COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: December 5, 2023

RE: Zoning Amendments:
Affordable Housing Incentives
PLNPCM2019-00658

PROJECT TIMELINE:
Briefing 1: Sept 19, 2023
Briefing 2: Oct 3, 2023
Briefing 3: Oct 10, 2023
Briefing 4: Nov 7, 2023
Briefing 5: Nov 14, 2023
Set Date: Oct 3, 2023
Public Hearing: Oct 17, 2023
Potential Action: Dec 5, 2023

Visit the Council's Website for more information on various topics relating to affordable housing, including this proposal tinyurl.com/SLCHousingProposals

NEW INFORMATION – November 14 Work Session Summary

During the November 14 briefing the Council approved the following straw polls. These along with the straw polls from November 7 have been incorporated into the final ordinance for consideration on December 5, 2023.

1. The council supports adopting the Affordable Housing Incentives ordinance with an effective date of April 30, 2024. This will give the administration time to accomplish the following:

    a. Forward a transmittal pertaining to Title 18 that would make recommendations for code changes to safeguard that construction work may not damage adjacent properties, establish a process to help remedy situations when damage has occurred, and include penalties that will discourage damage from being done.

    b. Transmit a report to the Council outlining the implementation plan to administer and enforce the Affordable Housing Incentives program.

    The ordinance will go into effect whether or not the two items have been transmitted to the Council by the effective date of April 20. 2024

2. Removing the following section from the draft ordinance:
   21A.52.050.H.3.E - Unit Limits: For overall development sites with more than 125 units, no more than 50% of units shall be designated as affordable units.

   Planning staff made this recommendation because they felt capping the amount of affordable units is unnecessary because projects are using income averaging more and this would prevent some projects from being eligible for the incentives.

Legislative Action

The following legislative action is included as one of the options for consideration on the motion sheet.

1. I move the Council to initiate a legislative action requesting the Administration work with the Attorney's Office to draft an ordinance that would; clarify City code to ensure that construction work may not damage adjacent properties, include penalties that would discourage damage from being done, establish a process for the City to successfully enforce city code in situations when damage occurs and establish a process to remedy situations when damage occurs.

   I further move the Council request that the Administration transmit a report to the Council outlining the implementation plan to administer and enforce the Affordable Housing Incentives program by April 30, 2024.

Outline of Ordinance Changes supported by the Council:

1. Changes to incentives to encourage more homeownership in both Single family and mid to high density areas of the city
2. Building height for additional stories is defined as "not exceeding 12 ft."
3. Outline specific information required for an application to improve the ability of the Administration to track the application through the process.
4. Removed a section of the draft ordinance that would have prohibited projects with 125 or more units from participating in the affordable housing incentive program.

The following information was provided for the November 14 briefing. It is provided again for background purposes.

NOVEMBER 7 INFORMATION

During the November 7 work session briefing, the Council approved the following straw polls. These changes will be incorporated into the final draft of the ordinance.

1. Amendments to Incentivize Homeownership
   a. Type A Incentives (single family zoning)
      - 50% of units shall be affordable to those with incomes at or below 100% AMI
      - If an existing structure is preserved, 25% of units shall be affordable to those with incomes at or below 100% AMI

b. Type B and C Incentives (mid/high density)
    - 10% of units shall be affordable to those with incomes at or below 80% AMI
    - 5% of units shall be affordable to those with incomes at or below 60% AMI

2. Additional Building Height
    a. Building height for additional stories is defined as "not exceeding 12 ft."
    b. Tables will be updated to reflect the updated maximum height for additional stories.

3. Application Tracking
    a. Specific information required for an application is outlined to improve the ability of the Administration to track the application through the process.
    b. Include a point that provides room to request any other information necessary to demonstrate compliance.

Another straw poll failed that would have removed three and four-unit structures from the permitted type of housing allowed in the single-family zones.

Council Members decided to put this item on the November 14 agenda for further discussion. The focus of that discussion will be on enforcement, staffing and potential legislative actions.

For quick access to the enforcement and reporting & auditing sections of the ordinance, staff has attached the legislative version of the ordinance to memo. See Attachment A.

- The enforcement section of the code is found in 21A.52.050.E, page 17.
- The reporting and auditing section is found in 21A.52.050.D, pages 15-17.

The following information was provided for the November 7 briefing. It is provided again for background purposes.

NOVEMBER 7 INFORMATION

During the October 10 work session, the Council had the opportunity to raise questions about the Affordable Housing Incentives plan. Planning staff has provided responses to the questions raised at that time. Please see Attachment A to review the questions and responses.

Changes to the Ordinances

During the previous briefings, Council Members supported making specific changes to the ordinance pertaining to incentives for homeownership and additional building height. Additionally, a change was made that would help the Administration better track applications. If the Council supports the following ***changes*** they will be added to the final draft.

- Home Ownership
    - Affordable homeownership units shall meet a minimum of at least one of the affordability criteria identified. Any fractional number of units required shall be rounded up to the nearest whole number.
        - 10% of units are restricted as affordable to those with an income at or below 80% AMI; or

- 5% of units are restricted as affordable to those with an income at or below 60% AMI

- Additional Building Height
    - Building height for additional stories is defined as "not exceeding 12 ft."
    - Tables were updated to reflect the updated maximum height for additional stories.

- Application Tracking (page 14)
    - Specific information required for an application is outlined to improve the ability of the Administration to track the application through the process.

Potential Follow up Questions

1. Does the Council support the changes to the draft ordinance pertaining to homeownership, additional building height and application tracking?
2. Does the Council wish to initiate a request for the administration to complete a study to justify a fee for the AHI program?
    a. Does the Council have concerns that a fee would potentially discourage the construction of affordable housing units?
3. Does the Council want to consider a delayed implementation for the AHI ordinance?
    a. Planning staff indicates this could be helpful in order to give the Administration time to get the permitting system set up with new requirements. This could also be helpful to get the tracking system up and running or to phase in the ordinance if that is desired.
4. Does the Council wish to include any of the requirements from the Landlord Tenant Program as part of the AHI program?
5. Does the Council with to discuss owner occupied requirements with the Administration?
    a. Admin staff responded they feel owner occupied requirements would reduce interest from property owners to participate in the AHI program.
6. Does the Council wish to discuss with the Administration the Legislative Action to study of single-family zones and its potential impact on the AHI ordinance?
7. Does the Council wish to ask the Administration to add annual reporting requirements to the ordinance (number of units built, number affordable, homeownership, etc.)?

Legislative Action

During some of the briefings Council Member Wharton expressed concerns about perceived ambiguousness of city code when it comes to enforcing and limiting the impact on construction on adjacent properties. Council Members expressed general support for initiating a legislative action that would request the Administration provide recommendations to the City Council to clarify the city code.

Staff will have a motion ready for consideration at time of potential adoption of the AHI ordinance.

The following information was provided for the October 17 briefing. It is provided again for background purposes.

October 17 Work Session Information
The Council held a follow-up discussion about the Affordable Housing Incentive proposal on October 10. During the discussion, Council Members raised questions about the proposal. Questions included topics such as long-term enforcement and administration of the program, community concerns about neighborhood character, and ways this proposal intends to address the affordable housing crisis.

The Mayor's Administration will work on responding to these questions in the next several weeks. Council staff will add this list of questions to the public packets as soon as it is finalized. A follow-up briefing will be held to discuss the responses and to determine if any changes will be made to the plan.

The public hearing is scheduled for October 17.

The following information was provided for the October 10 briefing. It is provided again for background purposes.

The Council held a follow up briefing on both the Affordable Housing Incentives proposal and the Thriving in Place draft plan during the October 3 work session briefing.

The Council decided to hold another work session to give more time to publicly identify any questions and follow-up items. The goal of the briefing will be for Council Members to share requests, and then allow time for Planning to respond and incorporate potential changes before returning for a follow-up briefing in the coming weeks.

Council staff and the Administration will track the list, including items raised during the October 3rd briefing, and get written responses to each question/concern for a future briefing.

The following information was provided for the October 3 briefing. It is provided again for background purposes.

NEW INFORMATION
During the September 19 work session, the Council held a briefing on the Affordable Housing Incentives zoning amendment petition. Based on that discussion, several questions were raised, and Council staff is working with the Administration to get responses to those questions.

A follow up briefing will be held on October 3 in conjunction with a briefing on the Thriving In Place (TIP) plan. The TIP plan identifies the Affordable Housing Incentives as a priority for implementation and notes funding for new staff will be needed.

As part of the discussion on Affordable Housing Incentives, the Council may wish to consider discussing some of the policy questions outlined below.

1. Drafting Administrative Policies and Procedures
    - During the work session briefing Planning staff mentioned it would take some time to get guidelines and procedures in place to administer the program. Council staff asked for

clarification because there was some confusion if that meant design guidelines for the appearance of structures needed to be created.

Planning staff clarified they need to create the administrative procedures that outline the process administrative staff will follow to move an application through the process.

2. Design Guidelines
    - Some questions were raised about how buildings constructed according to the Affordable Housing Incentives would be compatible with neighborhoods and existing development.

      The draft ordinance notes that base zoning standards apply unless they are specifically modified by this section. However, if there are conflicts with design standards, the more restrictive regulation applies and takes precedence.

      According to the draft ordinance, the "development regulations are intended to provide supplemental regulations and modify standards of the base zoning district for the purpose of making the Affordable Housing Incentives more feasible and compatible with existing development." (21A.52.H – Development regulations)

      There are design standards that apply to rowhouses, sideways rowhouses, cottages as well as for the new housing types in single- and two-family zoning districts. 21A.52.H, 1-3 – Development regulations.

3. Staffing Adjustments
    - Administrative staff said they will be able to initially absorb the anticipated workload that creating and administering this program will require. However, they anticipate they will likely come to the Council in future budgets to request additional staff once the program is up and running.

4. Potential Program Participation Fee
    - At this time Administration has not proposed to include a fee for the program that will help cover the costs of administering it. However, they noted it is likely a fee can be justified.
        - Does the Council wish to put in a place holder in the ordinance that anticipates the Administration will return to the Council with a request to put a fee in the City Code?

5. Good Landlord Requirements
    - Council staff is working with Attorney's and Planning staff to find out if requirements outlined in the good landlord program can be included as a requirement as part of participation in the Affordable Housing Incentives program.

6. Impact Fee Waiver
    - Council staff is working with the Attorney's Office to find out if impact fees can be waived for affordable units that are constructed are part of this program.

7. Licensing Requirements for Apartments with Three or Fewer Units
    - Staff is working with Attorney's and Planning staff to confirm if apartment complexes with three or fewer units are required to have a business license and be part of the good landlord program

8. Enforcing fines and compliance with code
    - Questions have been raised about how the City enforces fines that are levied to bring properties into compliance with City Code. Some questions have been raised about the effectiveness of fines and when the City decides to settle with property owners at levels much lower than their accrued amount.
    - Council staff is working with the Attorney's Office to get a response to this question. At the time this staff report was drafted, a response was not yet ready. Staff will update the Council once a response is ready.

9. Administering and Enforcement
   Administering and enforcement of the program was discussed. Planning staff outlined the key provisions related to the enforcement plan: 21A.52.D, E and F
    - Reporting and Auditing
        - Property owners must submit an annual report to the Director of CAN by April 30 of each year, demonstrating compliance with the ordinance
        - That report includes:
            1. Property location, tax ID and legal description
            2. Property owner name, mailing and email addresses,
            3. Information on the dwelling units and tenants receiving incentives includes:
                a. total number of dwelling units
                b. number of bedrooms for each unit
                c. rental rate of each unit
                d. identify dwelling units that comply with level of affordability identified in the approval process and statement that units are in compliance
                e. identify change in occupancy to the units, include number of people residing in each unit and change in tenant (Personal data is not required)
                f. confirm verification for all tenants was performed on annual basis
                g. identify differences in rent between agreed upon rental rate and actual rent received
                h. identify instances where an affordable unit was no longer rented at the agreed upon level of affordability, length of time it was not in compliance and remedy taken to address noncompliance
        - The CAN director has 30 days to provide written notice to property owners whether they are in compliance or not.
        - In situations of noncompliance, a property owner has 30 days to come into compliance. If they are unable to do so, they will start paying the fine.
    - Enforcement
        - Violations of the restrictive covenant will be investigated and prosecuted
            1. A lien may be placed on the property
            2. A business license may be revoked
    - Eligibility
        - Property owner must enter into a legally binding restrictive covenant which must be filed with the Salt Lake County Recorder
        - Notice of sale shall be provided to the City and the City shall have right of first refusal to any sale of the property.
        - Affordable units shall be both income and rent/housing payment restricted

- Affordable units must be comparable to market rate units within the development

10. Delayed Adoption for Portions of the Affordable Housing Incentives Amendment
    Some have asked about the possibility of dividing the Affordable Housing Incentives into separate pieces for adoption. The first piece would be to adopt the RMF/mixed use/institutional zoning initiatives. Then the second would be to adopt changes to the single-family zoning districts.

11. Institutional Zone Amendments
    There were some questions about what incentives apply to the Institutional zoning district. According to the draft ordinance, housing would be allowed on institutional zoned land. These would include row houses, sideways row houses, cottage developments

    Additionally, the Institutional zoning district will follow the affordability requirements as outlined in table 21 A.52.050.G (*see page 7 below*)

    Affordable rental or homeownership units shall meet a minimum of at least one of the affordability criteria identified. Any fractional number of units required shall be rounded up to the nearest whole number.
    1. 20% of units are restricted as affordable to those with an income at or below 80% AMI;
    2. 10% of units are restricted as affordable to those with an income at or below 60% AMI;
    3. 10% of units are restricted as affordable to those with an average income at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI;
    4. 5% of units are restricted as affordable to those with an income at or below 30% AMI;
    5. 10% of units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have two or more bedrooms;
    6. 5% of units are restricted as affordable to those with an income at or below 60% AMI when the affordable units have two or more bedrooms; or
       5% of the units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have three or more bedrooms.

The following information was provided for the September 19 briefing. It is provided again for background purposes.

ISSUE AT-A-GLANCE
The Council will receive a briefing about an ordinance that would amend various sections of the City zoning ordinance by establishing Affordable Housing Incentives (AHI). The proposed amendments would allow the following if requirements for affordable units are met in order to streamline and encourage more units to be built in the City at an affordable rate. **See more details on each of these changes starting at the end of page 2, and chart on page 3 to see the level/quantity of affordability required for each**:

- Permit administrative design review and additional building height between 1-3 stories, depending on the zone, in various zoning districts that permit multifamily housing.
- Remove the Planned Development requirement for specific modifications and for development in the CS (Community Shopping) zoning districts.

- Permit an additional story in the TSA Transition zoning districts and two stories in the TSA Core zoning districts.
- Allow additional housing types in the CG (General Commercial), CC (Community Commercial), and CB (Community Business) zoning districts.
- Allow housing on Institutional zoned land.
- Remove the density requirements in the RMF (Residential Multi Family) zoning districts.
- On properties currently zoned for single- or two-family homes:
    - Allow townhomes and housing structures that contain up to 4-unit buildings,
    - a second detached dwelling when an existing dwelling is maintained;
    - cottage developments;
    - Allow twin and two-family homes in these zoning districts where they are not currently allowed.

The proposal was initially envisioned as an overlay. However, since the incentives are different for various zoning districts, the proposal was changed to a specific section of the zoning ordinance, 21A.52 Zoning Incentives. The Affordable Housing Incentives is proposed to be the first section of this new chapter of the zoning ordinance.

The Planning Commission held public hearings and forwarded a positive recommendation to the City Council. Additionally, the Planning Commission added a condition that if adopted by the City Council, the incentives plan should be analyzed 24 months after approval, to include a report of the cost and benefits of the changes.

Staff note on public notice/engagement: *Because of the City-wide breadth and potential impact of this topic, along with the context of the City-wide anti-gentrification study, the Council authorized the mailing of a postcard City-wide, to all residents and property owners, with direction to go to the Council's main website on the affordable housing topic, that includes information on these issues and others, at* tinyurl.com/SLCHousingProposals

POLICY QUESTIONS

- Reporting and Enforcement Related Questions
    - Reporting Requirements – annual reporting and auditing will be a key component of the plan to ensure property owners and builders who use the incentives keep the units at affordable levels.
        - Will the proposed fine structure be enough to ensure compliance by property owners?
        - The Council could consider requiring a biannual report on the affordability compliance of the program.
    - Option for the City to contract with another entity to administer the program
        - Would the third party be responsible for enforcement?
        - What type of entity might be interested in administering the program?
    - Will properties that are part of the program be required to get a business license and participate in the Good Landlord Program?
    - Is there a plan in place to link up the affordable housing with income-restricted individuals, or would the City service as a central resource to connect individuals with housing?
- Staffing/Guidelines Questions
    - The Planning Commission staff report noted additional staff will be needed to administer the program. The Council may wish to ask the Administration when and how they will propose funding this additional staffing, how many FTEs would be needed, and the anticipated timeline to onboard and train those FTEs?

- Because this ordinance would go into effect prior to the next budget amendment, is existing staff sufficient to accept any applications that may come in prior to the next budget and ensure compliance with design and affordability objectives?
- Is there a possibility this ordinance will go into effect before design guidelines are developed/approved? Would funding be needed to develop those design guidelines? Will the development of the design guidelines be an administrative process, or will they be approved by the Planning Commission?
- Does the Administration plan to promote this program to the general public to notify them of the program and potential benefits?
- How long might it take for the City to get the necessary affordability and design review structures in place?

- Thriving in Place Plan Objectives and Community feedback
  - The Council may wish to discuss with the Administration whether there are alternative ways to achieve the goals of this proposal (see page 5).
  - Given the significant community feedback received to date, the Council may wish to discuss concerns that have been noted by some neighborhoods about the potential for these incentives to result in the demolition of existing housing stock, including existing naturally occurring affordable housing.
  - The purpose statement of the affordable housing incentives notes design is key to the success of the proposal: *Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play*. Does the Council wish to ask the administration to discuss how design guidelines will be able to help implement this vision?
  - Based on concerns expressed by some residents, the Council may wish to discuss the benefit of additional housing units with the potential for additional traffic in areas where transit is not readily available.
  - Based on recent discussion about the lack of family-sized housing with much of the new construction in the city, the Council may wish to discuss if this incentive program has ways to provide more family- sized affordable housing.

SUMMARY OF INCENTIVES

Pages 3-6 of the Planning Commission staff report outline key changes of the proposed amendment. The list below, from *Attachment B Summary of Incentives*, is a high-level summary of the key changes, based on the type of zoning district.

- Multi-family and Mixed-Use Zoning Districts
  - Permit additional height, between 1-3 stories (approximately 10' per story), depending on the zone in various zoning districts that currently permit multifamily housing.

- Residential Multifamily Zoning Districts
  - Remove the density requirements in the RMF zoning districts,
  - No additional height permitted.
  - Only 25% of the units could be 500 square feet or smaller.
  - Add development and design standards for rowhouses, sideways rowhouses, cottages, and other building forms.

