amendment.
2. For the purpose of this section, any term that is used in the singular shall be interpreted to include the plural of the term.
3. A petitioner may not terminate a lease or evict a tenant for the purpose of evading the obligation to provide tenant relocation assistance and other requirements set forth in this section.
4. Tenant Relocation Assistance: When a petition is likely to result in the demolition of a dwelling unit, the property owner may be required to provide the tenant with relocation assistance to supplement the costs of leasing a comparable replacement dwelling. The rental relocation assistance includes the following:
 - a. Moving expenses based on a reasonable estimate provided by the tenant, up to a maximum of \$1,500.
 - b. Application fees for the replacement housing.
 - c. The deposit that the displaced tenant would have to pay to secure replacement housing.
 - d. Monthly Rental Assistance Payment. The rental assistance payment is based on the difference, if any, between the cost of the monthly rent of the demolished housing and a comparable unit. The rental payment total amount paid shall not be more than \$7,200.
 - e. If the property owner relocates the displaced tenant into an existing unit that is owned by the applicant within Salt Lake City at the same rental rate the displaced tenant was paying and without an additional applicant fee or deposit, then paragraphs b, c, and d do not apply.

- f. Any and all payments should be received by the tenant 24 hours in advance of leaving the unit to be demolished.
 - g. Tenant Relocation Assistance Exemptions: If the project is receiving identified federal funds and subject to the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, 42. U.S.C 4601-4655. The relocation assistance rules for the developer/tenant under that act will govern and the Tenant Relocation Assistance outlined in this section will not apply. The developer shall inform the city if they are subject to URA and details of assistance to be provided. Tenants who receive tenant relocation assistance from this section are not eligible to receive relocation benefits from the city.
- E. Demolished Unit Replacement. The future development may be required to replace the demolished housing unit within the new development. The replacement housing unit shall have the same number of bedrooms. In addition, the applicant shall propose one of the options listed in this section. The city council has the authority to waive or modify this requirement.
 - 1. The replacement unit shall be rented at the same amount as the demolished unit with no more than a 3% annual increase on the rental rate for a period of 20 years.
 - 2. The applicant may propose a payment to the city in lieu of the rental restriction on the new unit to go toward the city's housing fund to offset the loss of affordable housing. The payment shall be equal to the monthly rent of the unit prior to demolition multiplied by the number of months between the time the unit is vacated prior to demolition until a certificate of occupancy for the replacement dwelling is issued.
- F. If a housing unit is demolished or neglected to the point of being uninhabitable at any time during the five years prior to a petition for a zoning amendment being submitted or is placed on the city's boarded building inventory, the city council may require this section to apply to tenants that were displaced by the demolition or require the tenant relocation amount to be paid to the city for the purpose of other tenant relocation assistance.

21A.50.055: CONSIDERATION OF AMENDMENTS APPLYING THE HOMELESS RESOURCE CENTER OVERLAY ZONING DISTRICT.

- A. Applicability. Any proposal to consider a petition that involves a zoning map amendment to apply the Homeless Resource Center Overlay District shall be subject to the additional requirements of this section in addition to any other requirement of this title.
- B. Additional Submittal Requirements. In addition to the application requirements of this chapter, the following information shall be provided by the person submitting a zoning amendment petition that includes applying the Homeless Resource Center Overlay District.
 - 1. Development plans meeting the requirements of Chapter 21A.58 and the following additional detail:

- a. The plans shall include all labels for the function of each room or space, both indoor and outdoor, proposed for the facility.
 - b. All information that demonstrates compliance with the requirements in Section 21A.36.350.
 2. The maximum total human occupancy the proposed facility is intended to serve.
 3. A detailed list of all the anticipated supportive services to be offered on the property, including a description of each service, where the service will be on the property and the square footage of the area designated for each service.
 4. Any anticipated funding requests made to the city to operate the facility.
- C. Information Provided by the City. After a complete application has been submitted to apply this overlay to property within the boundaries of the city, applicable city departments shall provide the planning division with the following information within 30 days:
1. Information regarding the impact to the police department which may include any data that demonstrates the services to existing homeless resources centers located in the city, the estimated cost of providing service by the police department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the police department to provide services to other parts of the city.
 2. Information regarding the impact to the fire department which may include any data that demonstrates the services to existing homeless resources centers located in the city and the estimated cost of providing service by the fire department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the fire department to provide services to other parts of the city.
 3. Information regarding the number of civil enforcement cases associated with existing homeless resource centers, including the types of complaints, and the estimated impact to civil enforcement workloads and ability to provide services to other parts of the city.
 4. Information regarding accessibility of the site and its impact on public services.
 5. The city provides an updated website to provide any and all city departments to contact for various complaints such as graffiti, encampment clean up, enforcement issues, and any other identified city service that may address impacts on the neighborhood from homeless resource centers.
 6. Data provided by the State Homeless Management Information System and the SL Valley Coalition to end homelessness regarding similar uses in Salt Lake County, including the total number of facilities, the total number of people who use the facilities, the number of individuals served with overnight tenancy in each facility, the average percentage of occupancy of the facilities, and the number of nights per year that the other facilities are at capacity to the extent that the information is available.
 7. Data regarding the total number of beds available to people experiencing homelessness and the estimated number of people currently experiencing homelessness to the extent that the information is available.
- D. Additional Factors to Consider: In making a decision regarding a petition to map the Homeless Resource Center Overlay District, the planning commission and city council shall

consider the following factors, in addition to those factors identified elsewhere in Chapter 21A.50:

