

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Blake Thomas
Director

CITY COUNCIL TRANSMITTAL

jill love
jill love (Apr 24, 2024 12:02 MDT)
Jill Love, Chief Administrative Officer

Date Received: 04/24/2024
Date sent to Council: 04/24/2024

TO: Salt Lake City Council
Victoria Petro, Chair

DATE: 04/22/2024

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

BTH

SUBJECT: PLNPCM2023-00894 Zoning Text Amendment to allow Single-Family Attached Dwellings in select Commercial Zones

STAFF CONTACT: Cassie Younger, Senior Planner, cassie.younger@slcgov.com, 801-535-6211
Aaron Barlow, Principal Planner, aaron.barlow@slcgov.com, 802-535-6182

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council follow the recommendation of the Planning Commission to approve the proposed zoning text amendments as modified by staff.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: Natalie Linchenko of TAG SLC submitted a petition to allow Single-Family Attached Dwellings as a permitted use in commercial zones where multifamily is already permitted. These districts include Community Business (CB), Community Shopping (CS), Commercial Corridor (CC), General Commercial (CG), and Sugar House Business Districts (CSHBD 1 & 2). Single-Family Attached Dwellings are typically referred to as townhomes or row houses. The applicant stated this petition was initiated to increase housing options and housing ownership in the city.

While Planning staff agreed with the notion of expanding housing options within the city, there were concerns about how townhouse-style development (which is typically less dense in nature) would affect the dense mixed-use character of Sugar House and the small-scale commercial nodes found within the CB district. Therefore, staff recommended that Single-Family Attached

Dwellings should not be added to the CB and CSHBD districts. The recommendation also included additional design standards for attached single-family dwellings within the remaining affected commercial districts. These design standards would require ground-floor residential entries with specified porch features along street-facing façades. More information can be found in the Staff Report, linked below.

Planning Commission Review and Recommendation:

On February 14, 2024, the Planning Commission held a public hearing and discussed the proposed amendments as proposed by the applicant and staff. The Commission voted (6:1) to recommend approval of the text amendment as recommended by staff.

PUBLIC PROCESS:

- The Planning Division provided a 45-day comment period notice to all recognized Community Organizations on November 15, 2023. Staff presented the petition at the Sugar House Community Council meeting.
- An online open house has been on the Planning Division's website since November 20, 2023.
- Public noticing of the Planning Commission hearing was completed on February 1, 2024
- Planning Commission held a public hearing on February 14, 2024 and made a recommendation that the City Council approve the text amendment as recommended by staff.

Planning Commission (PC) Records (Click to Access):

- a) [PC Agenda of February 14, 2024](#)
- b) [PC Minutes of February 14, 2024](#)
- c) [Recording of February 14, 2024 PC Meeting](#) (Starting at 1:00:07)
- d) [Planning Commission Staff Report of February 14, 2024](#)

EXHIBITS:

- 1. [Chronology](#)
- 2. [Notice of City Council Hearing](#)
- 3. [Applicant's Materials](#)

SALT LAKE CITY ORDINANCE

No. _____ of 2024

(An ordinance amending various sections of Title 21A of the *Salt Lake City Code* to allow single-family attached dwellings in select commercial zoning districts)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2023-00894 to allow single-family attached dwellings in select commercial zoning districts.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on February 14, 2024 to consider a petition submitted by TAG SLC, LLC to amend Title 21A to allow single-family attached dwellings in select commercial zoning districts; and

WHEREAS, at its February 14, 2024 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 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only as to the “Dwelling: Single-family attached” use, and which shall appear as follows:

Use	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Single-family attached			P	P		P	P

SECTION 2. Amending the text of Salt Lake City Code Subsection 21A.37.050.P. That Subsection 21A.37.050.P of the *Salt Lake City Code* (Zoning: Design Standards Defined: Entry Features) shall be and hereby is amended as follows:

P. Entry Features: Each required entrance per Section 21A.37.050.D and 21A.37.050.L of this title shall include a permitted entry feature with a walkway connected to a public sidewalk and exterior lighting that highlights the entryway(s). Where buildings are located on a corner lot, only one street facing façade must include an entry feature. Where a building does not have direct public street frontage, the entry feature should be applied to the façade where the primary entrance is determined to be located. A two-family dwelling arranged side by side, row house and cottage court developments shall include at least one entry feature per dwelling unit adjacent to a public street.

[Note to codifier: no changes to Subsections 21A.37.050.P.1 and 2, and all subsections thereto.]