- Single- and Two-family Zoning Districts

- Allow additional building types in single- and two-family zoning districts, provided 1-2 of the units would be affordable.
- Allow townhouses in groups of up to four, 3–4-unit buildings, and cottage developments on parcels that are currently zoned for single- or two-family homes.
- Twin and two-family homes would be permitted in the zoning districts where they are not currently allowed.
- Add development and design standards for these dwellings.

- Other Incentives
  - Waive the Planned Development process for some proposals
  - Allow single-family and single-family attached housing on Institutional zoned land. Future zoning amendments may be considered to allow multifamily housing.
  - Allow additional housing types in the CG (General Commercial), CC (Community Commercial), and CB (Community Business) zoning districts to encourage the redevelopment of underutilized commercial land. These districts currently permit multifamily housing, but not single-family dwellings, including single-family attached units, or cottages.

- Affordability requirements - Planning staff worked with developers to come up with a model that would provide sufficient return on development to incentivize the development of affordable units in various projects. Table 21A.52.050.G of the ordinance outlines the recommendation based on that analysis. *Attachment G* of the Planning Commission staff report includes a summary of the proforma and scenario analyses.

See the table on the next page.

Table 21A.52.050.G

Incentive Type

Types	Incentives
Type A. Applicable to the single- and two-family zoning districts: FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3.	Dwelling units shall meet the requirements for an affordable rental or homeownership unit affordable to those with incomes at or below 80% AMI. New construction: At least 50% of the provided dwelling units shall be affordable. Existing building maintained: A minimum of one of the dwelling units shall be affordable provided the existing building is maintained as required in 21A.52.050.H.1.c.
Type B. Applicable to residential multifamily zoning districts: RMF-30, RMF-35, RMF-45, and RMF-75	An affordable rental unit shall meet a minimum of at least one of the following affordability criteria: 1. 40% of units shall be affordable to those with incomes at or below 60% AMI; 2. 20% of units shall be affordable to those with incomes at or below 50% AMI; or 3. 40% of units shall be affordable to those with incomes averaging no more than 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI. For sale owner occupied units: An affordable homeownership unit shall provide a minimum of 50% of units affordable to those with incomes at or below

	80% AMI
Type C. Applicable to zoning districts not otherwise specified.	Affordable rental or homeownership units shall meet a minimum of at least one of the affordability criteria identified. Any fractional number of units required shall be rounded up to the nearest whole number. 7. 20% of units are restricted as affordable to those with an income at or below 80% AMI; 8. 10% of units are restricted as affordable to those with an income at or below 60% AMI; 9. 10% of units are restricted as affordable to those with an average income at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI; 10. 5% of units are restricted as affordable to those with an income at or below 30% AMI; 11. 10% of units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have two or more bedrooms; 12. 5% of units are restricted as affordable to those with an income at or below 60% AMI when the affordable units have two or more bedrooms; or 13. 5% of the units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have three or more bedrooms.

COMMUNITY OUTREACH

Pages 2-3 of the transmittal summarize outreach efforts Planning conducted to get feedback from the community on the proposed change.

Outreach efforts included: online surveys, developer discussion, recognized community organization outreach, and open houses, both in person and online. The Historic Landmark Commission and Planning Commission both reviewed the proposed changes. The Planning Commission held public hearings in May 2022 and March 2023.

Additionally, in the fall and winter of 2022/2023 the Mayor convened a focus group that included 15-20 members of the community, including neighborhood leaders, developers, policy advisors, and housing advocates. The group reviewed and discussed topics with the most community concerns over four meetings in the fall and winter of 2022.

Based on the focus group's recommendations, changes were made to the final draft. Their recommended changes to the proposal are detailed in the Planning staff's report and highlighted on pages 7-9 of *Attachment A – Updated Affordable Housing Incentives March 2023* to this memo.

As noted above, the Council also authorized a City-wide postcard to notify residents and property owners about this proposal as well as the City-wide anti-gentrification plan.

KEY ELEMENTS OF THE PROPOSAL

The Affordable Housing Incentives amendments are intended to encourage the development, construction, and preservation of housing in the city through a variety of methods, including allowing for additional height, reducing parking requirements, allowing additional housing types, and providing planning process waivers or modifications.

Purpose

The purpose statement of the Affordable Housing Incentives section reads as follows:

> *To encourage the development of affordable housing. The provisions within this section facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.*

There are two primary goals of the Affordable Housing Incentives:

1. Help public and private dollars that go into building affordable housing create more housing units.
2. Create additional opportunities for property owners to provide new, affordable housing units. *(April 26, 2023, Planning Commission Staff Report, Page 2)*

Affordable Housing Definition

The draft ordinance provides the following definition for affordable housing:

> *Shall be both income and, as applicable, rent restricted. The affordable units shall be made available only to individuals and households that are qualifying occupants at or below the applicable percentage of the area median income for the Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area the "SLC Area Median Income" or "AMI", as periodically determined by HUD and adjusted for household size) and published by the Utah Housing Corporation, or its successor. Affordable housing units must accommodate (30% of gross income for housing costs, including utilities) at least one of the following categories:*
>
> *a. Extremely Low-Income Affordable Units: Housing units accommodating up to 30% AMI;*
>
> *b. Very Low-Income Affordable Units: Housing units accommodating up to greater than 30% and up to 50% AMI; or*
>
> *c. Low-Income Affordable Units: Housing units accommodating greater than 50% and up to 80% AMI*

Preservation of Existing Housing

The Affordable Housing Incentives adds provisions to encourage preservation of existing housing. This includes allowing a second, detached dwelling on a property when the existing dwelling is maintained.

Key Concepts Discussed with the Planning Commission

Pages 2-3 of the transmittal letter outline the key considerations of the draft amendments discussed with the Planning Commission. A short summary is provided below. See pages 7-14 for full analysis.

1. **Implementation of city goals and policies identified in adopted plans**
    a. Planning staff found the proposed amendments are consistent with principles and polices of Plan Salt Lake and Growing SLC

2. **Affordability level and percentage of units**
    a. See chart on page 3 above.

3. **Neighborhood Impacts**
   The focus group discussed several mitigation options based on comments from the Planning Commission and the public and came to a consensus on the following recommendations:
   - The removal of the proximity to transit and adjacency to arterial roads requirement for additional housing types in the single- and two-family zoning districts.
   - Emphasis on the preservation of existing housing
   - Additional design standards for new housing types in single- and two-family zoning districts

4. **Administration and Enforcement**
   a. Administrative staff anticipates additional staff will be needed to administer the program based on the number of projects that use the affordable housing incentive program.
   b. Language is included in the draft ordinance that would enable the City to contract with a third party for administration on the incentives.
   c. Language on reporting, compliance, and enforcement are included in the ordinance. The properties using the AHI would be required to submit an annual report, and a restrictive covenant would be placed on the property.

5. **Infrastructure impacts**
   a. If a water, sewer, or storm drain line does not have adequate capacity for new housing units, a developer is required to increase the capacity. This is handled during the building permit process.
   b. Planning staff also worked with Public Utilities to determine the impact this proposal may have on water supply and demand in the city. Public Utilities provided scenarios for different types of potential development that would result from the proposed changes.
      i. Average usage for single-family residential dwellings is between 12,000-15,000 gallons per month.
         1. Much of this is for outdoor watering and in the winter water usage is approximately 6,500-7,000 gallons per month.
      ii. A sampling of high-rise and wood frame construction with a total of about 725 units averaged water usage of approximately 2,000 gallons per month, per unit.
      iii. Two fourplexes and a cottage court (10 units) averaged approximately 3,000 gallons per month, per unit.

SALT LAKE CITY ORDINANCE

No. _____ of 202__

(An ordinance amending various sections of the Title 21A of the Salt Lake City Code establishing a chapter for zoning incentives and adding affordable housing incentives)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2019-00658 pertaining to zoning incentives and affordable housing incentives.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held public hearings on May 11, 2022 and April 26, 2023 to consider a petition submitted by former Salt Lake City Mayor, Jackie Biskupski (Petition No. PLNPCM2019-00658) to amend various sections of Title 21A of the *Salt Lake City Code* adding zoning incentives and affordable housing incentives; and

WHEREAS, at its April 26, 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, the City Council requests a report on costs and benefits of implementation of the affordable housing incentives 24 months following adoption; 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.20.040. That Section 21A.20.040 of the *Salt Lake City Code* (Zoning: Enforcement: Civil Fines) shall be and hereby is amended to read as follows:

A. If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars ($25.00) a day per violation for those properties legally used for purposes that are solely residential uses, and one hundred dollars ($100.00) a day per violation for those properties used for purposes that are not residential uses.

B. Affordable housing incentives per 21A.52.050: If the violation(s) are not corrected by the citation deadline, civil fines shall accrue at the rate set in the Consolidated Fee Schedule per day per violation. If the violation(s) include renting an affordable rental unit in excess of the approved rental rate then an additional monthly fine shall accrue that is the difference between the market rate of the unit and the approved rental rate that is agreed to by the applicant at the time of approval for a project using the incentives.

SECTION 2. Amending the text of *Salt Lake City Code* Subsection 21A.24.050.A. That Subsection 21A.24.050.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/12,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/12,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots twelve thousand (12,000) square feet in size or larger. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 3. Amending the text of *Salt Lake City Code* Subsection 21A.24.060.A. That Subsection 21A.24.060.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/7,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/7,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 4. Amending the text of *Salt Lake City Code* Subsection 21A.24.070.A. That Subsection 21A.24.070.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/5,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/5,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 5. Amending the text of *Salt Lake City Code* Subsection 21A.24.110.A. That Subsection 21A.24.110.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-2 Single- and Two-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-2 Single- and Two- Family Residential District is to preserve the character of existing neighborhoods which exhibit a mix of predominantly single- and two-family dwellings. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

SECTION 6. Amending the text of *Salt Lake City Code* Subsection 21A.24.170.F. That Subsection 21A.24.170.F of the *Salt Lake City Code* (Zoning: Residential Districts: R-MU Residential/Mixed Use District) shall be and hereby is amended to read as follows:

F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section.
   1. Maximum height for nonresidential buildings: Forty five feet (45').
   2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

SECTION 7. Amending the text of *Salt Lake City Code* Subsection 21A.26.078.E.2. That Subsection 21A.26.078.E.2 of the *Salt Lake City Code* (Zoning: Commercial Districts: TSA Transit Station Area District) shall be and hereby is amended to read as follows (Table 21A.26.078.E.2 and all notes thereto shall remain and are not amended herein):

2. Building Height: The minimum and maximum building heights are found in table 21A.26.078.E.2, "Building Height Regulations", of this subsection E.2. The minimum

building height applies to all structures that are adjacent to a public or private street. The building shall meet the minimum building height for at least fifty percent (50%) of the width of the street facing building wall.

SECTION 8. Amending the text of *Salt Lake City Code* Table 21A.27.040.C. That Table 21A.27.040.C of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-SC and FB-SE Form Based Special Purpose Corridor District) shall be and hereby is amended to read as follows:

TABLE 21A.27.040.C
FB-SC BUILDING FORM STANDARDS

Permitted Building Forms Multi-Family And Storefront			
H	Maximum building height		Maximum building height in the FB-SC is 60 ft.
	Limitation on commercial uses		Commercial or nonresidential uses are limited to the first 3 stories and a height of 45 ft. This limitation does not apply to hotel/motel uses, which are limited to the maximum height of 75 ft.
F	Front and corner side yard setback	Greenway	Minimum of 5 ft. Maximum of 15 ft.
		Neighborhood	Minimum of 15 ft. Maximum of 25 ft.
		Avenue	Minimum of 5 ft. Maximum of 10 ft.
		Boulevard	Minimum of 15 ft. Maximum of 25 ft.
B	Required built-to		Minimum of 50% of any street facing facade shall be built to the minimum setback line. At least 10% of any street facing facade shall be built to the maximum setback line.
S	Interior side yard		When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
R	Rear yard		When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
L	Minimum lot size		4,000 sq. ft.; not to be used to calculate density.

W	Minimum lot width	50 ft.
DU	Dwelling units per building form	No minimum or maximum.
Bf	Number of building forms per lot	1 building form permitted for every 4,000 sq. ft. of lot area provided all building forms have frontage on a street.

SECTION 9. Amending the text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Residential Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Affordable Housing Incentives Development	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

SECTION 10. Amending the text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Commercial Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District						
	CN	CB	CS[1]	CC	CSHBD[1]	CG	SNB
Affordable Housing Incentives Development	P	P	P	P	P	P	P

SECTION 11. Amending the text of *Salt Lake City Code* Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Transit Station Area Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Affordable Housing Incentives Development	P	P	P	P	P	P	P	P

SECTION 12. Amending the text of *Salt Lake City Code* Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Downtown Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	**Permitted And Conditional Uses By District**			
	D-1	D-2	D-3	D-4
Affordable Housing Incentives Development	P	P	P	P

SECTION 13. Amending the text of *Salt Lake City Code* Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for the Gateway District, which use category shall read and appear in that table as follows:

Use	**G-MU**
Affordable Housing Incentives Development	P

SECTION 14. Amending the text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Special Purpose Districts, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Affordable Housing Incentives Development													P				

SECTION 15. Amending the text of *Salt Lake City Code* Section 21A.33.080. That Section 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Form Based Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Form Based Districts, inserted in alphabetical order, which use category shall read and appear in that table as follows:

[*Note to codifier: use this table if FB-MU11 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Use	**Permitted Uses By District**				
	FB-UN1	FB-UN2	FB-MU11	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P	P

[*Note to codifier: use this table if FB-MU11 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.*]

Use	**Permitted Uses By District**			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P

SECTION 16. Creating a new Chapter 21A.52 of *Salt Lake City Code* 21A. Chapter 21A of the *Salt Lake City Code* (Zoning Incentives) shall be and hereby is amended to include a new Chapter 21A.52 Zoning Incentives and shall read as follows:

21A.52.010 PURPOSE:

The purpose of this chapter is to establish zoning incentives to support achieving adopted goals within the city's adopted plans and policy documents.

21A.52.020 APPLICABILITY:

A. This chapter applies as indicated within each subsection.

B. The planned development process in 21A.55 is not required as indicated within this chapter.

C. The administrative design review process in 21A.59 may be applicable as indicated within this chapter.

21A.52.030 RELATIONSHIP TO BASE ZONING DISTRICTS AND OVERLAY ZONING DISTRICTS:

Unless otherwise indicated in this chapter, all base zoning district or overlay zoning district standards and requirements take precedence except as indicated in this section.

21A.52.040 APPROVAL PROCESS:

Unless specifically exempted or modified by this chapter, all requirements of this title shall apply.

A. Zoning Incentives: Applicants using the zoning incentives in this chapter shall submit a zoning incentives application and provide the following information:
   1. The applicant's name, address, telephone number and interest in the property to which the incentives shall apply;
   2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
   3. The street address, tax parcel number and legal description of the subject property;
   4. The zoning classification, zoning district boundaries and present use of the subject property;
   5. The location of all proposed buildings and structures, accessory and principal, showing the number of stories and height, dwelling type, if applicable, major elevations and the total square footage of the floor area by proposed use and any additional information required for site plan review set forth in Chapter 21A.58;
   6. The total number of dwelling units in the project, the number of affordable units, the number of bedrooms in the affordable units, the location of the affordable units, and level of affordability; and
   7. Any additional information required by Chapter 21A.59 design review or to demonstrate compliance with the requirements of this chapter, as applicable.

B. Preliminary approval shall authorize the preparation, filing and processing of applications for any permits or approval that may be required by the city, including, but not limited to, a building permit. Notwithstanding the foregoing, no permits shall be issued until final approval is obtained pursuant to this Chapter. Preliminary approval shall be valid for a period of one year unless complete building plans have been submitted to the Division of Building Services.

C. Administrative design review, where applicable, shall be exempt from the application fees and noticing fees otherwise required pursuant to Section 21A.59.

D. Following the approval of any administrative design review application, any future alteration to the property, building or site shall comply with the approved design review application unless a modification is approved subject to the process outlined in Chapter 21A.59.

E. Final approval shall occur following the recording of the restrictive covenant.

F. Preliminary and final approvals shall be administrative approvals by the planning director or the planning director's designee.

21A.52.050 AFFORDABLE HOUSING INCENTIVES:

A. Purpose: The incentives set forth in this chapter are intended to encourage the development of affordable housing. The provisions within this section are intended to facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.

B. Applicability: The provisions in this section provide optional incentives to development projects that include affordable housing units. Unless specifically stated below, all other applicable provisions in the base zoning district or overlay districts shall apply.

C. Uses: Additional housing types are allowed in zones subject to compliance with this section.

D. Reporting and Auditing: Property owners who use the incentives of this chapter are required to provide a report that demonstrates compliance with this section and any additional approvals associated with the use of incentives. The report shall be submitted annually by April 30th and shall be reflective of the financial status at the end of the previous calendar year. The report shall be submitted to the Director of Community and Neighborhoods or successor.

1. Annual Report and Auditing: Each property owner shall submit a report that demonstrates compliance with this chapter.
    a. If applicable, the property owner shall submit a copy of the annual report(s) provided to Utah Housing Corporation, Olene Walker Housing Loan Fund, Housing Authority of Salt Lake City, Housing Connect, or similar funding source as determined by the Department of Community and Neighborhoods, or its successor, confirming compliance with affordable housing conditions, including tenant income and rental rates.
    b. If an annual report is not submitted as required in 21A.52.050.D.1.a above, the property owner shall provide a report that includes, but is not limited to the following:
        (1) The property location, tax ID number, and legal description.
        (2) Property owner name, mailing address, and email address.
        (3) Information on the dwelling units and tenants of the property receiving the incentives that includes:
            (A) The total number of dwelling units
            (B) The number of bedrooms of each dwelling unit
            (C) The rental rate of each dwelling unit
            (D) Identify the dwelling units that comply with the level of affordability identified in the approval to use the incentives and a statement that the dwelling units are in compliance with the approval requirements.

(E) Identify any change in occupancy to the units that are required to be affordable under this section, including a change in the number of people residing in each unit and any change in tenant. Personal data is not required to be submitted.

(F) Confirm that income verification for all tenants was performed on an annual basis.

(G) Identify any differences in rent between the agreed upon rental rate in the approval to use the incentives and the actual rent received for the identified affordable dwelling units.

(H) Identify any instance where an affordable dwelling unit was no longer rented at the agreed upon level of affordability, the length of time the dwelling unit was not in compliance with the agreed upon level of affordability, and any remedy that was taken to address the noncompliance.