1. The anticipated benefits to people experiencing homelessness provided by the facility in the proposed location.
2. The proximity of support services that benefit people who may use the facility and the ability of people to access services from the proposed location. If services are not within walking distance of the proposed facility, consideration of a transportation plan connecting support services to the facility.
3. The ratio of homeless related services provided in Salt Lake City compared to other jurisdictions in Salt Lake County.
4. The anticipated impact to city services, including fire, police, and any other city department that would be involved in providing services to the facility and the impact, if any, to the city providing services in other parts of the city.
5. The proximity is at least a mile from other homeless resource centers.
6. The effectiveness of the security and operations plan provided by the petitioner to address impacts created by the homeless resource center.
7. Equity between different neighborhoods in providing homeless resource centers and other locations of impactful land uses. High impact land uses are those land uses that produce higher levels of pollution than the permitted uses in the underlying zone, land uses that attract crime or produce public nuisances, and land uses that are located by a government entity or authorized by a government entity and that are not subject to the land use regulations of the city.
8. Demonstrated compliance with the requirements of Section 21A.36.350.

21A.50.060: LIMITATION ON AMENDMENTS:

- A. No petition for an amendment to this title shall be considered by the city council or the planning commission within one year of the withdrawal by the applicant or final decision of the city council upon a prior application covering substantially the same subject or substantially the same property except as provided in this section. This determination shall be made by the zoning administrator upon receipt of an application pursuant to Section 21A.50.030. This provision shall not restrict the mayor, the city council or the planning commission from proposing any text amendment or change in the boundaries of any of the districts in this title at any time.
- B. If the petitioner chooses to modify a petition after the planning commission has made a recommendation, the petitioner may withdraw the application and submit a new application, including the required fee, and start a new process as required by this chapter.
- C. A modification to a petition that increases the density or development potential in relationship to the original proposal prior to the planning commission recommendation shall start the public engagement process over.

- D. A petition that is denied by the city council may not be resubmitted for a period of one year from the date of the decision to deny the petition unless the petition proposes a more restrictive zoning district.
- E. A petition for a text amendment that is denied by the city council shall not be resubmitted for a period of three years from the date of denial if the petition is substantially the same as the petition that was denied.
- F. A petition that is withdrawn for reasons other than those listed in this section and before the first public hearing is held shall be closed with no action. Once a petition is closed after it is withdrawn, it cannot be reopened, and a new application will be required.

21A.50.065: DEVELOPMENT AGREEMENTS.

- A. The city council may consider applying requirements through an appropriate legal agreement with a petition for a zoning amendment when the city council determines that such an agreement is necessary to increase the benefit of the proposed zoning amendment and/or to address potential impacts to city services, surrounding land uses, public safety, and the health of current and future residents, business owners, and visitors to the city. The agreement may modify any applicable requirement of this title provided the modification was proposed to and considered by the planning commission as required for any zoning amendment. Agreements that constrain the development potential or land uses of the subject property compared to what is authorized in the proposed zoning district are not required to be reviewed by the planning commission prior to consideration of the agreement.
- B. The petitioner shall enter into a development agreement with the city if the city council requires any or all of the following: community benefit(s), tenant relocation assistance. The development agreement shall include the following information.
 - 1. The details of the public benefit, relocation assistance, timeline for replacement of demolished units, fee payment requirements or installments, or any other requirement of the city council in sufficient detail to ensure that the requirements of the development agreement can be administered and enforced for the life of the agreement.
 - 2. Direction regarding how the development agreement will be enforced, including necessary notice of any violation, a timeframe for curing the violation, penalties for any violation that may be assessed if the violation is not cured, and any other necessary provisions to ensure that the agreement is followed.
- C. The timeframe that the development agreement shall be effective and a provision that automatically terminates the development agreement after the timeframe expires.
- D. The development agreement shall be recorded on the title of the property with the Salt Lake County Recorder as well as on the title of any other property that is part of the property community benefit, tenant relocation assistance, or other requirement imposed by the city council.

21A.50.070: APPEAL OF DECISION:

Any party adversely affected by the decision of the City Council may, within thirty (30) days after such decision, file an appeal to the District Court pursuant to the Municipal Land Use Development and Management Act, section 10-9a-801, of the Utah Code Annotated.

