



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Nick Tarbet  
Policy Analyst

**DATE:** October 6, 2020

**RE:** Demolition Ordinance Updates

**Item Schedule:**

Briefing: Sept 15, 2020

Set Date: Sept 15, 2020

Public Hearing: Oct 6, 2020

Public Hearing: Oct 20, 2020

Potential Action: Oct 20, 2020

## WORK SESSION SUMMARY

During the September 15 work session, the Council discussed the impacts to communities from nuisance properties and the potential tradeoffs between boarded/vacant buildings vs. a vacant lot.

Many of the questions raised by the Council were focused on the fee structure for boarded/vacant buildings. Council Members asked how the current fee was calculated, whether fire and police services responding to the buildings was factored into that fee, and if it would be possible to institute a higher fee for nuisance properties who use City services more.

Additionally, the Administration was asked to provide some options for minimal landscaping requirements for vacant lots resulting from a demolition.

The Administration is working on responses to each of these questions. It is anticipated a follow-up briefing will be set once those responses are received.

The public hearings were set for October 6 and 20.

*The following information was provided for the September 15 work session. It is provided again for background purposes.*

## ISSUE AT-A-GLANCE

The Council will receive a follow-up briefing on changes to the City's Demolition and Boarded Building ordinance. The proposed changes are intended to streamline the process for demolitions on commercial and residential properties, remove the requirement for a replacement use, landscape plan and bond, and provide clarity to the enforcement process for boarded buildings. Chapters 18.84, 18.64 and 2.21.030 will



be amended as part of this petition. The Council was first briefed on these amendments on January 8, 2019.

In March 2016 the Council adopted a legislative action, requesting the Administration review the City's Demolition Ordinance. At that time, the Council Office had received feedback that the current demolition ordinance has unintentionally created blight and nuisance issues in some City neighborhoods and was difficult to navigate and administer. The intent was for the Administration to review the ordinance and come back to the Council with recommendations for amendments.

The Council was originally briefed on this proposed ordinance in January 2019. At that briefing, the Council asked a few questions and the administration provided written answers to those questions. However, another briefing was not scheduled until now.

***Goal of the briefing:*** To review the proposed text amendment, determine if the Council supports moving forward with the amendments and potentially direct staff to prepare for a public hearing.

## **POLICY QUESTIONS**

1. The proposed ordinance would eliminate public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact). Instead Chapter 18.97 (mitigation of residential housing loss) would apply.
  - ***The administration is currently reviewing that ordinance for potential updates.***
  - ***The Council may wish to ask the administration for an update on the drafting of potential changes to that ordinance.***
2. The proposed changes would streamline the process for demolition of commercial and residential properties. This could result in more vacant lots, but also quicken redevelopment of some properties.
  - ***The Council may wish to discuss what would be considered bigger nuisance to a neighborhood – boarded and vacant buildings or vacant lots.***

## **ADDITIONAL INFORMATION**

In 2012 the Council adopted an ordinance significantly changing the demolition ordinance. This was done in part due to some large properties being demolished and then left vacant for a long time. At that time, the council was concerned about the impact of vacant lots on the community and neighborhood fabric. The Council made changes to the ordinance to ensure a demolition would not occur without a reuse plan.

Then in 2016, the Council initiated a review of the demolition ordinance because they received lots of complaints from residents and developers that the current demolition ordinance unintentionally created blight and nuisance issues in some City neighborhoods and was difficult to navigate and administer.

Based on their review, the administration’s proposed ordinance is very similar to the one that predated the current ordinance (adopted December 2012).

### **Reponses to Council Questions from January 8, 2019 Briefing**

The proposed demolition ordinance was first briefed in January 2019. During that briefing, the following questions were raised, and the Administration provided written responses to them a few weeks later.

1. **How does this impact the demolition process for historic districts / structures?**
  - Unless a structure needs to be demolished due to an emergency, all other demolitions shall be processed in the Planning Division and heard/approved or disapproved by the Historic Landmark Commission under the guidance of 31A.34.020(M).
  
2. **Please give background/explanation why bonds are difficult to track and enforce?**
  - The Building Services Division does not currently have a process for tracking bonds. Due to the number of demolition permits issued, we would need additional staff to adequately track and execute a bonding and recovery process. In addition, the bonds that are currently being accepted for landscaping on early demolitions are not bonds that can easily be captured and utilized by the City. We believe that vacant lots due to demolition can be easily maintained free of weeds through our currently running weed abatement process. We believe that the City is better served with a vacant lot than a possible nuisance structure and all the disproportionate calls for service that a nuisance structure encourages. So, we are in favor of a simplified process for owners to accomplish voluntary demolition in all cases that don’t require Historic Landmark Committee action. Lastly, because the City does not have a Professional Landscape Contractor team (nor is one on contract), it is very difficult to get outside professional contractors to install landscaping/irrigation on sites that fail to install the landscaping in the required time-frame. Bonds generally do not cover the cost of installation of landscaping over an extended period of time. Note that once again, even those properties that do provide for the required landscaping, generally, the landscaping is neglected and unmaintained – ostensibly ending-up requiring city enforcement at some point in time.

### **Summary of Key Changes**

The administration’s Transmittal letter provided the following outline summarizing the key changes to the ordinance.

- **Section 2.21.030 HAAB Powers and Authority**
  - Hear and decide appeals from 18.48. This is a change from “Conduct Abatement Hearings”
  
- **Amend Section 18.48 - Dangerous Building Code**
  - Scope: Provide a just, equitable, and practicable method to require the repair, vacation, or temporary boarding of buildings and a means to remedy dangerous buildings.
  - Goals/Intent:
    - Ensure accessibility by codifying applicable provisions of the most recent version of the Uniform Code for the Abatement of Dangerous Buildings.
    - Relocate the provisions related to emergency demolition of dangerous building to 18.64.
    - Authority to Enforce: Clarify that the building official/designee has the authority to enforce the provisions of the Code.

- Make clear the procedures, action, and noticing upon the building official's determination of a violation.
  - Clarify the City's role and authority to abate a building that is declared dangerous and unsafe to occupy.
  - Establish a means for the City to recover costs of any abatement when such abatement work is done by the City.
  - Clarify the process(es) in which a property owner can appeal decisions of the building official and costs of abatement.
  - Improve language in the Code pertaining to:
    - the provisions for and permitting of any person ordered to board a building;
    - notification requirements;
    - the manner in which a building shall be boarded; and
    - the way property shall be maintained and/or landscaped while boarded.
- **Amend Section 18.64 – Demolition**
- Purpose statement is changed to “promote responsible reuse of existing housing where practical and provide an orderly process for demolition”
    - It no longer cites the following purposes:
      - avoid demolition of buildings in a manner that disrupts the character of established neighborhoods
      - avoid demolition until a complete building permit is submitted
      - avoid the creation of vacant sites with minimal or no landscaping
    - Eliminates performance bond requirements
    - Eliminates landscaping requirements
    - Eliminates public notice requirements if there is a net loss of residential units caused by a demolition (finding of residential impact).
      - Instead Chapter 18.97 (mitigation of residential housing loss) would apply
    - Eliminates HAAB hearing process after a finding of residential impact (net loss of residential units)
    - Eliminates requirement to complete demolition work “diligently” or the bond may be forfeited
    - Move Emergency Demolitions section from 18.48-Dangerous Buildings to 18.64- Demolition
      - Outlines rules and procedures of emergency meeting
      - Appeal process to be heard by the Mayor or Mayor's designee
      - Demolition process for Extreme Emergencies
      - Procedures for City to recoup costs from property owner for emergency demolitions