2. Review of Annual Report: The Director of Community and Neighborhoods shall review the report to determine if the report is complete.
3. Within 30 days of receipt of a complete report, the Director of Community and Neighborhoods shall provide the property owner with written notice that:
    a. Identifies whether the property is in compliance.
    b. Identify any deficiency in the information provided by the owner.
    c. Assesses any penalty that is due as a result of an identified noncompliance.
4. After receipt of the notice from the Director of Community and Neighborhoods that indicates noncompliance, the property owner shall:
    a. Cure the identified noncompliance within 30 days of such notice and concurrently submit an updated report of then-current operations of the property that demonstrates compliance; or
        (1) Property owners can request an extension in writing prior to the expiration of the 30-day cure period identified above. The request shall include an explanation of the efforts to correct the non-compliance and the reason the extension is needed. The Director of Community and Neighborhoods will review and determine if the timeframe and extension are appropriate and whether or not fines shall be stayed during any approved extension. Upon expiration of the extension granted by the Director the property owner shall submit an updated report of then-current operations of the property that demonstrates compliance.
    b. Pay any fine or fee that is assessed pursuant to 21A.20.040 due to any noncompliance within 14 days of achieving compliance. Any fine or fee shall be assessed from the first identified date that the property is not in compliance.
5. The city may contract with another entity for review of the requirements in this section.
6. Violations of this Chapter shall be investigated and prosecuted pursuant to 21A.20, except as set forth below in 21A.52.050.E.

E. Enforcement: Violations of this Chapter, or the restrictive covenant on the property as set forth in 21A.52.050.F.1, shall be investigated and prosecuted pursuant to 21A.20. The city shall have the additional remedies for violations as set forth below.

1. Lien on Property. If the property owner fails to make payment of the outstanding fines, then after 90 days or when fines reach $5,000, the division will issue a statement of outstanding fines. If the property owner fails to make payment within 14 days, then the division may certify the fines set forth in the statement to the Salt Lake County Treasurer. After entry by the Salt Lake County Treasurer, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes. Upon payment of the amount set forth in the statement, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.
2. Revocation of Business License. Upon a determination of the division that the property is in violation of this Chapter the city may suspend or revoke the business license associated with the property. Any suspension or revocation of a license shall not be imposed until a hearing is first held before the Director of Community and Neighborhoods or his/her successor. The licensee shall be given at least 14 days' notice of the time and place of the hearing, together with the nature of the charges against the licensee. The licensee may appear in person or through an officer, agent or attorney, to introduce evidence on the licensee's behalf, and to confront and cross-examine witnesses. The Director of Community and Neighborhoods shall make a decision based upon the evidence introduced at the hearing and issue a written decision. The licensee may appeal to an appeals hearing officer and thereafter to district court pursuant to 21A.16. If the license is revoked or suspended it shall thereafter be unlawful for any person to engage in or use, or permit to be used any property for any business with respect to which the license has been suspended or revoked until a license shall be granted upon appeal or due to the property's compliance with this Chapter. No person whose license has been revoked, and no person associated or connected with such person in the conduct of such business, shall be granted a license for the same purpose for a period of six months after the revocation has occurred. The Director may, for good cause, waive the prohibition against persons formerly associated or connected with an individual who has had a license revoked.
3. Any other remedies or financial penalties identified in the terms of the restrictive covenant required by Section 21A.52.050.F.1, which shall be reasonably related to enforcement of the terms of this Chapter, achieving the goals of this Chapter, obtaining the number of units and level of affordability agreed to by the property owner, or if such units and level of affordability cannot be obtained then to eliminate the incentive(s) obtained or recoup the value thereof.

F. Eligibility Standards: Developments shall meet the criteria below to be eligible for the authorized incentives:

1. Restrictive Covenant Required:

a. Any owner who uses the incentives of this chapter shall enter into a legally binding restrictive covenant, the form of which shall be approved by the city attorney. Prior to the issuance of a building permit for construction of a building using the incentives, the restrictive covenant shall be recorded with the Salt Lake County Recorder. The agreement shall provide for the following, without limitation: acknowledge the use of the incentives, the nature of the approval and any conditions thereof, the affordability requirements, the terms of compliance with all applicable regulations, shall guarantee compliance for a term of 30 years, and the potential enforcement actions for any violation of the agreement. The agreement shall be recorded on the property with the Salt Lake County Recorder, guarantee that the affordability criteria will be met for at least 30 years, and future owners shall be subject thereto.

b. For an affordable homeownership unit, the restrictive covenant shall also require a notice of sale be provided to the city and the city shall have a right of first refusal to purchase any designated affordable unit in accordance with a future sales price that is capped to comply with Section 21A.52.050.F.2.b.2 below.

2. The affordable units shall be both income and rent/housing payment restricted.

a. Income Restriction - The affordable units shall be made available only to Eligible Households that are qualifying occupants with an annual income at or below the SLC Area Median Income ("AMI") as applicable for the given affordable unit for Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area (as periodically determined by the HUD and adjusted for household size).

b. Rent/Housing Payment Restriction

(1) For an affordable rental unit, the monthly rent, including all required housing costs per unit, such as utilities and other charges uniformly assessed to all apartment units other than charges for optional services, shall be set forth in a written lease and shall not exceed, for the term of the lease, the maximum monthly gross rental rate published annually by the Utah Housing Corporation for affordable units located in Salt Lake City for the percentage AMI as applicable for the given affordable unit type.

(2) For an affordable homeownership unit, the annualized housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for the AMI as applicable for the given affordable

unit, assuming a household size equal to the number of bedrooms in the unit plus one person.

3. Comparable units: Affordable units shall be comparable to market rate units, if any, in the development including with respect to entrance location, dispersion throughout the building or site, number of bedrooms, and access to amenities, except as otherwise approved in the terms of the restrictive covenant. This subpart does not apply to units in single- and two-family zoning districts.
4. The property owner shall be ineligible for affordable housing incentives pursuant to this Chapter if the property owner or its principals, partners, or agents are under enforcement for any violation of Title 11, 18, 20, or 21.

G. Incentives: Developments are eligible for the incentives identified in this section. Table 21A.52.050.G establishes the affordability requirements based on the zoning district of the property. Sections 1 through 4 establish the modifications allowed within each zoning district in order to be eligible for the affordability incentives. To use the incentives, developments shall comply with the criteria applicable to the base zoning districts. Any fractional number of units required shall be rounded up to the nearest whole number.

Table 21A.52.050.G

Incentive Types	
Types	**Incentive**
Type A. Applicable to the single- and two-family zoning districts: FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3.	Affordable homeownership developments shall meet at least one of the following affordability criteria: 1. 50% of the units shall be affordable to those with incomes at or below 100% AMI. 2. If an existing building is maintained as required in 21A.52.050.H.1.c, 25% of the units shall be affordable to those with incomes at or below 100% AMI. Affordable rental developments shall meet at least one of the following affordability criteria: 1. 50% of the units shall be affordable to those with incomes at or below 80% AMI. 2. If an existing building is maintained as required in 21A.52.050.H.1.c, a minimum of one of the units shall be affordable to those with incomes at or below 80% AMI.
Type B. Applicable to residential multifamily zoning districts: RMF-30, RMF-35, RMF-45, and RMF-75	Affordable homeownership developments shall meet at least one of the following affordability criteria: 1. 10% of the units shall be affordable to those with incomes at or below 80% AMI.

	2. 5% of the units shall be affordable to those with incomes at or below 60% AMI. Affordable rental developments shall meet at least one of the following affordability criteria: 1. 40% of the units shall be affordable to those with incomes at or below 60% AMI. 2. 20% of the units shall be affordable to those with incomes at or below 50% AMI. 3. 40% of units shall be affordable to those with incomes averaging no more than 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI.
Type C. Applicable to zoning districts not otherwise specified.	Affordable homeownership developments shall meet at least one of the following affordability criteria: 1. 10% of the units shall be affordable to those with incomes at or below 80% AMI. 2. 5% of the units shall be affordable to those with incomes at or below 60% AMI. Affordable rental developments shall meet at least one of the following affordability criteria: 1. 20% of the units shall be affordable to those with incomes at or below 80% AMI. 2. 10% of the units shall be affordable to those with incomes at or below 60% AMI. 3. 10% of the units shall be affordable to those with incomes averaging at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI. 4. 5% of the units shall be affordable to those with incomes at or below 30% AMI. 5. 10% of the units shall be affordable to those with incomes at or below 80% AMI and these units must have two or more bedrooms. 6. 5% of the units shall be affordable to those with incomes at or below 60% AMI and these units must have two or more bedrooms. 7. 5% of the units shall be affordable to those with incomes at or below 80% AMI and these units must have three or more bedrooms.

1. Single- and Two-Family Zoning Districts: The following housing types: twin home and two-family, three-family dwellings, four-family dwellings, row houses, sideways row houses, and cottage developments are authorized in the FR-1, FR-2,

FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts provided the affordability requirements for Type A in Table 21A.52.050.G are met.

2. RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts: The qualifying provisions for density found in the minimum lot area and lot width tables for the RMF-35, RMF-45, and RMF-75 zoning districts do not apply and in the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply, provided the affordability requirements for Type B in Table 21A.52.050.G are met.

3. Incentives in the CB Community Business, CC Corridor Commercial, CG General Commercial, and I Institutional Zoning Districts:
    a. The following housing types: row houses, sideways row houses, and cottage developments are authorized provided the affordability requirements in subsection b. are complied with;
    b. To be eligible for the incentives listed in this subsection a., a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.

4. The following incentives are authorized in zoning districts provided the affordability requirements for Type C in Table 21A.52.050.G are complied with:
    a. Administrative design review provided the standards in 21A.59 are met. Early engagement notice requirements to recognized organizations are not applicable.
    b. Additional building height may be added as indicated in the following sections. The maximum height per story of additional building height shall not exceed 12 feet.

(1) Residential districts:

Zoning District	Permitted Maximum Height with Incentive
RMU-35	45’ with administrative design review, regardless of abutting use or zone.
RMU-45	55’ with administrative design review, regardless of abutting use or zone.
RB	One additional story; density limitations listed in the land use table do not apply.
RMU	Three additional stories with administrative design review.
RO	One additional story.

(2) Commercial Districts:

Zoning District	Permitted Maximum Height with Incentive
SNB	One additional story.
CB	One additional story.
CN	One additional story.
CC	45’ with administrative design review; additional landscaping may be met by meeting requirements in 21A.52.050.H.3.c.5.

CG	Two additional stories with administrative design review. Three additional stories with administrative design review for properties in the mapped area in Figure 21A.26.070.G.
CSHBD1	129' with administrative design review.
CSHBD2	72' with administrative design review.
TSA-Transition	One additional story with administrative review.
TSA-Core	Two additional stories with administrative review.

(3) Form-based districts:

[*Note to codifier: use this table if FB-MU11 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Zoning District	**Permitted Maximum Height with Incentive**
FB-MU11	Three additional stories with administrative design review.
FB-UN2	One additional story.
FB-SC	One additional story.
FB-SE	One additional story.
FB-UN1	Three stories, but not to exceed 30' in height.

[*Note to codifier: use this table if FB-MU11 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.*]

Zoning District	**Permitted Maximum Height with Incentive**
FB-UN2	One additional story.
FB-SC	One additional story.
FB-SE	One additional story.
FB-UN1	Three stories, but not to exceed 30' in height.

(4) Downtown districts:

Zoning District	**Permitted Maximum Height with Incentive**
D-1	Administrative design review is permitted when a design review process is required.
D-2	Two additional stories with administrative design review.
D-3	Three additional stories with administrative design review.
D-4	Three additional stories with administrative design review. 375' and administrative design review in mapped area in 21A.30.045.E.2.b.

(5) Other districts:

Zoning District	Permitted Maximum Height with Incentive
GMU	Two additional stories with administrative design review.
MU	60’ with administrative design review, with residential uses in all principal buildings.

c. Administrative design review is permitted for the following:

(6) Buildings in the CSHBD1 and CSHBD2 zoning district that exceed 20,000 square feet in size.

(7) Buildings in the CB zoning district that exceed 7,500 gross square feet of floor area for a first-floor footprint or in excess of 15,000 gross square feet floor area.

5. Planned Developments: A planned development is not required when the purpose of the planned development is due to the following reasons cited below, subject to approval by other city departments. If a development proposes any modification that is not listed below, planned development approval is required. To be eligible for the incentives in this section, a development shall meet the affordability requirements for the applicable zoning district in Table 21A.52.040.
   a. Multiple Buildings on a Single Parcel: More than one principal building may be located on a single parcel and are allowed without having public street frontage. This allowance supersedes the restrictions of 21A.36.010.B;
   b. Principal buildings with frontage on a paved public alley;
   c. Principal buildings with frontage on a private street;
   d. Development located in the Community Shopping (CS) “Planned Development Review” in 21A.26.040.C.

H. Development Regulations: The following development regulations are intended to provide supplemental regulations and modify standards of the base zoning district for the purpose of making the affordable housing incentives more feasible and compatible with existing development. Base zoning standards apply unless specifically modified by this section and are in addition to modifications authorized in Subsection 21A.52.050.G. If there are conflicts with design standards, the more restrictive regulation shall apply and take precedence. These standards are not allowed to be modified through the planned development process.

1. Modifications in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts:
   a. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. One detached garage or covered parking space, no greater than 250 sq. ft. per unit, may be provided for each unit and these structure(s) may exceed the yard and building coverage requirements for accessory structures. When covered parking is provided, the 250 sq. ft. per unit of covered parking may be combined into a single structure for each required parking stall provided.

b. Yards: Minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

c. Density:

(1) Lots approved through a planned development prior to the effective date of this Chapter are required to go through a major modification of the planned development to use the incentives.

(2) Lots may contain up to four units. Existing lots may be divided such that each unit, not including accessory dwelling units (ADUs), is on its own lot. The new lots are exempt from minimum lot area, lot width, and lot frontage requirements. This paragraph shall not apply to vertical developments.

(3) An ADU is considered one unit and counts toward the number of units permitted.

(4) Arrangement of dwellings:

(A) New dwelling units may be arranged in any manner within a building, as a second detached dwelling, as attached units, or a cottage development with three or more detached dwellings.

(B) When an existing building is maintained, new units may be added internal to the existing structure, as an addition, or as a second detached dwelling. Any addition must comply with the standards of the base zoning district; however, the addition may contain additional units. 50% of the exterior walls of the existing dwelling, including the front elevation, shall remain as exterior walls.

(C) The units shall comply with this section, applicable requirements of the base zoning district, and any applicable overlay district.

2. Within the RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts the following provisions shall apply:

a. Unit Mix: No more than 25% of the units in the development shall be less than 500 square feet to promote a mix of unit sizes.

b. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required in multifamily developments with less than 10 units.

c. Yards: The minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

d. Lot width: Minimum lot width requirements do not apply.

3. In addition to applicable requirements in subsections 1 and 2 above, the following provisions apply to the specific building types listed:

a. Row house and Sideways row house

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the building and 6 feet on the other interior side yard unless a greater yard is required by the base zoning district.

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Number of Units: To qualify for incentives in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A zoning districts there is a minimum of three and a maximum of four residential dwelling units per building.

(3) Building length facing street:

(A) The building length shall not exceed 60 feet or the average of the block face, whichever is less, in FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A districts;

(B) The building length shall not exceed 100 feet in the RMF-30, RMF-35, RMF-45 and RMF-75 districts; and

(C) The building length shall not exceed 175 feet in other zoning districts.

(4) Building entry facing street: At least one operable building entrance on the ground floor is required for each unit facing the primary street facing façade. All units adjacent to a public street shall have the primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. The entry feature may encroach in the front yard setback, but the encroachment shall not be closer than 5 feet from the front property line.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the proposed material is durable and is appropriate for the structure.

(6) Parking requirement and location: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. All provided parking shall be located to the side of the street facing building façade, behind a principal structure that has frontage on a street, or within

the principal structure subject to any other applicable provision.

(7) Garage doors facing street: Garage doors are prohibited on the façade of the building that is parallel to, or located along, a public street.

(8) Personal outdoor space: Each unit shall have a minimum outdoor space of 60 square feet where the minimum measurement of any side cannot be less than 6 feet.

(9) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(10) Blank wall: The maximum length of any blank wall uninterrupted by windows, doors, or architectural detailing at the ground floor level along any street facing façade is 15'.

(11) Screening of mechanical equipment: All mechanical equipment shall be screened from public view and sited to minimize their visibility and impact. Examples of siting include on the roof, enclosed or otherwise integrated into the architectural design of the building, or in a rear or side yard area subject to yard location restrictions found in section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards" of this title.

Illustration for 21A.52.050.E.3.a.1 Required Setbacks for Public Street Facing Row House

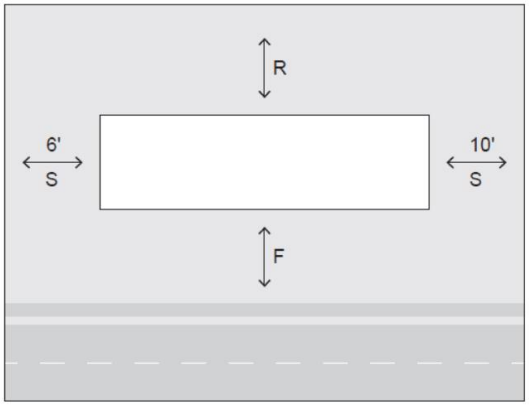
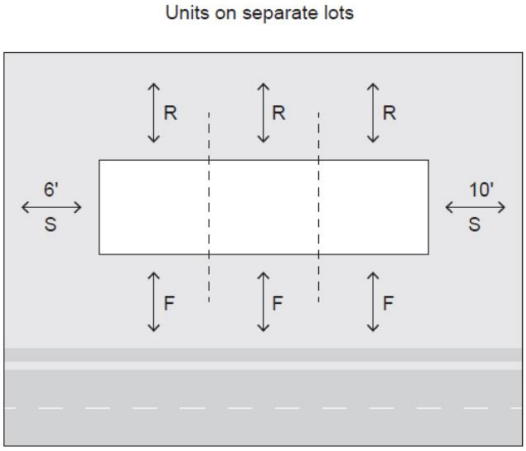
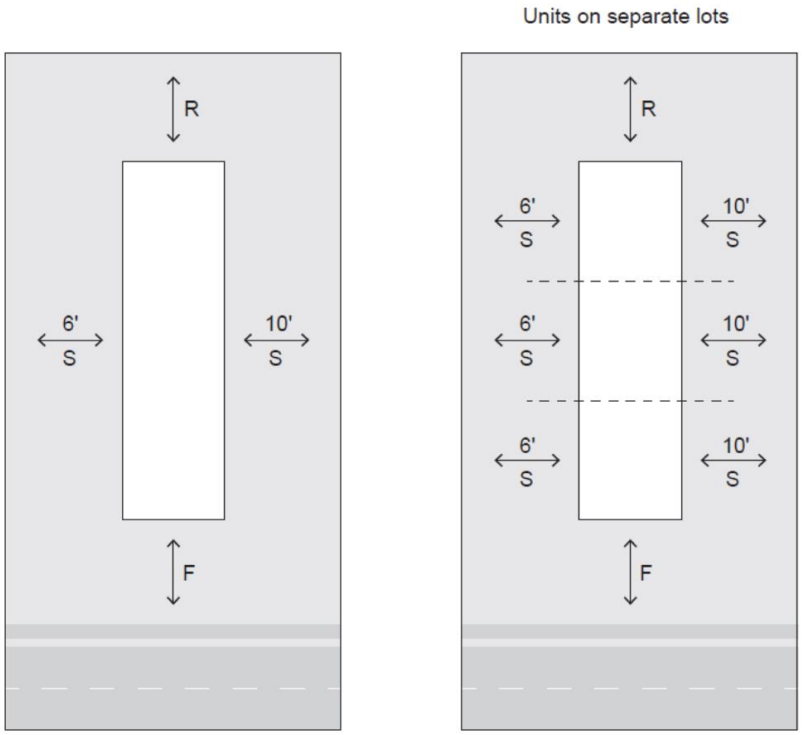


Illustration for 21A.52.050.E.3.b.1 Required Setbacks for Sideways Row House





b. Cottage Development

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the property line and 6 feet on the other interior side yard, unless a greater yard is required by the base zoning district.