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

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 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: _____

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| APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>December 1, 2023</u> By: <u>Katherine D. Pasker</u> Katherine D. Pasker, <i>Senior City Attorney</i> |
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Ordinance enacting community benefit policy of Thriving in Place

2. CHRONOLOGY

Petition: PLNPCM2023-00535

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|-------------------|---|
| June 22, 2023 | Petition Initiation to establish community benefit and tenant displacement requirements for amendments to general plans and the zoning code and replace the housing loss mitigation ordinance in Chapter 18.97. |
| July 30, 2023 | Presentation to Recognized Community Organization Chairs. |
| August 31, 2023 | The proposed code changes were posted to the Planning Division's webpage and project StoryMap was published. |
| August 31, 2023 | Notice was emailed to Planning Division Listserv. |
| September 5, 2023 | Notice emailed to recognized organizations City-wide to begin 45-day notice period. |
| August 19, 2023 | Community Open House at the Sugar House Fire Station |
| August 25, 2023 | Development Community Roundtable Meeting |
| August 26, 2023 | Development Community Roundtable Meeting |
| August 28, 2023 | Community Open House at the Sorensen Unity Center |
| October 4, 2023 | Community Open House at the Main Salt Lake City Public Library |
| October 11, 2023 | Briefing with the Planning Commission |
| October 27, 2023 | Public hearing notices were posted on City and State websites and at three public libraries. |
| November 2, 2023 | Staff Report posted online and sent to the Planning Commission. |
| November 8, 2023 | Planning Commission forwards a positive recommendation to City Council. |
| November 15, 2023 | Ordinance corrections forwarded to the Attorney's Office. |
| December 1, 2023 | Ordinance returned from the Attorney's Office. |
| December 1, 2023 | Transmitted to CAN administration. |

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2023-00535** –A proposed amendment to portions of the Land Use Code to implement priority policies in Thriving in Place to mitigate involuntary displacement due to development pressure. The updates include the creation of a new Title 19 General Plans and amendments to Title 21A.50 Amendments. The amendments include establishing a community benefit policy for general plan and zoning amendments; the creation of a tenant relocation assistance program; replacement housing requirements for demolitions associated with requested amendments; and new standards for consideration when analyzing a zoning or general plan amendment that consider impacts from potential displacement. With this update, Title 18.97 Mitigation of Residential Housing Loss will be deleted and replaced with the community benefit policy in Title 19 General Plans and Title 21A.50 Amendments. Title 18.64.050 Residential Demolition Provisions will be amended to include provisions to ensure the replacement of housing units that have a similar rent and unit size if housing is demolished.

DATE: Date #1 and Date #2

TIME: 7:00 p.m.

All persons interested and present will be given an opportunity to be heard in this matter. his meeting will be held via electronic means, while potentially also providing for 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. If you are interested in participating during the Public Hearing portion of the meeting, please visit the website www.slc.gov/council/virtual-meetings/ or call 801-535-7654 to obtain connection information.

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 Krissy Gilmore at 801-535-7780 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail Kristina.Gilmore@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to participate in this hearing. 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 RECEIVED AFTER PC STAFF
REPORT WAS PUBLISHED**

From: [cindy.cromer](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fw: comment on Community Benefit
Date: Wednesday, November 8, 2023 2:03:18 PM

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

Krissy-Could you send this comment to the Dropbox? I expect to attend the meeting in person. Thank you.

Sincerely, cindy c.

comment on Community Benefit:

This is a significant piece of work and well written, just as I would expect. I only have time to talk about my concerns, but I appreciate these long overdue changes and amendments.

We know from the Housing Loss Mitigation ordinance that if developers can pay a fee to be relieved of their obligation, that is what they will do. And the fee doesn't cover the cost of replacing housing.

I think that the community benefits would benefit from an examination in terms of the potential return to the developer. Some of them will generate income; others will not. The ones which will not have a different community benefit than ones which will. That said, the community benefit which we need most is housing at less than 80% AMI. I am suggesting that there be more math applied in evaluating the benefits.

I am opposed to the inclusion of publicly accessible open space in the core of the city where of course we desperately need it. That is because we have not provided adequate shelter to require that people not live in our park spaces. On November 1, the residents of Liberty Park were dispersed. They went to Herm Franks and moved north on 600 E, locating in public spaces and at vacant buildings. I have now been dealing with the consequences of this displacement for a week and observed a fire in the park strip on 600 E last night. I spent months in 2022 working with many other people to return Taufer Park to a

recreational space. In August 2022, it was a disgusting, crime-ridden place that I would not walk through. Every park space in the core of the city requires a legion of people to enable it to function for the intended uses.

Finally in Attachment A, 19.06.070C 1. e. The text should read "Preserving historic structures NOT ALREADY PROTECTED."

I am pleased to see that public input is included in the criteria for evaluation. It has always been relevant for master plan amendments and rezoning. The fines for non-compliance are an improvement, but we are a long way from enforcing fines commensurate with the cost to the city.

cindy cromer