SECTION 3. Amending the text of Salt Lake City Code Subsection 21A.37.060.B. That the table in Subsection 21A.37.060.B of the *Salt Lake City Code* (Zoning: Design Standards Required in Each Zoning District: Commercial Districts) shall be amended (1) as to the “Ground floor residential entrances for dwellings with individual unit entries (21A.37.050.L)” standard, (2) a new row for “Entry features (21A.37.050.P)” standard to be inserted after the row “Primary entrance design SNB District (21A.37.050.O)”, and (3) a new table Note number 3 inserted after Note 2, all of which shall appear as follows:

Standard (Code Section)	District							
	SNB	CN	CB	CS	CC	CSHBD	CG ¹	TSA
Ground floor residential entrances for dwellings with individual unit entries (21A.37.050.L)				X ³	X ³		X ³	X
Entry features (21A.37.050P)				X ³	X ³		X ³	

3. These standards only apply to single-family attached dwellings in this district.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication.

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

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2024.

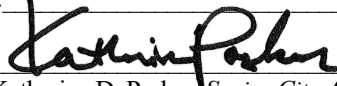
Published: _____.

Ordinance allowing single family attached
in certain commercial zones (final)v1

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date: April 6, 2024

By: 

Katherine D. Pasker, *Senior City Attorney*

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 2024

(An ordinance amending various sections of Title 21A of the *Salt Lake City Code* to allow single-family attached dwellings in select commercial zoning districts)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2023-00894 to allow single-family attached dwellings in select commercial zoning districts.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on February 14, 2024 to consider a petition submitted by TAG SLC, LLC to amend Title 21A to allow single-family attached dwellings in select commercial zoning districts; and

WHEREAS, at its February 14, 2024 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 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only as to the “Dwelling: Single-family attached” use, and which shall appear as follows:

LEGISLATIVE DRAFT

Use	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Single-family attached			<u>P</u>	<u>P</u>		<u>P</u>	P

SECTION 2. Amending the text of Salt Lake City Code Subsection 21A.37.050.P. That

Subsection 21A.37.050.P of the *Salt Lake City Code* (Zoning: Design Standards Defined: Entry Features) shall be and hereby is amended as follows:

P. Entry Features: Each required entrance per Section 21A.37.050.D and 21A.37.050.L of this title shall include a permitted entry feature with a walkway connected to a public sidewalk and exterior lighting that highlights the entryway(s). Where buildings are located on a corner lot, only one street facing façade must include an entry feature. Where a building does not have direct public street frontage, the entry feature should be applied to the façade where the primary entrance is determined to be located. A two-family dwelling arranged side by side, row house and cottage court developments shall include at least one entry feature per dwelling unit adjacent to a public street.

[*Note to codifier: no changes to Subsections 21A.37.050.P.1 and 2, and all subsections thereto.*]

SECTION 3. Amending the text of Salt Lake City Code Subsection 21A.37.060.B. That the

table in Subsection 21A.37.060.B of the *Salt Lake City Code* (Zoning: Design Standards Required in Each Zoning District: Commercial Districts) shall be amended (1) as to the “Ground floor residential entrances for dwellings with individual unit entries (21A.37.050.L)” standard, (2) a new row for “Entry features (21A.37.050.P)” standard to be inserted after the row “Primary entrance design SNB District (21A.37.050.O)”, and (3) a new table Note number 3 inserted after Note 2, all of which shall appear as follows:

Standard (Code Section)	District							
	SNB	CN	CB	CS	CC	CSHBD	CG ¹	TSA

LEGISLATIVE DRAFT

Ground floor residential entrances for dwellings with individual unit entries (21A.37.050.L)				<u>X</u> ³	<u>X</u> ³		<u>X</u> ³	X
<u>Entry features (21A.37.050P)</u>				<u>X</u> ³	<u>X</u> ³		<u>X</u> ³	

3. These standards only apply to single-family attached dwellings in this district.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its

first publication.

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

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

LEGISLATIVE DRAFT

77 (SEAL)

78

79 Bill No. _____ of 2024.

80 Published: _____.

81 Ordinance allowing single family attached

82 in certain commercial zones (legislative)v1

1) CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2023-00894

November 2, 2023	Application for a Zoning Map Amendment was received.
November 9, 2023	Petition PLNPCM2023-00894 was assigned to Cassie Younger, Senior Planner, for staff analysis and processing.
November 15, 2023	Notice was sent to all Recognized Community Organizations informing them of the petition.
November 20, 2023	The proposal was posted for an online open house. The proposal can still be viewed online.
December 30, 2023	The 45-day public comment period for Recognized Organizations ended.
February 1, 2024	Agenda posted to the Planning Commission website and the State of Utah Public Notice webpage. Public hearing notice sign with project information and notice of the Planning Commission public hearing posted at various libraries throughout the city.
February 9, 2024	Planning Commission Staff Report was posted.
February 14, 2024	Planning Commission held a public hearing and made a recommendation to the City Council to approve the proposed text amendment as recommended by Staff.
March 1, 2024	Staff sent a request to the Attorney's office for ordinance
April 6, 2024	Ordinance received from Attorney's office

2) NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering **Petition PLNPCM2023-00894** Zoning Amendment to allow Single-Family Attached Dwellings in select Commercial Zones where multifamily dwellings are already permitted. These districts include Community Business (CB), Community Shopping (CS), Commercial Corridor (CC), General Commercial (CG), and Sugar House Business Districts (CSHBD 1 & 2).

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

DATE:

TIME: 7:00 pm

PLACE: 451 South State Street, Room 326, Salt Lake City, Utah

**** This meeting will be held in-person, to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, please visit www.slc.gov/council. 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 Aaron Barlow at 801-535-6282 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at aaron.barlow@slcgov.com

The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “Planning” tab and entering the petition number PLNPCM2023-00894

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two weeks in advance. If you need to make a request, please contact the City Council Office at council.comments@slcgov.com, (801)535-7600, or relay service 711.

3) APPLICANT'S MATERIALS

**Text Amendment Proposal
for Single-Family Attached Housing to be permitted wherever Multi-Family is permitted**

To whom it may concern,

I am writing to submit a proposal for a text amendment in the Salt Lake City zoning code. This amendment aims to enhance housing ownership opportunities within Salt Lake City by allowing single-family attached housing developments wherever multi-family is permitted.

I. Purpose:

The primary aim of this text amendment is to modify the existing zoning regulations, allowing for the development of single-family attached housing anywhere that multi-family is permitted. In zoning areas where single-family attached housing is prohibited while multi-family housing is permitted, many projects that resemble townhomes are designated as condos for legal classification. This classification as condos allows the projects to be considered a multi-family development rather than single-family attached housing. The key issue at hand is that when a project is designated as a condo rather than an attached single-family residence, it is much more likely it will be rented rather than sold to individual families.

But why do investors often steer clear of selling condos? The answer lies in the significant liability risks tied to condo sales. The intricate nature of condominium development, involving individual unit sales within a shared property, can amplify the potential for legal disputes and financial liabilities. Additionally, ownership percentage requirements create challenges in individually selling off the project. Consequently, even if some developers are willing to take on the extra risks associated with selling individual condo units, most architects, builders, and other stakeholders tend to shy away from such projects.

This zoning text amendment is a direct response to concerns within our own firm and those voiced by the developers, architects, and industry professionals we engage with regularly. This amendment is not tied to a specific project but rather seeks to address a systemic issue. The current zoning regulations inadvertently favor rental housing over homeownership by creating unnecessary hurdles in producing more for sale units.

II. Zoning Ordinance to Be Changed:

The proposed text amendment would affect 21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS.

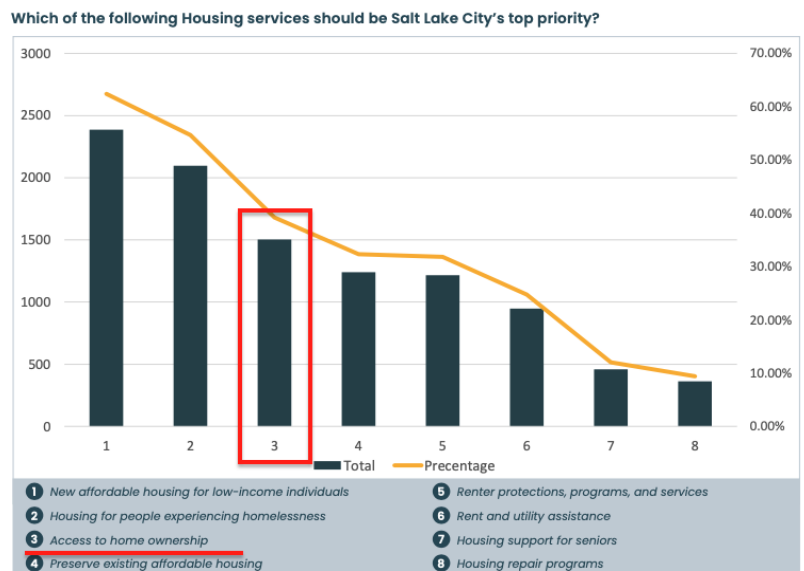
Use	Permitted And		
	CN	CB	CS ¹
<u>Multi-family</u>		P	P
Residential support (large)			
Residential support (small)			
Rooming (boarding) house		P	P
Shared housing			
<u>Single-family attached</u>			
Single-family detached			
Twin home			

III. Factors for City Council Consideration: This text amendment aligns with Salt Lake City's broader objective of bolstering homeownership opportunities, fostering sustainable growth, and broadening the availability of for-sale housing options.