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Setbacks Between Individual Cottages: All cottages shall have a minimum setback of eight feet from another cottage.

(3) Area: No cottage shall have more than 850 square feet of gross floor area, excluding basement area. There is no minimum square foot requirement.

(4) Building Entrance: All building entrances shall face a public street or a common open space.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the

proposed material is durable and is appropriate for the structure.

(6) Open Space: A minimum of 250 square feet of common, open space is required per cottage. At least 50% of the open space shall be in a courtyard or other common, usable open space. The development shall include landscaping, walkways or other amenities intended to serve the residents of the development.

(7) Personal Outdoor Space: In addition to the open space requirement in this section, a minimum of 120 square feet of private open space is required per cottage. The open space shall provide a private yard area for each cottage and will be separated with a fence, hedge, or other visual separation to distinguish the private space.

(8) Parking: Unless there is a lesser parking requirement in 21A.44, one off-street parking space per unit is required. All provided parking shall be located to the side of a street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.

c. In addition to applicable requirements in 21A.52.050.H above, the following provisions apply to all other buildings containing more than two residential units. If the base zone has a greater design standard requirement, that standard applies.

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard setback of the base zoning district apply.

(B) Side yards: For housing types not otherwise allowed in the zoning district, a minimum of 10 feet on each side property line, unless a greater setback is required for single-family homes.

(C) Rear yards: The rear yard of the base zoning district applies.

(2) Building entrances: The ground floor shall have a primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. Stairs to second floor units are not permitted on street facing elevations.

(3) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(4) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the

proposed material is durable and is appropriate for the structure.

(5) Open space: Open space area may include landscaped yards, patios, dining areas, and other similar outdoor living spaces. All required open space areas shall be accessible to all residents or users of the building.

(A) Single- and two-family zoning districts: 120 sq. ft. of open space with a minimum width of 6 ft. shall be provided for each building with a dwelling.

(B) All other zoning districts: A minimum of 10% of the land area within the development shall be open space, up to 5,000 square feet. Open space may include courtyards, rooftop and terrace gardens and other similar types of open space amenities. All required open space areas shall be accessible to all residents or users of the building.

d. Single- and Two-family Dwellings: No additional design standards except as identified in 21A.24.

e. Lots without public street frontage may be created to accommodate developments without planned development approval subject to the following standards:

(1) Required yards shall be applied to the overall development site not individual lots within the development. The front and corner yards of the perimeter shall be maintained as landscaped yards;

(2) Lot coverage shall be calculated for the overall development not individual lots within the development; and

(3) Required off street parking stalls for a unit within the development are permitted on any lot within the development.

(4) The subdivision shall be finalized with a final plat and the final plat shall document that the new lot(s) has adequate access to a public street by way of easements or a shared driveway or private street; and

(5) An entity, such as a homeowner association, must be established for the operation and maintenance of any common infrastructure. Documentation establishing that entity must be recorded with the final plat.

SECTION 17. Amending the text of *Salt Lake City Code* Subsection 21A.55.010.C.1. That Subsection 21A.55.010.C.1 of the *Salt Lake City Code* (Zoning: Planned Developments: Purpose Statements) shall be and hereby is amended to read as follows:

1. Affordable housing that meets the requirements of 21A.52.050.

SECTION 18. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Affordable Housing
Affordable Housing Incentives Development
Dwelling, Three-family
Dwelling, Four-family
Dwelling, Row House
Dwelling, Sideways Row House
Dwelling, Cottage Development

SECTION 19. Amending the Text of *Salt Lake City Code* Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and hereby is amended as follows:

a. Adding the definition of "AFFORDABLE HOUSING." That the definition of "AFFORDABLE HOUSING" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING: Affordable housing shall be both income and, as applicable, rent-restricted. The affordable units shall be made available only to individuals and households that are qualifying occupants at or below the applicable percentage of the area median income for the Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area the "SLC Area Median Income" or "AMI", as periodically determined by HUD and adjusted for household size) and published by the Utah Housing Corporation, or its successor. Affordable (30% of gross income for housing costs, including utilities) housing units must accommodate at least one of the following categories:

a. Extremely Low-Income Affordable Units: Housing units accommodating up to 30% AMI;
b. Very Low-Income Affordable Units: Housing units accommodating greater than 30% and up to 50% AMI; or
c. Low-Income Affordable Units: Housing units accommodating greater than 50% and up to 80% AMI.

b. Adding the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT." That the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING INCENTIVES DEVELOPMENT: A housing development that meets the criteria in 21A.52.050.

c. Adding the definition of "DWELLING, THREE-FAMILY." That the definition of "DWELLING, THREE-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, THREE-FAMILY: A detached building containing three dwelling units.

d. Adding the definition of "DWELLING, FOUR-FAMILY." That the definition of "DWELLING, FOUR-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, FOUR-FAMILY: A detached building containing four dwelling units.

e. Adding the definition of "DWELLING, ROW HOUSE." That the definition of "DWELLING, ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a public street. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

f. Adding the definition of "DWELLING, SIDEWAYS ROW HOUSE." That the definition of "DWELLING, SIDEWAYS ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, SIDEWAYS ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each

unit faces a side yard as opposed to the front yard. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

g. Adding the definition of "DWELLING, COTTAGE DEVELOPMENT." That the definition of "DWELLING, COTTAGE DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, COTTAGE DEVELOPMENT: A cottage development is a unified development that contains a minimum of two and a maximum of eight detached dwelling units with each unit appearing to be a small single-family dwelling with a common green or open space. Dwellings may be located on separate lots or grouped on one lot.

SECTION 20. That the "ZONING FEES" section of the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to add the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 21. Effective Date. The city recorder is hereby directed to publish this ordinance forthwith but it will not become effective until April 30, 2024.

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: _____.
Ordinance creating affordable housing incentives

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date: November 30, 2023

By: _____
Katherine Pasker, *Senior City Attorney*

EXHIBIT A

Service	Fee	Additional Information	Section
Affordable Housing Incentives Fines			
Noncompliance violation	$100/affordable unit/day	Plus rental difference	21A.20.040.B

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 202__

(An ordinance amending various sections of the Title 21A of the Salt Lake City Code establishing a chapter for zoning incentives and adding affordable housing incentives)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2019-00658 pertaining to zoning incentives and affordable housing incentives.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held public hearings on May 11, 2022 and April 26, 2023 to consider a petition submitted by former Salt Lake City Mayor, Jackie Biskupski (Petition No. PLNPCM2019-00658) to amend various sections of Title 21A of the *Salt Lake City Code* adding zoning incentives and affordable housing incentives; and

WHEREAS, at its April 26, 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, the City Council requests a report on costs and benefits of implementation of the affordable housing incentives 24 months following adoption; 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.20.040. That Section 21A.20.040 of the *Salt Lake City Code* (Zoning: Enforcement: Civil Fines) shall be and hereby is amended to read as follows:

A. If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars ($25.00) a day per violation for those properties legally used for purposes that are solely residential uses, and one hundred dollars ($100.00) a day per violation for those properties used for purposes that are not residential uses.

B. Affordable housing incentives per 21A.52.050: If the violation(s) are not corrected by the citation deadline, civil fines shall accrue at the rate set in the Consolidated Fee Schedule per day per violation. If the violation(s) include renting an affordable rental unit in excess of the approved rental rate then an additional monthly fine shall accrue that is the difference between the market rate of the unit and the approved rental rate that is agreed to by the applicant at the time of approval for a project using the incentives.

SECTION 2. Amending the text of *Salt Lake City Code* Subsection 21A.24.050.A. That Subsection 21A.24.050.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/12,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/12,000 Single-Family Residential District is to provide for ~~conventional~~ single-family residential dwellings and affordable housing incentives developments with up to four units on ~~residential neighborhoods with~~ lots twelve thousand (12,000) square feet in size or larger. This district is appropriate in areas of the ~~C~~city as identified in the applicable community m~~M~~aster p~~P~~lan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 3. Amending the text of *Salt Lake City Code* Subsection 21A.24.060.A. That Subsection 21A.24.060.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/7,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/7,000 Single-Family Residential District is to provide for ~~conventional~~ single-family residential dwellings and affordable housing incentives developments with up to four units on ~~residential neighborhoods with~~ lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the c~~C~~ity as identified in the applicable community m~~M~~aster p~~P~~lan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 4. Amending the text of *Salt Lake City Code* Subsection 21A.24.070.A. That Subsection 21A.24.070.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/5,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/5,000 Single-Family Residential District is to provide for ~~conventional~~ single-family residential dwellings and affordable housing incentives developments with up to four units on ~~residential neighborhoods with~~ lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the c~~C~~ity as identified in the applicable community m~~M~~aster p~~P~~lan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 5. Amending the text of *Salt Lake City Code* Subsection 21A.24.110.A. That Subsection 21A.24.110.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-2 Single- and Two-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-2 Single- and Two- Family Residential District is to preserve ~~and protect for single-family dwellings~~ the character of existing neighborhoods which exhibit a mix of predominantly single- and two-family dwellings ~~by controlling the concentration of two-family dwelling units~~. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

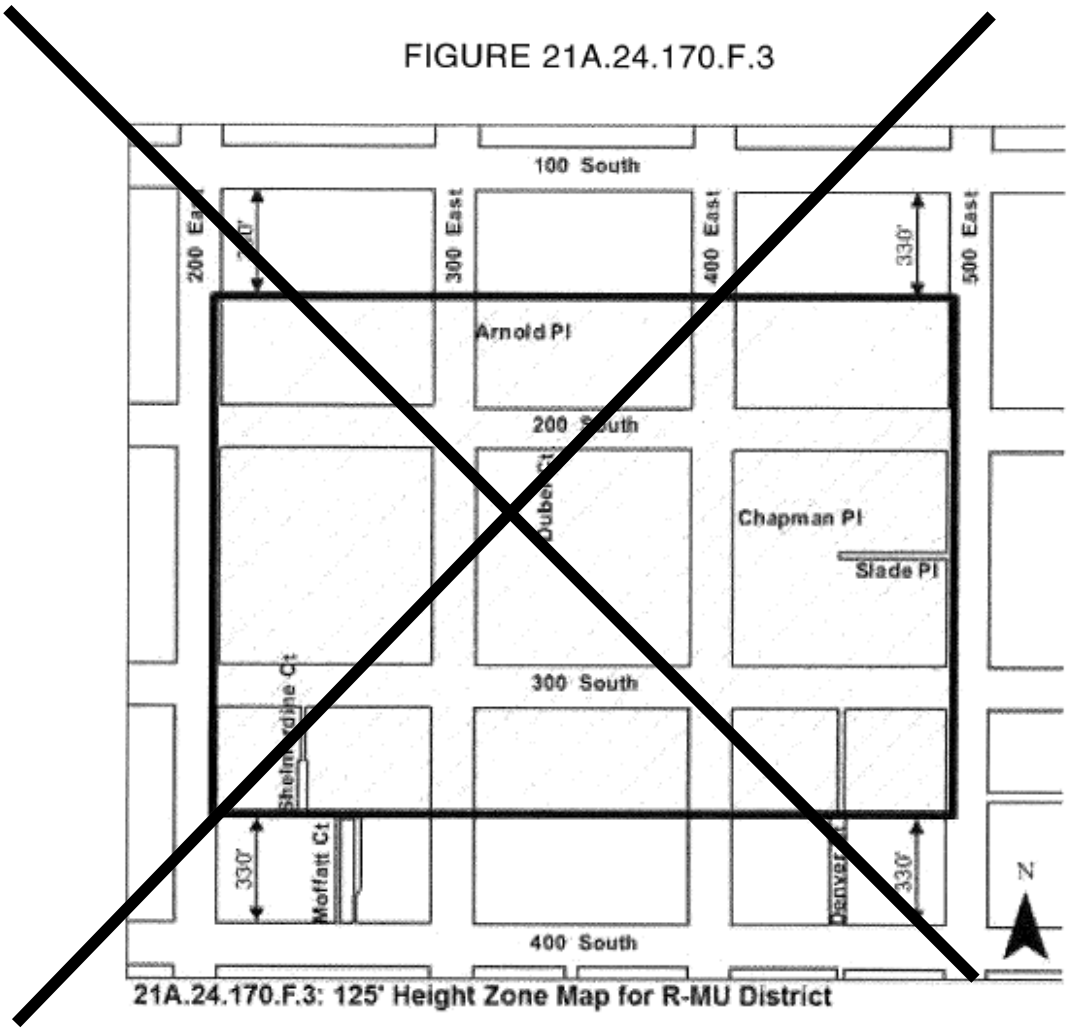
SECTION 6. Amending the text of *Salt Lake City Code* Subsection 21A.24.170.F. That Subsection 21A.24.170.F of the *Salt Lake City Code* (Zoning: Residential Districts: R-MU Residential/Mixed Use District) shall be and hereby is amended to read as follows:

F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. ~~Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized through the design review process (chapter 21A.59 of this title) and provided, that the proposed height is located within the one hundred twenty five foot (125') height zone indicated in the map located in subsection F3 of this section.~~

1. Maximum height for nonresidential buildings: Forty five feet (45').
2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

~~3. One hundred twenty five foot (125') height zone map for the R-MU District:~~

~~**FIGURE 21A.24.170.F.3**~~



SECTION 7. Amending the text of *Salt Lake City Code* Subsection 21A.26.078.E.2. That Subsection 21A.26.078.E.2 of the *Salt Lake City Code* (Zoning: Commercial Districts: TSA Transit Station Area District) shall be and hereby is amended to read as follows (Table 21A.26.078.E.2 and all notes thereto shall remain and are not amended herein):

2. Building Height: The minimum and maximum building heights are found in table 21A.26.078.E.2, "Building Height Regulations", of this subsection E.2. ~~The following exceptions apply:~~

~~a.~~ The minimum building height applies to all structures that are adjacent to a public or private street. The building shall meet the minimum building height for at least fifty percent (50%) of the width of the street facing building wall.

~~b. Projects that achieve a development score that qualifies for administrative review are eligible for an increase in height. The increase shall be limited to one story of habitable space. The height of the additional story shall be equal to or less than the average height of the other stories in the building. This is in addition to the height authorized elsewhere in this title.~~

SECTION 8. Amending the text of *Salt Lake City Code* Table 21A.27.040.C. That Table 21A.27.040.C of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-SC and FB-SE Form Based Special Purpose Corridor District) shall be and hereby is amended to read as follows:

TABLE 21A.27.040.C
FB-SC BUILDING FORM STANDARDS

Permitted Building Forms Multi-Family And Storefront			
H	Maximum building height		Maximum building height in the FB-SC is 60 ft. ~~An additional 15 ft. in height (for a total height of 75 ft.) may be permitted for residential uses if a minimum of 10% of the units are affordable housing.~~
	Limitation on commercial uses		Commercial or nonresidential uses are limited to the first 3 stories and a height of 45 ft. This limitation does not apply to hotel/motel uses, which are limited to the maximum height of 75 ft.
F	Front and corner side yard setback	Greenway	Minimum of 5 ft. Maximum of 15 ft.
		Neighborhood	Minimum of 15 ft. Maximum of 25 ft.
		Avenue	Minimum of 5 ft. Maximum of 10 ft.
		Boulevard	Minimum of 15 ft. Maximum of 25 ft.
B	Required built-to		Minimum of 50% of any street facing facade shall be built to the minimum setback line. At least 10% of any street facing facade shall be built to the maximum setback line.
S	Interior side yard		When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no

		minimum setback is required. See illustration below.
R	Rear yard	When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density.
W	Minimum lot width	50 ft.
DU	Dwelling units per building form	No minimum or maximum.
Bf	Number of building forms per lot	1 building form permitted for every 4,000 sq. ft. of lot area provided all building forms have frontage on a street.

SECTION 9. Amending the text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Residential Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Affordable Housing Incentives Development	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

SECTION 10. Amending the text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Commercial Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	**Permitted and Conditional Uses by District**						
	CN	CB	CS[1]	CC	CSHBD[1]	CG	SNB
Affordable Housing Incentives Development	P	P	P	P	P	P	P

SECTION 11. Amending the text of *Salt Lake City Code* Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Transit Station Area Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District					
	TSA-UC		TSA-UN		TSA-MUEC	
	Core	Transition	Core	Transition	Core	Transition
Affordable Housing Incentives Development	P	P	P	P	P	P

SECTION 12. Amending the text of *Salt Lake City Code* Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Downtown Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Affordable Housing Incentives Development	P	P	P	P

SECTION 13. Amending the text of *Salt Lake City Code* Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for the Gateway District, which use category shall read and appear in that table as follows:

Use	G-MU
Affordable Housing Incentives Development	P

SECTION 14. Amending the text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add the use

category “Affordable Housing Incentives Development” in the Table of Permitted and Conditional Uses for Special Purpose Districts, which use category shall read and appear in that table as follows:

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Use	Permitted and Conditional Uses by District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Affordable Housing Incentives Development													P				

SECTION 15. Amending the text of *Salt Lake City Code* Section 21A.33.080. That Section 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Form Based Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Form Based Districts, inserted in alphabetical order, which use category shall read and appear in that table as follows:

[*Note to codifier: use this table if FB-MU11 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Use	**Permitted Uses By District**				
	FB-UN1	FB-UN2	FB-MU11	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P	P

[*Note to codifier: use this table if FB-MU11 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.*]

Use	**Permitted Uses By District**			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P

SECTION 16. Creating a new Chapter 21A.52 of *Salt Lake City Code* 21A. Chapter 21A of the *Salt Lake City Code* (Zoning Incentives) shall be and hereby is amended to include a new Chapter 21A.52 Zoning Incentives and shall read as follows:

21A.52.010 PURPOSE:

The purpose of this chapter is to establish zoning incentives to support achieving adopted goals within the city's adopted plans and policy documents.

21A.52.020 APPLICABILITY:

A. This chapter applies as indicated within each subsection.

B. The planned development process in 21A.55 is not required as indicated within this chapter.

C. The administrative design review process in 21A.59 may be applicable as indicated within this chapter.

21A.52.030 RELATIONSHIP TO BASE ZONING DISTRICTS AND OVERLAY ZONING DISTRICTS:

Unless otherwise indicated in this chapter, all base zoning district or overlay zoning district standards and requirements take precedence except as indicated in this section.

21A.52.040 APPROVAL PROCESS:

Unless specifically exempted or modified by this chapter, all requirements of this title shall apply.

A. Zoning Incentives: Applicants using the zoning incentives in this chapter shall submit a zoning incentives application and provide the following information:

1. The applicant's name, address, telephone number and interest in the property to which the incentives shall apply;
2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address, tax parcel number and legal description of the subject property;
4. The zoning classification, zoning district boundaries and present use of the subject property;
5. The location of all proposed buildings and structures, accessory and principal, showing the number of stories and height, dwelling type, if applicable, major elevations and the total square footage of the floor area by proposed use and any additional information required for site plan review set forth in Chapter 21A.58;
6. The total number of dwelling units in the project, the number of affordable units, the number of bedrooms in the affordable units, the location of the affordable units, and level of affordability; and
7. Any additional information required by Chapter 21A.59 design review or to demonstrate compliance with the requirements of this chapter, as applicable.

B. Preliminary approval shall authorize the preparation, filing and processing of applications for any permits or approval that may be required by the city, including, but not limited to, a building permit. Notwithstanding the foregoing, no permits shall be issued until final approval is obtained pursuant to this Chapter. Preliminary approval shall be valid for a period of one year unless complete building plans have been submitted to the Division of Building Services.

C. Administrative design review, where applicable, shall be exempt from the application fees and noticing fees otherwise required pursuant to Section 21A.59.

D. Following the approval of any administrative design review application, any future alteration to the property, building or site shall comply with the approved design review application unless a modification is approved subject to the process outlined in Chapter 21A.59.

E. Final approval shall occur following the recording of the restrictive covenant.

F. Preliminary and final approvals shall be administrative approvals by the planning director or the planning director's designee.

21A.52.050 AFFORDABLE HOUSING INCENTIVES:

A. Purpose: The incentives set forth in this chapter are intended to encourage the development of affordable housing. The provisions within this section are intended to facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.

B. Applicability: The provisions in this section provide optional incentives to development projects that include affordable housing units. Unless specifically stated below, all other applicable provisions in the base zoning district or overlay districts shall apply.

C. Uses: Additional housing types are allowed in zones subject to compliance with this section.

D. Reporting and Auditing: Property owners who use the incentives of this chapter are required to provide a report that demonstrates compliance with this section and any additional approvals associated with the use of incentives. The report shall be submitted annually by April 30th and shall be reflective of the financial status at the end of the previous calendar year. The report shall be submitted to the Director of Community and Neighborhoods or successor.

1. Annual Report and Auditing: Each property owner shall submit a report that demonstrates compliance with this chapter.

a. If applicable, the property owner shall submit a copy of the annual report(s) provided to Utah Housing Corporation, Olene Walker Housing Loan Fund, Housing Authority of Salt Lake City, Housing Connect, or similar funding source as determined by the Department of Community and Neighborhoods, or its successor, confirming compliance with affordable housing conditions, including tenant income and rental rates.

b. If an annual report is not submitted as required in 21A.52.050.D.1.a above, the property owner shall provide a report that includes, but is not limited to the following:

(1) The property location, tax ID number, and legal description.

(2) Property owner name, mailing address, and email address.

(3) Information on the dwelling units and tenants of the property receiving the incentives that includes:

(A) The total number of dwelling units

(B) The number of bedrooms of each dwelling unit

(C) The rental rate of each dwelling unit

(D) Identify the dwelling units that comply with the level of affordability identified in the approval to use the incentives and a statement that the dwelling units are in compliance with the approval requirements.

(E) Identify any change in occupancy to the units that are required to be affordable under this section, including a change in the number of people residing in each unit and any change in tenant. Personal data is not required to be submitted.

(F) Confirm that income verification for all tenants was performed on an annual basis.

(G) Identify any differences in rent between the agreed upon rental rate in the approval to use the incentives and the actual rent received for the identified affordable dwelling units.

(H) Identify any instance where an affordable dwelling unit was no longer rented at the agreed upon level of affordability, the length of time the dwelling unit was not in compliance with the agreed upon level of affordability, and any remedy that was taken to address the noncompliance.

2. Review of Annual Report: The Director of Community and Neighborhoods shall review the report to determine if the report is complete.

3. Within 30 days of receipt of a complete report, the Director of Community and Neighborhoods shall provide the property owner with written notice that:
   a. Identifies whether the property is in compliance.
   b. Identify any deficiency in the information provided by the owner.
   c. Assesses any penalty that is due as a result of an identified noncompliance.

4. After receipt of the notice from the Director of Community and Neighborhoods that indicates noncompliance, the property owner shall:
   a. Cure the identified noncompliance within 30 days of such notice and concurrently submit an updated report of then-current operations of the property that demonstrates compliance; or
      (1) Property owners can request an extension in writing prior to the expiration of the 30-day cure period identified above. The request shall include an explanation of the efforts to correct the non-compliance and the reason the extension is needed. The Director of Community and Neighborhoods will review and determine if the timeframe and extension are appropriate and whether or not fines shall be stayed during any approved extension. Upon expiration of the extension granted by the Director the property owner shall submit an updated report of then-current operations of the property that demonstrates compliance.
   b. Pay any fine or fee that is assessed pursuant to 21A.20.040 due to any noncompliance within 14 days of achieving compliance. Any fine or fee shall be assessed from the first identified date that the property is not in compliance.

5. The city may contract with another entity for review of the requirements in this section.

6. Violations of this Chapter shall be investigated and prosecuted pursuant to 21A.20, except as set forth below in 21A.52.050.E.

E. Enforcement: Violations of this Chapter, or the restrictive covenant on the property as set forth in 21A.52.050.F.1, shall be investigated and prosecuted pursuant to 21A.20. The city shall have the additional remedies for violations as set forth below.

1. Lien on Property. If the property owner fails to make payment of the outstanding fines, then after 90 days or when fines reach $5,000, the division will issue a statement of outstanding fines. If the property owner fails to make payment within 14 days, then the division may certify the fines set forth in the statement to the Salt Lake County Treasurer. After entry by the Salt Lake County Treasurer, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes. Upon payment of the amount set forth in the statement, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.
2. Revocation of Business License. Upon a determination of the division that the property is in violation of this Chapter the city may suspend or revoke the business license associated with the property. Any suspension or revocation of a license shall not be imposed until a hearing is first held before the Director of Community and Neighborhoods or his/her successor. The licensee shall be given at least 14 days' notice of the time and place of the hearing, together with the nature of the charges against the licensee. The licensee may appear in person or through an officer, agent or attorney, to introduce evidence on the licensee's behalf, and to confront and cross-examine witnesses. The Director of Community and Neighborhoods shall make a decision based upon the evidence introduced at the hearing and issue a written decision. The licensee may appeal to an appeals hearing officer and thereafter to district court pursuant to 21A.16. If the license is revoked or suspended it shall thereafter be unlawful for any person to engage in or use, or permit to be used any property for any business with respect to which the license has been suspended or revoked until a license shall be granted upon appeal or due to the property's compliance with this Chapter. No person whose license has been revoked, and no person associated or connected with such person in the conduct of such business, shall be granted a license for the same purpose for a period of six months after the revocation has occurred. The Director may, for good cause, waive the prohibition against persons formerly associated or connected with an individual who has had a license revoked.
3. Any other remedies or financial penalties identified in the terms of the restrictive covenant required by Section 21A.52.050.F.1, which shall be reasonably related to enforcement of the terms of this Chapter, achieving the goals of this Chapter, obtaining the number of units and level of affordability agreed to by the property owner, or if such units and level of affordability cannot be obtained then to eliminate the incentive(s) obtained or recoup the value thereof.

F. Eligibility Standards: Developments shall meet the criteria below to be eligible for the authorized incentives:

1. Restrictive Covenant Required:

a. Any owner who uses the incentives of this chapter shall enter into a legally binding restrictive covenant, the form of which shall be approved by the city attorney. Prior to the issuance of a building permit for construction of a building using the incentives, the restrictive covenant shall be recorded with the Salt Lake County Recorder. The agreement shall provide for the following, without limitation: acknowledge the use of the incentives, the nature of the approval and any conditions thereof, the affordability requirements, the terms of compliance with all applicable regulations, shall guarantee compliance for a term of 30 years, and the potential enforcement actions for any violation of the agreement. The agreement shall be recorded on the property with the Salt Lake County Recorder, guarantee that the affordability criteria will be met for at least 30 years, and future owners shall be subject thereto.

b. For an affordable homeownership unit, the restrictive covenant shall also require a notice of sale be provided to the city and the city shall have a right of first refusal to purchase any designated affordable unit in accordance with a future sales price that is capped to comply with Section 21A.52.050.F.2.b.2 below.

2. The affordable units shall be both income and rent/housing payment restricted.

a. Income Restriction - The affordable units shall be made available only to Eligible Households that are qualifying occupants with an annual income at or below the SLC Area Median Income ("AMI") as applicable for the given affordable unit for Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area (as periodically determined by the HUD and adjusted for household size).

b. Rent/Housing Payment Restriction

(1) For an affordable rental unit, the monthly rent, including all required housing costs per unit, such as utilities and other charges uniformly assessed to all apartment units other than charges for optional services, shall be set forth in a written lease and shall not exceed, for the term of the lease, the maximum monthly gross rental rate published annually by the Utah Housing Corporation for affordable units located in Salt Lake City for the percentage AMI as applicable for the given affordable unit type.

(2) For an affordable homeownership unit, the annualized housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for the AMI as applicable for the given affordable

unit, assuming a household size equal to the number of bedrooms in the unit plus one person.

3. Comparable units: Affordable units shall be comparable to market rate units, if any, in the development including with respect to entrance location, dispersion throughout the building or site, number of bedrooms, and access to amenities, except as otherwise approved in the terms of the restrictive covenant. This subpart does not apply to units in single- and two-family zoning districts.

4. The property owner shall be ineligible for affordable housing incentives pursuant to this Chapter if the property owner or its principals, partners, or agents are under enforcement for any violation of Title 11, 18, 20, or 21.

G. Incentives: Developments are eligible for the incentives identified in this section. Table 21A.52.050.G establishes the affordability requirements based on the zoning district of the property. Sections 1 through 4 establish the modifications allowed within each zoning district in order to be eligible for the affordability incentives. To use the incentives, developments shall comply with the criteria applicable to the base zoning districts. Any fractional number of units required shall be rounded up to the nearest whole number.

Table 21A.52.050.G

Incentive Types	
Types	**Incentive**
Type A. Applicable to the single- and two-family zoning districts: FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3.	Affordable homeownership developments shall meet at least one of the following affordability criteria: 1. 50% of the units shall be affordable to those with incomes at or below 100% AMI. 2. If an existing building is maintained as required in 21A.52.050.H.1.c, 25% of the units shall be affordable to those with incomes at or below 100% AMI. Affordable rental developments shall meet at least one of the following affordability criteria: 1. 50% of the units shall be affordable to those with incomes at or below 80% AMI. 2. If an existing building is maintained as required in 21A.52.050.H.1.c, a minimum of one of the units shall be affordable to those with incomes at or below 80% AMI.
Type B. Applicable to residential multifamily zoning districts: RMF-30, RMF-35, RMF-45, and RMF-75	Affordable homeownership developments shall meet at least one of the following affordability criteria: 1. 10% of the units shall be affordable to those with incomes at or below 80% AMI.

	2. 5% of the units shall be affordable to those with incomes at or below 60% AMI. Affordable rental developments shall meet at least one of the following affordability criteria: 1. 40% of the units shall be affordable to those with incomes at or below 60% AMI. 2. 20% of the units shall be affordable to those with incomes at or below 50% AMI. 3. 40% of units shall be affordable to those with incomes averaging no more than 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI.
Type C. Applicable to zoning districts not otherwise specified.	Affordable homeownership developments shall meet at least one of the following affordability criteria: 1. 10% of the units shall be affordable to those with incomes at or below 80% AMI. 2. 5% of the units shall be affordable to those with incomes at or below 60% AMI. Affordable rental developments shall meet at least one of the following affordability criteria: 1. 20% of the units shall be affordable to those with incomes at or below 80% AMI. 2. 10% of the units shall be affordable to those with incomes at or below 60% AMI. 3. 10% of the units shall be affordable to those with incomes averaging at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI. 4. 5% of the units shall be affordable to those with incomes at or below 30% AMI. 5. 10% of the units shall be affordable to those with incomes at or below 80% AMI and these units must have two or more bedrooms. 6. 5% of the units shall be affordable to those with incomes at or below 60% AMI and these units must have two or more bedrooms. 7. 5% of the units shall be affordable to those with incomes at or below 80% AMI and these units must have three or more bedrooms.

1. Single- and Two-Family Zoning Districts: The following housing types: twin home and two-family, three-family dwellings, four-family dwellings, row houses, sideways row houses, and cottage developments are authorized in the FR-1, FR-2,

FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts provided the affordability requirements for Type A in Table 21A.52.050.G are met.

2. RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts: The qualifying provisions for density found in the minimum lot area and lot width tables for the RMF-35, RMF-45, and RMF-75 zoning districts do not apply and in the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply, provided the affordability requirements for Type B in Table 21A.52.050.G are met.

3. Incentives in the CB Community Business, CC Corridor Commercial, CG General Commercial, and I Institutional Zoning Districts:
   a. The following housing types: row houses, sideways row houses, and cottage developments are authorized provided the affordability requirements in subsection b. are complied with;
   b. To be eligible for the incentives listed in this subsection a., a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.

4. The following incentives are authorized in zoning districts provided the affordability requirements for Type C in Table 21A.52.050.G are complied with:
   a. Administrative design review provided the standards in 21A.59 are met. Early engagement notice requirements to recognized organizations are not applicable.
   b. Additional building height may be added as indicated in the following sections. The maximum height per story of additional building height shall not exceed 12 feet.
      (1) Residential districts:

Zoning District	Permitted Maximum Height with Incentive
RMU-35	45’ with administrative design review, regardless of abutting use or zone.
RMU-45	55’ with administrative design review, regardless of abutting use or zone.
RB	One additional story; density limitations listed in the land use table do not apply.
RMU	Three additional stories with administrative design review.
RO	One additional story.

(2) Commercial Districts:

Zoning District	Permitted Maximum Height with Incentive
SNB	One additional story.
CB	One additional story.
CN	One additional story.
CC	45’ with administrative design review; additional landscaping may be met by meeting requirements in 21A.52.050.H.3.c.5.

CG	Two additional stories with administrative design review. Three additional stories with administrative design review for properties in the mapped area in Figure 21A.26.070.G.
CSHBD1	129' with administrative design review.
CSHBD2	72' with administrative design review.
TSA-Transition	One additional story with administrative review.
TSA-Core	Two additional stories with administrative review.

(3) Form-based districts:

[*Note to codifier: use this table if FB-MU11 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Zoning District	**Permitted Maximum Height with Incentive**
FB-MU11	Three additional stories with administrative design review.
FB-UN2	One additional story.
FB-SC	One additional story.
FB-SE	One additional story.
FB-UN1	Three stories, but not to exceed 30' in height.

[*Note to codifier: use this table if FB-MU11 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.*]

Zoning District	**Permitted Maximum Height with Incentive**
FB-UN2	One additional story.
FB-SC	One additional story.
FB-SE	One additional story.
FB-UN1	Three stories, but not to exceed 30' in height.

(4) Downtown districts:

Zoning District	**Permitted Maximum Height with Incentive**
D-1	Administrative design review is permitted when a design review process is required.
D-2	Two additional stories with administrative design review.
D-3	Three additional stories with administrative design review.
D-4	Three additional stories with administrative design review. 375' and administrative design review in mapped area in 21A.30.045.E.2.b.

(5) Other districts:

Zoning District	Permitted Maximum Height with Incentive
GMU	Two additional stories with administrative design review.
MU	60' with administrative design review.

c. Administrative design review is permitted for the following:

(6) Buildings in the CSHBD1 and CSHBD2 zoning district that exceed 20,000 square feet in size.

(7) Buildings in the CB zoning district that exceed 7,500 gross square feet of floor area for a first-floor footprint or in excess of 15,000 gross square feet floor area.

5. Planned Developments: A planned development is not required when the purpose of the planned development is due to the following reasons cited below, subject to approval by other city departments. If a development proposes any modification that is not listed below, planned development approval is required. To be eligible for the incentives in this section, a development shall meet the affordability requirements for the applicable zoning district in Table 21A.52.040.

a. Multiple Buildings on a Single Parcel: More than one principal building may be located on a single parcel and are allowed without having public street frontage. This allowance supersedes the restrictions of 21A.36.010.B;

b. Principal buildings with frontage on a paved public alley;

c. Principal buildings with frontage on a private street;

d. Development located in the Community Shopping (CS) "Planned Development Review" in 21A.26.040.C.

H. Development Regulations: The following development regulations are intended to provide supplemental regulations and modify standards of the base zoning district for the purpose of making the affordable housing incentives more feasible and compatible with existing development. Base zoning standards apply unless specifically modified by this section and are in addition to modifications authorized in Subsection 21A.52.050.G. If there are conflicts with design standards, the more restrictive regulation shall apply and take precedence. These standards are not allowed to be modified through the planned development process.

1. Modifications in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts:

a. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. One detached garage or covered parking space, no greater than 250 sq. ft. per unit, may be provided for each unit and these structure(s) may exceed the yard and building coverage requirements for accessory structures. When covered parking is provided, the 250 sq. ft. per unit of covered parking may be combined into a single structure for each required parking stall provided.

b. Yards: Minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

c. Density:

(1) Lots approved through a planned development prior to the effective date of this Chapter are required to go through a major modification of the planned development to use the incentives.

(2) Lots may contain up to four units. Existing lots may be divided such that each unit, not including accessory dwelling units (ADUs), is on its own lot. The new lots are exempt from minimum lot area, lot width, and lot frontage requirements. This paragraph shall not apply to vertical developments.

(3) An ADU is considered one unit and counts toward the number of units permitted.

(4) Arrangement of dwellings:

(A) New dwelling units may be arranged in any manner within a building, as a second detached dwelling, as attached units, or a cottage development with three or more detached dwellings.

(B) When an existing building is maintained, new units may be added internal to the existing structure, as an addition, or as a second detached dwelling. Any addition must comply with the standards of the base zoning district; however, the addition may contain additional units. 50% of the exterior walls of the existing dwelling, including the front elevation, shall remain as exterior walls.

(C) The units shall comply with this section, applicable requirements of the base zoning district, and any applicable overlay district.

2. Within the RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts the following provisions shall apply:

a. Unit Mix: No more than 25% of the units in the development shall be less than 500 square feet to promote a mix of unit sizes.

b. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required in multifamily developments with less than 10 units.

c. Yards: The minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

d. Lot width: Minimum lot width requirements do not apply.

3. In addition to applicable requirements in subsections 1 and 2 above, the following provisions apply to the specific building types listed:

a. Row house and Sideways row house

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the building and 6 feet on the other interior side yard unless a greater yard is required by the base zoning district.

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Number of Units: To qualify for incentives in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A zoning districts there is a minimum of three and a maximum of four residential dwelling units per building.