Consistency with City Planning Documents: The amendment aligns with Salt Lake City's adopted planning documents, particularly *Growing SLC* and *Housing SLC*, which emphasize increasing homeownership opportunities and addressing the challenges of housing affordability.

In *Housing SLC*, the third goal is clearly outlined as "Enhancing opportunities for homeownership and other avenues for wealth and equity development."¹ Additionally, in *Growing SLC*, Goal 2, Objective 6 explicitly emphasizes the need to "Expand opportunities for home ownership."²

Community Support: The proposal supports the community's desire for increased opportunities for homeownership. Within *Housing SLC*, the most recent Salt Lake City Plan, survey participants consistently ranked homeownership among their top three priorities, underscoring the significance of this goal for both individual residents and their communities.³



¹ Salt Lake City Documents, Accessed October 24, 2023
www.slcdocs.com/CAN/2023-Housing-SLC-Plan-Spread-1.pdf

² Salt Lake City Documents, Accessed October 24, 2023
www.slcdocs.com/hand/Growing_SLC_Final_No_Attachments.pdf

³ Salt Lake City Documents, Accessed October 24, 2023
www.slcdocs.com/CAN/2023-Housing-SLC-Plan-Spread-1.pdf

IV. Conclusion:

This text amendment proposal seeks to enhance housing opportunities in Salt Lake City by allowing single-family attached housing wherever multi-family is permitted, promoting sustainable growth and making homeownership more accessible to its residents. We believe this change aligns with the city's goals, and we appreciate your consideration of this important amendment.

Should you require any additional information or wish to discuss this proposal further, please do not hesitate to contact me.

All the best,

Natalia Linchenko

Natalia@tagslc.com

Applicant's updated petition 11/15/23

**Text Amendment Proposal
for Single-Family Attached Housing to be permitted wherever Multi-Family is permitted within
the Commercial District**

To whom it may concern,

I am submitting a proposal for a text amendment to the Salt Lake City zoning code, aiming to increase housing ownership opportunities by permitting single-family attached housing in commercial districts (CB, CS, CC, CSHBD, and CG) where multi-family is currently allowed.

I. Purpose:

This text amendment primarily seeks to revise existing zoning regulations, aiming to eliminate unnecessary obstacles in producing for sale homes. In zoning areas where single-family attached housing is prohibited while multi-family housing is permitted, many projects that resemble townhomes are designated as condos for legal classification. This classification as condos allows the projects to be considered a multi-family development rather than single-family attached housing. The key issue at hand is that when a project is designated as a condo rather than an attached single-family residence, it is much more likely it will be rented rather than sold to individual families.

But why do investors often steer clear of selling condos? The answer lies in the significant liability risks tied to condo sales. The intricate nature of condominium development, involving individual unit sales within a shared property, can amplify the potential for legal disputes and financial liabilities. Additionally, ownership percentage requirements create challenges in individually selling off the project. Consequently, even if some developers are willing to take on the extra risks associated with selling individual condo units, most architects, builders, and other stakeholders tend to shy away from such projects.

This zoning text amendment is a direct response to concerns within our own firm and those voiced by the developers, architects, and industry professionals we engage with regularly. This amendment is not tied to a specific project but rather seeks to address a systemic issue. The current zoning regulations inadvertently favor rental housing over homeownership by creating unnecessary hurdles in producing more for sale units.

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The proposed text amendment would affect 21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS.