(3) Building length facing street:

(A) The building length shall not exceed 60 feet or the average of the block face, whichever is less, in FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A districts;

(B) The building length shall not exceed 100 feet in the RMF-30, RMF-35, RMF-45 and RMF-75 districts; and

(C) The building length shall not exceed 175 feet in other zoning districts.

(4) Building entry facing street: At least one operable building entrance on the ground floor is required for each unit facing the primary street facing façade. All units adjacent to a public street shall have the primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. The entry feature may encroach in the front yard setback, but the encroachment shall not be closer than 5 feet from the front property line.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the proposed material is durable and is appropriate for the structure.

(6) Parking requirement and location: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. All provided parking shall be located to the side of the street facing building façade, behind a principal structure that has frontage on a street, or within

the principal structure subject to any other applicable provision.

(7) Garage doors facing street: Garage doors are prohibited on the façade of the building that is parallel to, or located along, a public street.

(8) Personal outdoor space: Each unit shall have a minimum outdoor space of 60 square feet where the minimum measurement of any side cannot be less than 6 feet.

(9) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(10) Blank wall: The maximum length of any blank wall uninterrupted by windows, doors, or architectural detailing at the ground floor level along any street facing façade is 15'.

(11) Screening of mechanical equipment: All mechanical equipment shall be screened from public view and sited to minimize their visibility and impact. Examples of siting include on the roof, enclosed or otherwise integrated into the architectural design of the building, or in a rear or side yard area subject to yard location restrictions found in section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards" of this title.

Illustration for 21A.52.050.E.3.a.1 Required Setbacks for Public Street Facing Row House

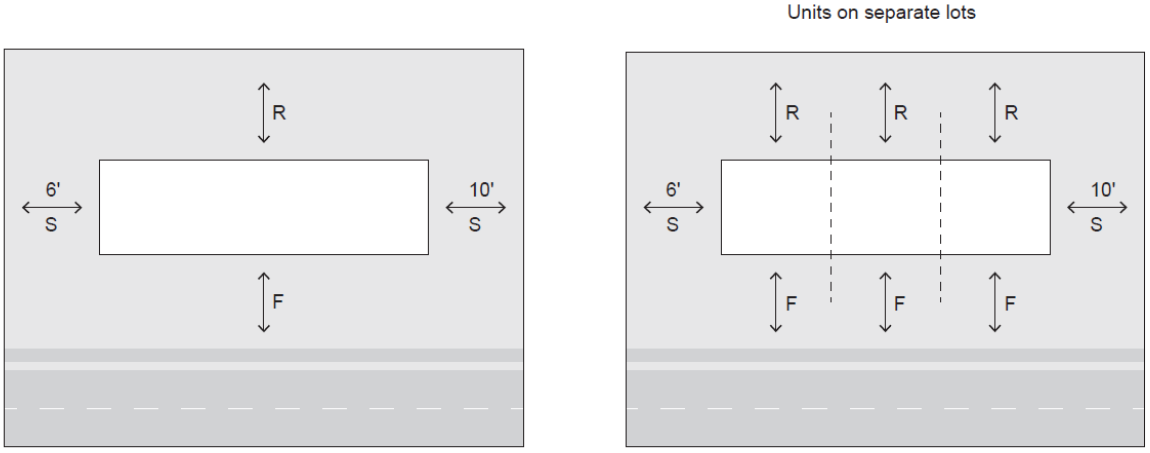
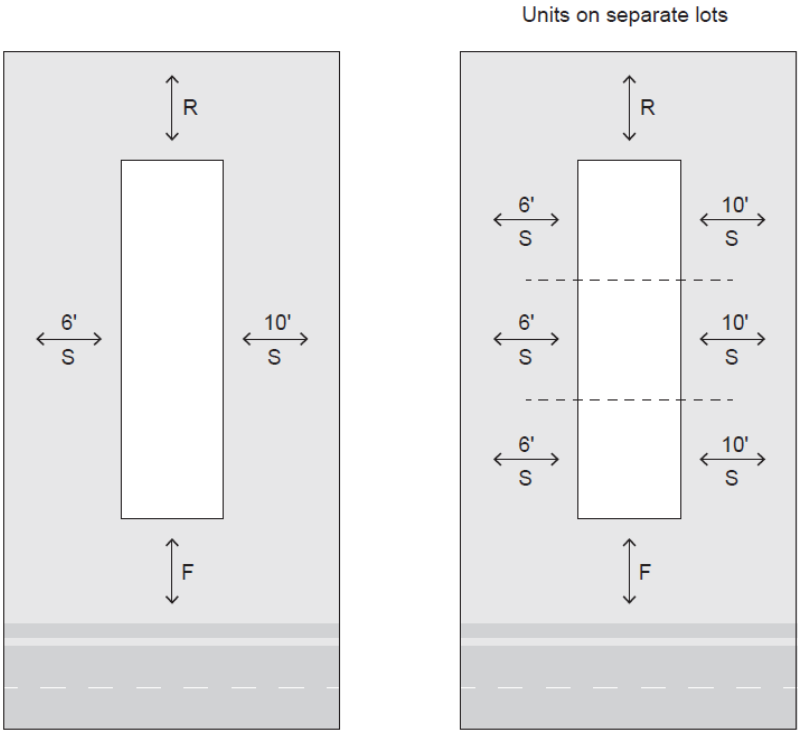


Illustration for 21A.52.050.E.3.b.1 Required Setbacks for Sideways Row House



b. Cottage Development

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the property line and 6 feet on the other interior side yard, unless a greater yard is required by the base zoning district.

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Setbacks Between Individual Cottages: All cottages shall have a minimum setback of eight feet from another cottage.

(3) Area: No cottage shall have more than 850 square feet of gross floor area, excluding basement area. There is no minimum square foot requirement.

(4) Building Entrance: All building entrances shall face a public street or a common open space.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the

proposed material is durable and is appropriate for the structure.

(6) Open Space: A minimum of 250 square feet of common, open space is required per cottage. At least 50% of the open space shall be in a courtyard or other common, usable open space. The development shall include landscaping, walkways or other amenities intended to serve the residents of the development.

(7) Personal Outdoor Space: In addition to the open space requirement in this section, a minimum of 120 square feet of private open space is required per cottage. The open space shall provide a private yard area for each cottage and will be separated with a fence, hedge, or other visual separation to distinguish the private space.

(8) Parking: Unless there is a lesser parking requirement in 21A.44, one off-street parking space per unit is required. All provided parking shall be located to the side of a street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.

c. In addition to applicable requirements in 21A.52.050.H above, the following provisions apply to all other buildings containing more than two residential units. If the base zone has a greater design standard requirement, that standard applies.

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard setback of the base zoning district apply.

(B) Side yards: For housing types not otherwise allowed in the zoning district, a minimum of 10 feet on each side property line, unless a greater setback is required for single-family homes.

(C) Rear yards: The rear yard of the base zoning district applies.

(2) Building entrances: The ground floor shall have a primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. Stairs to second floor units are not permitted on street facing elevations.

(3) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(4) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the

proposed material is durable and is appropriate for the structure.

(5) Open space: Open space area may include landscaped yards, patios, dining areas, and other similar outdoor living spaces. All required open space areas shall be accessible to all residents or users of the building.

(A) Single- and two-family zoning districts: 120 sq. ft. of open space with a minimum width of 6 ft. shall be provided for each building with a dwelling.

(B) All other zoning districts: A minimum of 10% of the land area within the development shall be open space, up to 5,000 square feet. Open space may include courtyards, rooftop and terrace gardens and other similar types of open space amenities. All required open space areas shall be accessible to all residents or users of the building.

d. Single- and Two-family Dwellings: No additional design standards except as identified in 21A.24.

e. Lots without public street frontage may be created to accommodate developments without planned development approval subject to the following standards:

(1) Required yards shall be applied to the overall development site not individual lots within the development. The front and corner yards of the perimeter shall be maintained as landscaped yards;

(2) Lot coverage shall be calculated for the overall development not individual lots within the development; and

(3) Required off street parking stalls for a unit within the development are permitted on any lot within the development.

(4) The subdivision shall be finalized with a final plat and the final plat shall document that the new lot(s) has adequate access to a public street by way of easements or a shared driveway or private street; and

(5) An entity, such as a homeowner association, must be established for the operation and maintenance of any common infrastructure. Documentation establishing that entity must be recorded with the final plat.

SECTION 17. Amending the text of *Salt Lake City Code* Subsection 21A.55.010.C.1. That Subsection 21A.55.010.C.1 of the *Salt Lake City Code* (Zoning: Planned Developments: Purpose Statements) shall be and hereby is amended to read as follows:

1. ~~At least twenty percent (20%) of the housing must be for those with incomes that are at or below eighty percent (80%) of the area median income~~. Affordable housing that meets the requirements of 21A.52.050.

SECTION 18. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Affordable Housing
Affordable Housing Incentives Development
Dwelling, Three-family
Dwelling, Four-family
Dwelling, Row House
Dwelling, Sideways Row House
Dwelling, Cottage Development

SECTION 19. Amending the Text of *Salt Lake City Code* Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and hereby is amended as follows:

a. Adding the definition of "AFFORDABLE HOUSING." That the definition of "AFFORDABLE HOUSING" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING: Affordable housing shall be both income and, as applicable, rent-restricted. The affordable units shall be made available only to individuals and households that are qualifying occupants at or below the applicable percentage of the area median income for the Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area the "SLC Area Median Income" or "AMI", as periodically determined by HUD and adjusted for household size) and published by the Utah Housing Corporation, or its successor. Affordable (30% of gross income for housing costs, including utilities) housing units must accommodate at least one of the following categories:

a. Extremely Low-Income Affordable Units: Housing units accommodating up to 30% AMI;
b. Very Low-Income Affordable Units: Housing units accommodating greater than 30% and up to 50% AMI; or

c. Low-Income Affordable Units: Housing units accommodating greater than 50% and up to 80% AMI.

b. Adding the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT." That the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING INCENTIVES DEVELOPMENT: A housing development that meets the criteria in 21A.52.050.

c. Adding the definition of "DWELLING, THREE-FAMILY." That the definition of "DWELLING, THREE-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, THREE-FAMILY: A detached building containing three dwelling units.

d. Adding the definition of "DWELLING, FOUR-FAMILY." That the definition of "DWELLING, FOUR-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, FOUR-FAMILY: A detached building containing four dwelling units.

e. Adding the definition of "DWELLING, ROW HOUSE." That the definition of "DWELLING, ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a public street. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

f. Adding the definition of "DWELLING, SIDEWAYS ROW HOUSE." That the definition of "DWELLING, SIDEWAYS ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, SIDEWAYS ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a side yard as opposed to the front yard. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

g. Adding the definition of "DWELLING, COTTAGE DEVELOPMENT." That the definition of "DWELLING, COTTAGE DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, COTTAGE DEVELOPMENT: A cottage development is a unified development that contains a minimum of two and a maximum of eight detached dwelling units with each unit appearing to be a small single-family dwelling with a common green or open space. Dwellings may be located on separate lots or grouped on one lot.

SECTION 20. That the "ZONING FEES" section of the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to add the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 21. Effective Date. The city recorder is hereby directed to publish this ordinance forthwith but it will not become effective until April 30, 2024.

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: _____.
Ordinance creating affordable housing incentives

EXHIBIT A

Service	Fee	Additional Information	Section
Affordable Housing Incentives Fines			
Noncompliance violation	$100/affordable unit/day	Plus rental difference	21A.20.040.B

ERIN MENDENHALL
Mayor

DEPARTMENT of **COMMUNITY**
and **NEIGHBORHOODS**
Blake Thomas
Director

CITY COUNCIL TRANSMITTAL

lisa Shaffer (Aug 8, 2023 16:20 MDT)
Lisa Shaffer, Chief Administrative Officer

Date Received: 08/08/2023
Date sent to Council: 08/0 8/2023

TO: Salt Lake City Council
Darin Mano, Chair

DATE: August 7, 2023

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

SUBJECT: Affordable Housing Incentives

STAFF CONTACT: Sara Javoronok, AICP Senior Planner
sara.javoronok@slcgov.com, 801-535-7625

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: Former Mayor Jackie Biskupski initiated the text amendment in 2019. The Affordable Housing Incentives (AHI) are proposed for the city's zoning code to incentivize and reduce barriers for affordable housing. The proposed amendments include the following if requirements for affordable units are met:

- Permit administrative design review and additional building height between 1-3 stories, depending on the zone, in various zoning districts that permit multifamily housing.
- Remove the Planned Development requirement for specific modifications and for development in the CS zoning districts.
- Permit an additional story in the TSA Transition zoning districts and two stories in the TSA Core zoning districts.

- Allow additional housing types in the CG (General Commercial), CC (Community Commercial), and CB (Community Business) zoning districts.
- Allow housing on Institutional zoned land.
- Remove the density requirements in the RMF zoning districts.
- Allow townhouses, 3-4 unit buildings, a second detached dwelling when an existing dwelling is maintained, and cottage developments on properties that are currently zoned for single- or two-family homes. Permit twin and two-family homes in these zoning districts where they are not currently allowed.

The project was initiated in 2019 to address increasing concerns regarding housing affordability and to implement *Growing SLC.* Initial outreach on the proposal included an online survey in late 2019/early 2020. From the initial survey results, staff developed a draft framework for the AHI that serves as the basis for the current proposal. Staff requested additional feedback from the community in a survey on the draft framework. Based on this feedback, developed draft the initial AHI text amendments. Staff presented these initial draft amendments to the community in the spring of 2022 and to the Planning Commission and public at a hearing in May 2022.

Following the hearing, staff worked with developers and a focus group convened by the Office of the Mayor to address and revise the draft based on the issues raised. The revisions also incorporate changes from the now adopted RMF-30 and pending Downtown Building Heights text amendments. Staff presented a revised draft to the Planning Commission for discussion on March 22, 2023 and March 29, 2023. The Historic Landmark Commission held a work session on April 6, 2023. The Planning Commission held a public hearing and made a recommendation to the City Council on April 26, 2023. The Planning Commission added a condition that the incentives be analyzed 24 months after approval with a full report of the costs and benefits of the implementation to the Planning Commission.

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:

Online Surveys and Comment Form:

- December-January 2020 – Planning staff posted an initial survey seeking feedback on housing issues. Over 2,100 people responded.
- July 2020 – Planning staff presented a draft proposal in a Story Map and sought feedback on the proposal. Nearly 300 people responded.
- February 2022 – Planning staff posted the draft amendments and sought feedback through a comment form. Approximately 130 people responded.
- March 2023 – Planning staff posted an updated draft of the proposed amendments and sought feedback through the comment form. Two people responded for a total of approximately 175 since February 2022.

Developer Discussions: Planning staff met with several affordable housing developers in 2019 to discuss issues and obstacles to building affordable housing in the community and how zoning may be able to address them. Developers generally indicated that by right processes were best, there should be parking reductions especially for lowest incomes, density limits made development

difficult in the RMF districts, additional height was needed in many zoning districts, and there was a preference for form-based zoning districts.

Staff requested feedback from developers on the draft proposal and generally heard that the incentives would allow them to construct more units and that the incentives in the single-family zoning districts may encourage smaller developers to construct units.

Recognized Community Organization Notice and Meetings:

- June 25, 2020 – The 45-day required notice for recognized community organizations was sent citywide.
    - July 20, 2020 – Planning staff discussed the proposal at the Sugar House Land Use and Zoning meeting (Zoom).
    - August 6, 2020 – Planning staff discussed the proposal at the Ball Park Community Council meeting (Zoom).
- March 3, 2022 – The 45-day required notice for recognized community organizations was sent citywide.
    - March 16, 2022 – Planning staff discussed the proposal at the East Bench Community Council meeting (Zoom). Members expressed concerns with loss of views, view easements, and wanted to be notified of potential projects in the neighborhood.
    - March 21, 2022 - Planning staff discussed the proposal at the Sugar House Land Use Committee meeting (Zoom). Members expressed concerns with additional housing types proposed, especially in the Highland Park neighborhood, lack of parking, lack of utility capacity, loss of neighborhood character, increase in rental housing, and desire for the proposal to be implemented as a smaller, pilot program.
    - April 7, 2022 – Planning staff discussed the proposal at the Ball Park Community Council meeting (Zoom). Community members want to see more owner-occupied housing in the neighborhood, expressed concerns with additional height in the FB districts, have concerns with existing parking requirements in the FB zones, and have general parking and safety concerns.
    - April 13, 2022 – Planning staff discussed the proposal at the Jordan Meadows/Westpointe Community Council meeting (Zoom). Community members asked questions about parking and how the increased number of students and increased park usage would be addressed.
    - April 14, 2022 – Planning staff discussed the proposal at the Yalecrest Community Council meeting (Zoom). Community members asked questions about historic districts and how the proposal would affect them, required parking, accessory dwelling units, rental units, and neighborhood character.
    - May 4, 2022 – Planning staff discussed the proposal at the Greater Avenues Community Council meeting (Zoom). Community member questions included affordability levels, the Planning Commission meeting and how to submit comments if not able to attend, and the monitoring of the deed restricted properties.
    - March 16, 2023 – Planning staff discussed the proposal at the Salt Lake City Community Network meeting (Zoom).

Open Houses and Virtual Events:

- July 9, 2020 – Facebook Live Q&A – Planning staff hosted an AMA/Q&A discussion on Facebook. It reached 4,365 people with 1,423 3-second video views and 52 comments.
- February 16, 2022 – Facebook Live Q&A – Planning staff hosted an AMA/Q&A discussion on Facebook. It reached 772 people with 401 3-second video views and 71 reactions, shares, and comments.
- April 5, 2022 – Virtual Office Hours (Zoom) – Planning staff hosted an open Zoom meeting to answer questions. There were no attendees.
- April 5, 2022 – Open House (Sugar House Fire Station #3) – Planning staff hosted an open house to provide information and answer questions on the proposal. Seven people attended.
- April 12, 2022 – Open House (Unity Center) – Planning staff hosted an open house to provide information and answer questions on the proposal. Three people attended.
- April 14, 2022 – Virtual Office Hours (Zoom) – Planning staff hosted an open Zoom meeting to answer questions. No one attended.
- April 19, 2022 – Open House (Riverside Park) – Planning staff hosted an open house to provide information and answer questions on the proposal. No one attended.
- April 21, 2022 – Open House (Lindsey Gardens Park) – Planning staff hosted an open house to provide information and answer questions on the proposal. One person attended.

The Glendale and Sugar House Community Councils submitted letters.

Community Notification: The City Council office sent a flyer to commercial and residential addresses in the city and owners that live outside of Salt Lake City. It identified housing initiatives in the city and highlighted this proposal. A total of 99,832 were sent.

Focus Group: The Office of the Mayor convened a focus group that included 15-20 members. It was comprised of neighborhood leaders, developers, policy advisors, and housing advocates. The group reviewed and discussed topics with the most community concerns over four meetings in the fall and winter of 2022. They made several recommended changes to proposal detailed in the planning staff's report.

Planning Commission (PC) Records

a) PC Agenda of May 11, 2022 (Click to Access)
b) PC Minutes of May 11, 2022 (Click to Access)
c) Planning Commission Staff Report of May 11, 2022 (Click to Access Report)
d) PC Agenda of March 22, 2023 (Click to Access)
e) PC Minutes of March 22, 2023 (Click to Access)
f) Planning Commission Memo of March 22, 2023 (Click to Access Memo)
g) PC Agenda of March 29, 2023 (Click to Access)
h) PC Minutes of March 29, 2023 (Click to Access)
i) PC Agenda of April 26, 2023 (Click to Access)
j) PC Minutes of April 26, 2023 (Click to Access)
k) Planning Commission Staff Report of April 26, 2023 (Click to Access Report) Attachment E

EXHIBITS:

1) Ordinance: Final and Legislative Versions
2) Project Chronology
3) Notice of City Council Public Hearing
4) Petition Initiation Request
5) Additional Department Comments
6) Public Comment Received after the Planning Commission Staff Report was Published

1. ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2023

(An ordinance amending various sections of the Title 21A of the Salt Lake City Code establishing a chapter for zoning incentives and adding affordable housing incentives)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2019-00658 pertaining to zoning incentives and affordable housing incentives.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held public hearings on May 11, 2022 and April 26, 2023 to consider a petition submitted by former Salt Lake City Mayor, Jackie Biskupski (Petition No. PLNPCM2019-00658) to amend various sections of Title 21A of the *Salt Lake City Code* adding zoning incentives and affordable housing incentives; and

WHEREAS, at its April 26, 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, the City Council requests a report on costs and benefits of implementation of the affordable housing incentives 24 months following adoption; 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.20.040. That Section 21A.20.040 of the *Salt Lake City Code* (Zoning: Enforcement: Civil Fines) shall be and hereby is amended to read as follows:

A. If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars ($25.00) a day per violation for those properties legally used for purposes that are solely residential uses, and one hundred dollars ($100.00) a day per violation for those properties used for purposes that are not residential uses.

B. Affordable housing incentives per 21A.52.050: If the violation(s) are not corrected by the citation deadline, civil fines shall accrue at the rate set in the Consolidated Fee Schedule per day per violation. If the violation(s) include renting an affordable rental unit in excess of the approved rental rate then an additional monthly fine shall accrue that is the difference between the market rate of the unit and the approved rental rate that is agreed to by the applicant at the time of approval for a project using the incentives.

SECTION 2. Amending the text of *Salt Lake City Code* Subsection 21A.24.050.A. That Subsection 21A.24.050.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/12,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/12,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots twelve thousand (12,000) square feet in size or larger. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 3. Amending the text of *Salt Lake City Code* Subsection 21A.24.060.A. That Subsection 21A.24.060.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/7,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/7,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 4. Amending the text of *Salt Lake City Code* Subsection 21A.24.070.A. That Subsection 21A.24.070.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/5,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/5,000 Single-Family Residential District is to provide for single-family residential dwellings and affordable housing incentives developments with up to four units on lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 5. Amending the text of *Salt Lake City Code* Subsection 21A.24.110.A. That Subsection 21A.24.110.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-2 Single- and Two-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-2 Single- and Two- Family Residential District is to preserve the character of existing neighborhoods which exhibit a mix of predominantly single- and two-family dwellings. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

SECTION 6. Amending the text of *Salt Lake City Code* Subsection 21A.24.170.F. That Subsection 21A.24.170.F of the *Salt Lake City Code* (Zoning: Residential Districts: R-MU Residential/Mixed Use District) shall be and hereby is amended to read as follows:

F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section.
   1. Maximum height for nonresidential buildings: Forty five feet (45').
   2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

SECTION 7. Amending the text of *Salt Lake City Code* Subsection 21A.26.078.E.2. That Subsection 21A.26.078.E.2 of the *Salt Lake City Code* (Zoning: Commercial Districts: TSA Transit Station Area District) shall be and hereby is amended to read as follows (Table 21A.26.078.E.2 and all notes thereto shall remain and are not amended herein):

2. Building Height: The minimum and maximum building heights are found in table 21A.26.078.E.2, "Building Height Regulations", of this subsection E.2. The minimum

building height applies to all structures that are adjacent to a public or private street. The building shall meet the minimum building height for at least fifty percent (50%) of the width of the street facing building wall.

SECTION 8. Amending the text of *Salt Lake City Code* Table 21A.27.040.C. That Table 21A.27.040.C of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-SC and FB-SE Form Based Special Purpose Corridor District) shall be and hereby is amended to read as follows:

TABLE 21A.27.040.C
FB-SC BUILDING FORM STANDARDS

Permitted Building Forms Multi-Family And Storefront			
H	Maximum building height		Maximum building height in the FB-SC is 60 ft.
	Limitation on commercial uses		Commercial or nonresidential uses are limited to the first 3 stories and a height of 45 ft. This limitation does not apply to hotel/motel uses, which are limited to the maximum height of 75 ft.
F	Front and corner side yard setback	Greenway	Minimum of 5 ft. Maximum of 15 ft.
		Neighborhood	Minimum of 15 ft. Maximum of 25 ft.
		Avenue	Minimum of 5 ft. Maximum of 10 ft.
		Boulevard	Minimum of 15 ft. Maximum of 25 ft.
B	Required built-to		Minimum of 50% of any street facing facade shall be built to the minimum setback line. At least 10% of any street facing facade shall be built to the maximum setback line.
S	Interior side yard		When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
R	Rear yard		When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
L	Minimum lot size		4,000 sq. ft.; not to be used to calculate density.

W	Minimum lot width	50 ft.
DU	Dwelling units per building form	No minimum or maximum.
Bf	Number of building forms per lot	1 building form permitted for every 4,000 sq. ft. of lot area provided all building forms have frontage on a street.

SECTION 9. Amending the text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Residential Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Affordable Housing Incentives Development	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

SECTION 10. Amending the text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Commercial Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District						
	CN	CB	CS[1]	CC	CSHBD[1]	CG	SNB
Affordable Housing Incentives Development	P	P	P	P	P	P	P

SECTION 11. Amending the text of *Salt Lake City Code* Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Transit Station Area Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Affordable Housing Incentives Development	P	P	P	P	P	P	P	P

SECTION 12. Amending the text of *Salt Lake City Code* Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Downtown Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	**Permitted And Conditional Uses By District**			
	D-1	D-2	D-3	D-4
Affordable Housing Incentives Development	P	P	P	P

SECTION 13. Amending the text of *Salt Lake City Code* Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for the Gateway District, which use category shall read and appear in that table as follows:

Use	**G-MU**
Affordable Housing Incentives Development	P

SECTION 14. Amending the text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Special Purpose Districts, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Affordable Housing Incentives Development													P				

SECTION 15. Amending the text of *Salt Lake City Code* Section 21A.33.080. That Section 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Form Based Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Form Based Districts, which use category shall read and appear in that table as follows:

[*Note to codifier: use this table if FBUN3 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Use	**Permitted Uses By District**				
	FB-UN1	FB-UN2	FB-UN3	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P	P

[*Note to codifier: use this table if FBUN3 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.]*

Use	**Permitted Uses By District**			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P

SECTION 16. Creating a new Chapter 21A.52 of *Salt Lake City Code* 21A. Chapter 21A of the *Salt Lake City Code* (Zoning Incentives) shall be and hereby is amended to include a new Chapter 21A.52 Zoning Incentives and shall read as follows:

21A.52.010 PURPOSE:

The purpose of this chapter is to establish zoning incentives to support achieving adopted goals within the City's adopted plans and policy documents.

21A.52.020 APPLICABILITY:

This chapter applies as indicated within each subsection.

21A.52.030 RELATIONSHIP TO BASE ZONING DISTRICTS AND OVERLAY ZONING DISTRICTS:

Unless otherwise indicated in this chapter, all base zoning district or overlay zoning district standards and requirements take precedence except as indicated in this section.

21A.52.040 APPROVAL PROCESS:

Any process required by this title shall apply to this chapter unless specifically exempt or modified within this chapter.

A. The Planned Development process in 21A.55 may be modified as indicated within this chapter.
B. The Design Review process in 21A.59 may be modified as indicated within this chapter.
C. Developments authorized by this chapter are exempt from 21A.10.020.B.1.

21A.52.050 AFFORDABLE HOUSING INCENTIVES:

A. Purpose: The Affordable Housing Incentives encourage the development of affordable housing. The provisions within this section facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.
B. Applicability: The provisions in this section provide optional incentives to development projects that include affordable housing units. Unless specifically stated below, all other applicable provisions in the base zoning district or overlay districts shall apply.
C. Uses: Additional housing types are allowed in zones subject to compliance with this section.
D. Reporting and Auditing: Property owners who use the incentives of this chapter are required to provide a report that demonstrates compliance with this section and any additional approvals associated with the use of incentives. The report shall be submitted annually by April 30th and shall be reflective of the financial status at the end of the previous calendar year. The report shall be submitted to the Director of Community and Neighborhoods or successor.
    1. Annual Report and Auditing: Each property owner shall submit a report that demonstrates compliance with this chapter.
        a. If applicable, the property owner shall submit a copy of the annual report(s) provided to Utah Housing Corporation, Olene Walker Housing Loan Fund, Housing Authority of Salt Lake City, Housing Connect, or similar funding source as determined by the Department of Community and Neighborhoods, or successors, confirming compliance with affordable housing conditions, including tenant income and rent rates.
        b. If an annual report is not submitted as required in 21A.52.050.D.1.a above, the property owner shall provide a report that includes, but is not limited to the following:
            (1) The property location, tax ID number, and legal description.
            (2) Property owner name, mailing address, and email address.
            (3) Information on the dwelling units and tenants of the property receiving the incentives that includes:

(A) The total number of dwelling units
(B) The number of bedrooms of each dwelling unit
(C) The rental rate of each dwelling unit
(D) Identify the dwelling units that comply with the level of affordability identified in the approval to use the incentives and a statement that the dwelling units are in compliance with the approval requirements.
(E) Identify any change in occupancy to the units that are required to be affordable under this section, including a change in the number of people residing in each unit and any change in tenant. Personal data is not required to be submitted.
(F) Confirm that income verification for all tenants was performed on an annual basis.
(G) Identify any differences in rent between the agreed upon rental rate in the approval to use the incentives and the actual rent received for the identified affordable dwelling units.
(H) Identify any instance where an affordable dwelling unit was no longer rented at the agreed upon level of affordability, the length of time the dwelling unit was not in compliance with the agreed upon level of affordability, and any remedy that was taken to address the noncompliance.

2. Review of Annual Report: The Director of Community and Neighborhoods shall review the report to determine if the report is complete.
3. Within 30 days of receipt of a complete report, the Director of Community and Neighborhoods shall provide the property owner with written notice that:
    a. Identifies whether the property is in compliance.
    b. Identify any deficiency in the information provided by the owner.
    c. Assesses any penalty that is due as a result of an identified noncompliance.
4. After receipt of the notice from the Director of Community and Neighborhoods that indicates noncompliance, the property owner shall:
    a. Cure the identified noncompliance within 30 days of such notice and concurrently submit an updated report of then-current operations of the property that demonstrates compliance; or
        (1) Property owners can request an extension in writing prior to the expiration of the 30-day cure period identified above. The request shall include an explanation of the efforts to correct the non-compliance and the reason the extension is needed. The Director of Community and Neighborhoods will review and determine if the timeframe and extension are appropriate and whether or not fines shall be stayed during any approved extension. Upon expiration of the extension granted by the Director the property owner shall submit an updated report of then-current operations of the property that demonstrates compliance.
    b. Pay any fine or fee that is assessed pursuant to 21A.20.040 due to any noncompliance within 14 days of achieving compliance. Any fine or fee shall

be assessed from the first identified date that the property is not in compliance.

5. The city may contract with another entity for review of the requirements in this section.
6. Violations of this Chapter shall be investigated and prosecuted pursuant to 21A.20, except as set forth below in 21A.52.050.E.

E. Enforcement: Violations of this Chapter, or the restrictive covenant on the property as set forth in 21A.52.050.F.1, shall be investigated and prosecuted pursuant to 21A.20. The city shall have the additional remedies for violations as set forth below.

1. Lien on Property. If the property owner fails to make payment of the outstanding fines, then after 90 days or when fines reach $5,000, the division will issue a statement of outstanding fines. If the property owner fails to make payment within 14 days, then the division may certify the fines set forth in the statement to the Salt Lake County Treasurer. After entry by the Salt Lake County Treasurer, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes. Upon payment of the amount set forth in the statement, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.
2. Revocation of Business License. Upon a determination of the division that the property is in violation of this Chapter the city may suspend or revoke the business license associated with the property. Any suspension or revocation of a license shall not be imposed until a hearing is first held before the Director of Community and Neighborhoods or his/her successor. The licensee shall be given at least 14 days' notice of the time and place of the hearing, together with the nature of the charges against the licensee. The licensee may appear in person or through an officer, agent or attorney, to introduce evidence on the licensee's behalf, and to confront and cross-examine witnesses. The Director of Community and Neighborhoods shall make a decision based upon the evidence introduced at the hearing and issue a written decision. The licensee may appeal to an appeals hearing officer and thereafter to district court pursuant to 21A.16. If the license is revoked or suspended it shall thereafter be unlawful for any person to engage in or use, or permit to be used any property for any business with respect to which the license has been suspended or revoked until a license shall be granted upon appeal or due to the property's compliance with this Chapter. No person whose license has been revoked, and no person associated or connected with such person in the conduct of such business, shall be granted a license for the same purpose for a period of six months after the revocation has occurred. The Director may, for good cause, waive the prohibition against persons formerly associated or connected with an individual who has had a license revoked.

F. Eligibility Standards: Developments shall meet the criteria below to be eligible for the authorized incentives:

1. Restrictive Covenant Required:
    a. Any owner who uses the incentives of this chapter shall enter into a legally binding restrictive covenant, the form of which shall be approved by the city attorney. Prior to the issuance of a building permit for construction of a building using the incentives, the restrictive covenant shall be filed with the Salt Lake County Recorder. The agreement shall provide for the following, without limitation: acknowledge the use of the incentives, the nature of the approval and any conditions thereof, the affordability requirements, the terms of compliance with all applicable regulations, shall guarantee compliance for a term of 30 years, and the potential enforcement actions for any violation of the agreement. The agreement shall be recorded on the property with the Salt Lake County Recorder, guarantees that the affordability criteria will be met for at least 30 years, and is transferrable to any future owner.
    b. For an affordable homeownership unit, a notice of sale shall be provided to the city and the city shall have a right of first refusal to any sale of the property in accordance with a future sales price that is capped to comply with section 21A.52.050.F.2.b.2 below.

2. The affordable units shall be both income and rent/housing payment restricted.
    a. Income Restriction - The affordable units shall be made available only to Eligible Households that are qualifying occupants with an annual income at or below the SLC Area Median Income ("AMI") as applicable for the given affordable unit for Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area (as periodically determined by the HUD and adjusted for household size).
    b. Rent/Housing Payment Restriction
        (1) For an affordable rental unit, the monthly rent, including all required housing costs per unit, such as utilities and other charges uniformly assessed to all apartment units other than charges for optional services, shall be set forth in a written lease and shall not exceed, for the term of the lease, the maximum monthly gross rental rate published annually by the Utah Housing Corporation for affordable units located in Salt Lake City for the percentage AMI as applicable for the given affordable unit type.
        (2) For an affordable homeownership unit, the annualized housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for the AMI as applicable for the given affordable

unit, assuming a household size equal to the number of bedrooms in the unit plus one person.

3. Comparable units: Affordable units shall be comparable to market rate units in the development including entrance location, dispersion throughout the building or site, number of bedrooms (unless otherwise permitted), access to all amenities available to the market rate units in the development, or as set forth in the terms of the restrictive covenant. This section does not apply to units in single- and two-family zoning districts.
4. The property owner shall be ineligible for affordable housing incentives pursuant to this Chapter if the property owner or its principals, partners, or agents are under enforcement for any violation of title 11, 18, 20, or 21.

G. Incentives: Developments are eligible for the incentives identified in this section. Table 21A.52.050.G establishes the affordability requirements based on the zoning district of the property. Sections 1 through 4 establish the modifications allowed within each zoning district in order to be eligible for the affordability incentives. To use the incentives, developments shall comply with the criteria applicable to the base zoning districts.

Table 21A.52.050.G

Incentive Types	
Types	**Incentive**
Type A. Applicable to the single- and two-family zoning districts: FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3.	Dwelling units shall meet the requirements for an affordable rental or homeownership unit affordable to those with incomes at or below 80% AMI. New construction: At least 50% of the provided dwelling units shall be affordable. Existing building maintained: A minimum of one of the dwelling units shall be affordable provided the existing building is maintained as required in 21A.52.050.H.1.c.
Type B. Applicable to residential multifamily zoning districts: RMF-30, RMF-35, RMF-45, and RMF-75	An affordable rental unit shall meet a minimum of at least one of the following affordability criteria: 1. 40% of units shall be affordable to those with incomes at or below 60% AMI; 2. 20% of units shall be affordable to those with incomes at or below 50% AMI; or 3. 40% of units shall be affordable to those with incomes averaging no more than 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI. For sale owner occupied units: An affordable homeownership unit shall provide a minimum of 50% of units affordable to those with incomes at or below 80% AMI.

Type C. Applicable to zoning districts not otherwise specified.	Affordable rental or homeownership units shall meet a minimum of at least one of the affordability criteria identified. Any fractional number of units required shall be rounded up to the nearest whole number. 1. 20% of units are restricted as affordable to those with an income at or below 80% AMI; 2. 10% of units are restricted as affordable to those with an income at or below 60% AMI; 3. 10% of units are restricted as affordable to those with an average income at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI; 4. 5% of units are restricted as affordable to those with an income at or below 30% AMI; 5. 10% of units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have two or more bedrooms; 6. 5% of units are restricted as affordable to those with an income at or below 60% AMI when the affordable units have two or more bedrooms; or 7. 5% of the units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have three or more bedrooms.

1. Single- and Two-Family Zoning Districts: The following housing types: twin home and two-family, three-family dwellings, four-family dwellings, row houses, sideways row houses, and cottage developments are authorized in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts provided the affordability requirements in for Type A in Table 21A.52.050.G are met.

2. RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts: The qualifying provisions for density found in the minimum lot area and lot width tables for the RMF-35, RMF-45, and RMF-75 zoning districts do not apply and in the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply, provided the affordability requirements for Type B in Table 21A.52.050.G are met.

3. Incentives in the CB Community Business, CC Corridor Commercial, CG General Commercial, and I Institutional Zoning Districts:
    a. The following housing types: row houses, sideways row houses, and cottage developments are authorized in zoning districts provided the affordability requirements in subsection b. are complied with;

b. To be eligible for the incentives listed in this section, a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.