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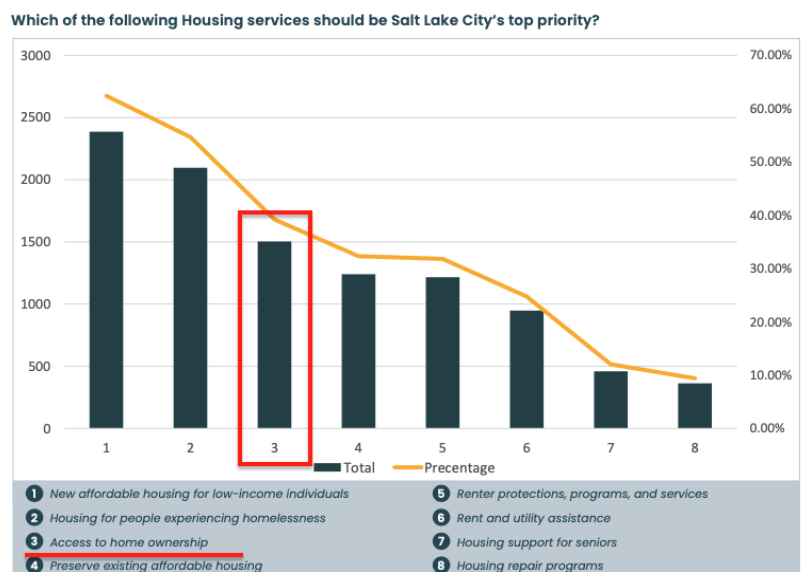
Legend:	C =	Conditional					P =
Use	Permitted And Conditional Uses By District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Living quarters for transient or seasonal guests							
Manufactured home							P
Multi-family		P	P	P	P	P	P
Residential support (large)				C		C	
Residential support (small)				C		C	
Rooming (boarding) house		P	P	P	P	P	
Shared housing				P	P	P	
Single-family attached							P
Single-family detached							P

III. Factors for City Council Consideration: This text amendment aligns with Salt Lake City's broader objective of bolstering homeownership opportunities, fostering sustainable growth, and broadening the availability of for-sale housing options.

Consistency with City Planning Documents: The amendment aligns with Salt Lake City's adopted planning documents, particularly *Growing SLC* and *Housing SLC*, which emphasize increasing homeownership opportunities and addressing the challenges of housing affordability.

In *Housing SLC*, the third goal is clearly outlined as "Enhancing opportunities for homeownership and other avenues for wealth and equity development."¹ Additionally, in *Growing SLC*, Goal 2, Objective 6 explicitly emphasizes the need to "Expand opportunities for home ownership."²

Community Support: The proposal supports the community's desire for increased opportunities for homeownership. Within Housing SLC, the most recent Salt Lake City Plan, survey participants consistently ranked homeownership among their top three priorities, underscoring the significance of this goal for both individual residents and their communities.³



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www.slcdocs.com/CAN/2023-Housing-SLC-Plan-Spread-1.pdf

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³ Salt Lake City Documents, Accessed October 24, 2023
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IV. Conclusion:

This text amendment proposal seeks to enhance housing opportunities within Salt Lake City's Commercial Zoning District by allowing single-family attached housing wherever multi-family is permitted, promoting sustainable growth and making homeownership more accessible to its residents. We believe this change aligns with the city's goals, and we appreciate your consideration of this important amendment.

Should you require any additional information or wish to discuss this proposal further, please do not hesitate to contact me.

All the best,

Natalia Linchenko

Natalia@tagslc.com

From: [TAG SLC](#)
To: [TAG SLC](#); [Younger, Cassie](#); [Barlow, Aaron](#); [Natalia Linchenko](#)
Subject: (EXTERNAL) PLNPCM2023-00894 - possible changes to application
Date: Wednesday, December 20, 2023 9:58:45 AM
Attachments: [image001.png](#)

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

Cassie, Aaron and the Salt Lake Planners-

We have had several conversations about the potential recommendations you sent over last week. Ultimately, we want to be a good partner to city with the goal of this application to make it easier to construct for sale housing throughout our community.

Eliminate CB Zone from the applications:

We would like CB to remain as part of our application.

I totally understand the desire to foster these community nodes and the challenges removing neighborhood commercial from neighborhoods. An overhaul of the zone is great as zoning leads to the development outcomes. Given the potential lag in the adoption of any new ordinance we think its best to propose allowing SFA in this zone since multy family is at this time allowed.

If the city and city council decides to modify the zone in the future, then SFA could be eliminated alongside multi family.

CSHBD-

We love density. The CSHBD 1 zone is unlikely to be conducive for SFA.

CSHBD 2 is a more likly place to see SFA since its only allowed to go to 60 ft but still not likly given the land values in this district.

We arent advocating to build SFA here, we are advocating to remove zoning barriers to producing owner occupied housing. I'm sure we could find some lots in this zone that SFA would be a good outcome, even in a zone that should be denser.

Adding additional design guidelines:

Frankly, this is beyond the scope of our application. Our intent was to propose a simple modification to allow SFA into zones where multi family is already allowed. Although I do think design standards are positive I think its more than this petition can handle.

Also, it doesnt seem fair that units designed for ownership have a higher bar for design than doing a for rent project. I would actually argue the opposite, if the city's intent is to promote more owner occupied units.

We understand your points and hope that you understand ours as well.

At this time we ask that our application remain the same.

Thanks



Jordan Atkin