4. The following incentives are authorized in zoning districts provided the affordability requirements for Type C in Table 21A.52.050.G are complied with:
   a. Administrative design review provided the noticing requirements of 21A.10.020.B and the standards in 21A.59 are met. Early engagement notice requirements to recognized organizations are not applicable.
   b. Additional building height as indicated in the following sections:
      (1) Residential districts:

Zoning District	Permitted Maximum Height with Incentive
RMU-35	45' with administrative Design Review, regardless of abutting use or zone.
RMU-45	55' with administrative Design Review, regardless of abutting use or zone.
RB	May build one additional story equal to or less than the average height of the other stories in the building. Density limitations listed in the land use table do not apply.
RMU	May build three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
RO	May build one additional story equal to or less than the average height of the other stories in the building.

(2) Commercial Districts:

Zoning District	Permitted Maximum Height with Incentive
SNB	May build one additional story equal to or less than the average height of the other stories in the building.
CB	May build one additional story equal to or less than the average height of the other stories in the building.
CN	May build one additional story equal to or less than the average height of the other stories in the building.
CC	45' with administrative Design Review; additional landscaping may be met by meeting requirements in 21A.52.050.H.3.c.5.
CG	May build two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review. May build three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review for properties in the mapped area in Figure 21A.26.070.G.
CSHBD1	105' and two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
CSHBD2	60' with administrative Design Review and one additional story equal to or less than the average height of the other stories in the building with administrative Design Review.

TSA-Transition	May build one additional story equal to or less than the average height of the other stories in the building with administrative review.
TSA-Core	May build two additional stories equal to or less than the average height of the other stories in the building with administrative review.

(3) Form-based districts:

[*Note to codifier: use this table if FBUN3 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Zoning District	Permitted Maximum Height with Incentive
FB-UN3	125’ and three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
FB-UN2	May build one additional story equal to the average height of the other stories in the building.
FB-SC	May build one additional story equal to the average height of the other stories in the building.
FB-SE	May build one additional story equal to the average height of the other stories in the building.
FB-UN1	May build up to three stories and 30’ in height.

[*Note to codifier: use this table if FBUN3 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.]*

Zoning District	Permitted Maximum Height with Incentive
FB-UN2	May build one additional story equal to the average height of the other stories in the building.
FB-SC	May build one additional story equal to the average height of the other stories in the building.
FB-SE	May build one additional story equal to the average height of the other stories in the building.
FB-UN1	May build up to three stories and 30’ in height.

(4) Downtown districts:

Zoning District	Permitted Maximum Height with Incentive
D-1	Administrative Design Review is permitted when a Design Review process is required.
D-2	Two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
D-3	Three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.

D-4	Three additional stories equal to or less than the average height of the stories permitted with administrative Design Review. 375' and administrative Design Review in mapped area in 21A.30.045.E.2.b.

(5) Other districts:

Zoning District	Permitted Maximum Height with Incentive
GMU	Two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
MU	60' with residential units and administrative Design Review.

c. Administrative Design Review is permitted for the following:

(6) Buildings in the CSHBD1 and CSHBD2 zoning district that exceed 20,000 square feet in size.

(7) Buildings in the CB zoning district that exceed 7,500 gross square feet of floor area for a first-floor footprint or in excess of 15,000 gross square feet floor area.

5. Planned Developments: A Planned Development is not required when the purpose of the planned development is due to the following reasons cited below, subject to approval by other city departments. If a development proposes any modification that is not listed below, planned development approval is required. To be eligible for the incentives in this section, a development shall meet the affordability requirements for the applicable zoning district in Table 21A.52.040.
   a. Multiple Buildings on a Single Parcel: More than one principal building may be located on a single parcel and are allowed without having public street frontage. This allowance supersedes the restrictions of 21A.36.010.B;
   b. Principal buildings with frontage on a paved public alley;
   c. Principal buildings with frontage on a private street;
   d. Development located in the Community Shopping (CS) "Planned Development Review" in 21A.26.040.C.

H. Development Regulations: The following development regulations are intended to provide supplemental regulations and modify standards of the base zoning district for the purpose of making the affordable housing incentives more feasible and compatible with existing development. Base zoning standards apply unless specifically modified by this section and are in addition to modifications authorized in subsection 21A.52.050.G. If there are conflicts with design standards, the more restrictive regulation shall apply and take precedence. These standards are not allowed to be modified through the planned development process.

1. Modifications in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts:
   a. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. One detached garage

or covered parking space, no greater than 250 sq. ft. per unit, may be provided for each unit and these structure(s) may exceed the yard and building coverage requirements for accessory structures. When covered parking is provided, the 250 sq. ft. per unit of covered parking may be combined into a single structure for each required parking stall provided.

b. Yards: Minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

c. Density:

(1) Lots approved through a planned development prior to the effective date of this chapter are required to go through a major modification of the planned development to use the incentives.

(2) Lots may contain up to four units. Existing lots may be divided such that each unit is on its own lot. The new lots are exempt from minimum lot area, lot width, and lot frontage requirements.

(3) An accessory dwelling unit (ADU) is considered one unit and counts toward the number of units permitted.

(4) Arrangement of dwellings:

(A) New dwelling units may be arranged in any manner within a building, as a second detached dwelling, as attached units, or a cottage development with three or more detached dwellings, within the buildings that are part of the cottage development.

(B) When an existing building is maintained, new units may be added internal to the existing structure, as an addition, or as a second detached dwelling. Any addition must comply with the standards of the base zoning district; however, the addition may contain additional units. 50% of the exterior walls of the existing dwelling, including the front elevation, shall remain as exterior walls.

(C) The units shall comply with this section, applicable requirements of the base zoning district, and any applicable overlay district.

2. Within the RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts the following provisions shall apply:

a. Unit Mix: No more than 25% of the units in the development shall be less than 500 square feet to promote a mix of unit sizes.

b. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required in multifamily developments with less than 10 units.

c. Yards: The minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

d. Lot width: Minimum lot width requirements do not apply.

3. In addition to applicable requirements in 1. and 2. above, the following provisions apply to the specific building types listed:

a. Row house and Sideways row house

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the building and 6 feet on the other interior side yard unless a greater yard is required by the base zoning district

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Number of Units: To qualify for incentives in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A zoning districts there is a minimum of three and a maximum of four residential dwelling units per building.

(3) Building length facing street:

(A) The building length shall not exceed 60 feet or the average of the block face, whichever is less, in FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A districts;

(B) The building length shall not exceed 100 feet in the RMF-30, RMF-35, RMF-45 and RMF-75 districts; and

(C) The building length shall not exceed 175 feet in other zoning districts.

(4) Building entry facing street: At least one operable building entrance on the ground floor is required for each unit facing the primary street facing façade. All units adjacent to a public street shall have the primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. The entry feature may encroach in the front yard setback, but the encroachment shall not be closer than 5 feet from the front property line.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the

proposed material is durable and is appropriate for the structure.

(6) Parking requirement and location: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. All provided parking shall be located to the side of the street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.

(7) Garage doors facing street: Garage doors are prohibited on the façade of the building that is parallel to, or located along, a public street.

(8) Personal outdoor space: Each unit shall have a minimum outdoor space of 60 square feet where the minimum measurement of any side cannot be less than 6 feet.

(9) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(10) Blank wall: The maximum length of any blank wall uninterrupted by windows, doors, or architectural detailing at the ground floor level along any street facing façade is 15'.

(11) Screening of mechanical equipment: All mechanical equipment shall be screened from public view and sited to minimize their visibility and impact. Examples of siting include on the roof, enclosed or otherwise integrated into the architectural design of the building, or in a rear or side yard area subject to yard location restrictions found in section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards" of this title.

Illustration for 21A.52.050.E.3.a.1 Required Setbacks for Public Street Facing Row House

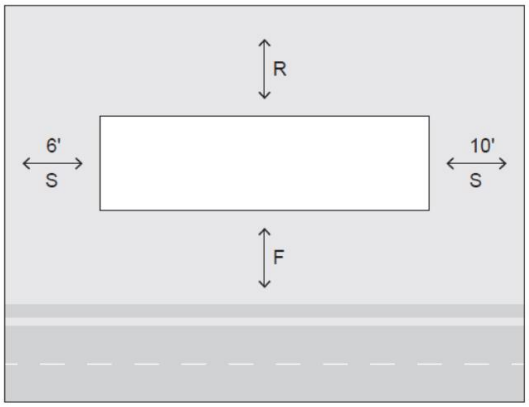
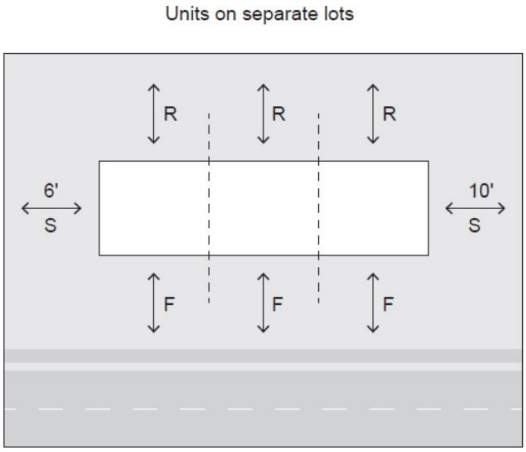
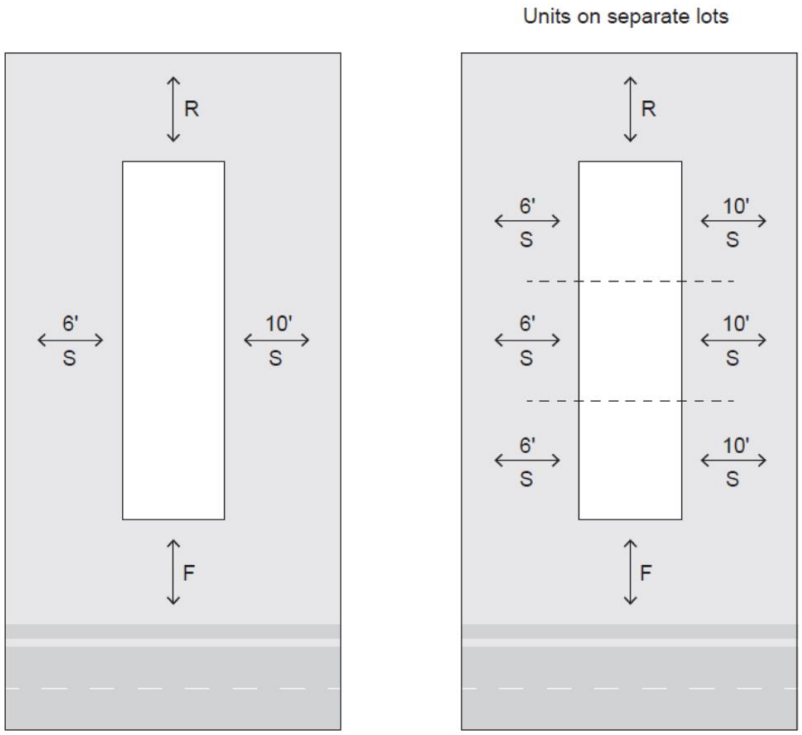


Illustration for 21A.52.050.E.3.b.1 Required Setbacks for Sideways Row House





b. Cottage Development

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the property line and 6 feet on the other interior side yard, unless a greater yard is required by the base zoning district.

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Setbacks Between Individual Cottages: All cottages shall have a minimum setback of eight feet from another cottage.

(3) Area: No cottage shall have more than 850 square feet of gross floor area, excluding basement area. There is no minimum square foot requirement.

(4) Building Entrance: All building entrances shall face a public street or a common open space.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the

proposed material is durable and is appropriate for the structure.

(6) Open Space: A minimum of 250 square feet of common, open space is required per cottage. At least 50% of the open space shall be in a courtyard or other common, usable open space. The development shall include landscaping, walkways or other amenities intended to serve the residents of the development.

(7) Personal Outdoor Space: In addition to the open space requirement in this section, a minimum of 120 square feet of private open space is required per cottage. The open space shall provide a private yard area for each cottage and will be separated with a fence, hedge, or other visual separation to distinguish the private space.

(8) Parking: Unless there is a lesser parking requirement in 21A.44, one off-street parking space per unit is required. All provided parking shall be located to the side of a street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.

c. In addition to applicable requirements in 21A.52.050.H above, the following provisions apply to all other buildings containing more than two residential units. If the base zone has a greater design standard requirement, that standard applies.

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard setback of the base zoning district apply.

(B) Side yards: For housing types not otherwise allowed in the zoning district, a minimum of 10 feet on each side property line, unless a greater setback is required for single-family homes.

(C) Rear yards: The rear yard of the base zoning district applies.

(2) Building entrances: The ground floor shall have a primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. Stairs to second floor units are not permitted on street facing elevations.

(3) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(4) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the

proposed material is durable and is appropriate for the structure.

(5) Open space: Open space area may include landscaped yards, patios, dining areas, and other similar outdoor living spaces. All required open space areas shall be accessible to all residents or users of the building.

(A) Single- and two-family zoning districts: 120 sq. ft. of open space with a minimum width of 6 ft. shall be provided for each building with a dwelling.

(B) All other zoning districts: A minimum of 10% of the land area within the development shall be open space, up to 5,000 square feet. Open space may include courtyards, rooftop and terrace gardens and other similar types of open space amenities. All required open space areas shall be accessible to all residents or users of the building.

d. Single- and Two-family Dwellings: No additional design standards except as identified in 21A.24.

e. Unit Limits: For overall development sites with more than 125 units, no more than 50% of units shall be designated as affordable units.

f. Lots without public street frontage may be created to accommodate developments without planned development approval subject to the following standards:

(1) Required yards shall be applied to the overall development site not individual lots within the development. The front and corner yards of the perimeter shall be maintained as landscaped yards;

(2) Lot coverage shall be calculated for the overall development not individual lots within the development; and

(3) Required off street parking stalls for a unit within the development are permitted on any lot within the development.

(4) The subdivision shall be finalized with a final plat and the final plat shall document that the new lot(s) has adequate access to a public street by way of easements or a shared driveway or private street; and

(5) An entity, such as a homeowner association, must be established for the operation and maintenance of any common infrastructure. Documentation establishing that entity must be recorded with the final plat.

SECTION 17. Amending the text of *Salt Lake City Code* Subsection 21A.55.010.C.1. That Subsection 21A.55.010.C.1 of the *Salt Lake City Code* (Zoning: Planned Developments: Purpose Statements) shall be and hereby is amended to read as follows:

1. Affordable housing that meets the requirements of 21A.52.050.

SECTION 18. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Affordable Housing
Affordable Housing Incentives Development
Dwelling, Three-family
Dwelling, Four-family
Dwelling, Row House
Dwelling, Sideways Row House
Dwelling, Cottage Development

SECTION 19. Amending the Text of *Salt Lake City Code* Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and hereby is amended as follows:

a. Adding the definition of "AFFORDABLE HOUSING." That the definition of "AFFORDABLE HOUSING" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING: Affordable housing shall be both income and, as applicable, rent-restricted. The affordable units shall be made available only to individuals and households that are qualifying occupants at or below the applicable percentage of the area median income for the Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area the "SLC Area Median Income" or "AMI", as periodically determined by HUD and adjusted for household size) and published by the Utah Housing Corporation, or its successor. Affordable (30% of gross income for housing costs, including utilities) housing units must accommodate at least one of the following categories:

a. Extremely Low-Income Affordable Units: Housing units accommodating up to 30% AMI;
b. Very Low-Income Affordable Units: Housing units accommodating ~~up to~~ greater than 30% and up to 50% AMI; or
c. Low-Income Affordable Units: Housing units accommodating greater than 50% and up to 80% AMI.

b. Adding the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT." That the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING INCENTIVES DEVELOPMENT: A housing development that meets the criteria in 21A.52.050.

c. Adding the definition of "DWELLING, THREE-FAMILY." That the definition of "DWELLING, THREE-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, THREE-FAMILY: A detached building containing three dwelling units.

d. Adding the definition of "DWELLING, FOUR-FAMILY." That the definition of "DWELLING, FOUR-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, FOUR-FAMILY: A detached building containing four dwelling units.

e. Adding the definition of "DWELLING, ROW HOUSE." That the definition of "DWELLING, ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a public street. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

f. Adding the definition of "DWELLING, SIDEWAYS ROW HOUSE." That the definition of "DWELLING, SIDEWAYS ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, SIDEWAYS ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each

unit faces a side yard as opposed to the front yard. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

g. Adding the definition of "DWELLING, COTTAGE DEVELOPMENT." That the definition of "DWELLING, COTTAGE DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, COTTAGE DEVELOPMENT: A cottage development is a unified development that contains a minimum of two and a maximum of eight detached dwelling units with each unit appearing to be a small single-family dwelling with a common green or open space. Dwellings may be located on separate lots or grouped on one lot.

SECTION 20. That the "ZONING FEES" section of the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to add the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 21. 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 _____, 2023.

_____

CHAIRPERSON

ATTEST:

_____

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed

_____
MAYOR

_____
CITY RECORDER

(SEAL)

Bill No. _____ of 2023.
Published: _____.
Ordinance creating zoning incentives and affordable housing incentives

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: July 7, 2023
By: _____
Katherine D. Pasker, *Senior City Attorney*

EXHIBIT A

Service	Fee	Additional Information	Section
Affordable Housing Incentives Fines			
Noncompliance violation	$100/affordable unit/day	Plus rental difference	21A.20.040.B

SALT LAKE CITY ORDINANCE

No. _____ of 2023

(An ordinance amending various sections of the Title 21A of the Salt Lake City Code establishing a chapter for zoning incentives and adding affordable housing incentives)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2019-00658 pertaining to zoning incentives and affordable housing incentives.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held public hearings on May 11, 2022 and April 26, 2023 to consider a petition submitted by former Salt Lake City Mayor, Jackie Biskupski (Petition No. PLNPCM2019-00658) to amend various sections of Title 21A of the *Salt Lake City Code* adding zoning incentives and affordable housing incentives; and

WHEREAS, at its April 26, 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, the City Council requests a report on costs and benefits of implementation of the affordable housing incentives 24 months following adoption; 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.20.040. That Section 21A.20.040 of the *Salt Lake City Code* (Zoning: Enforcement: Civil Fines) shall be and hereby is amended to read as follows:

A. If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars ($25.00) a day per violation for those properties legally used for purposes that are solely residential uses, and one hundred dollars ($100.00) a day per violation for those properties used for purposes that are not residential uses.

B. Affordable housing incentives per 21A.52.050: If the violation(s) are not corrected by the citation deadline, civil fines shall accrue at the rate set in the Consolidated Fee Schedule per day per violation. If the violation(s) include renting an affordable rental unit in excess of the approved rental rate then an additional monthly fine shall accrue that is the difference between the market rate of the unit and the approved rental rate that is agreed to by the applicant at the time of approval for a project using the incentives.

SECTION 2. Amending the text of *Salt Lake City Code* Subsection 21A.24.050.A. That Subsection 21A.24.050.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/12,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/12,000 Single-Family Residential District is to provide for ~~conventional~~ single-family residential dwellings and affordable housing incentives developments with up to four units on ~~residential neighborhoods with~~ lots twelve thousand (12,000) square feet in size or larger. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 3. Amending the text of *Salt Lake City Code* Subsection 21A.24.060.A. That Subsection 21A.24.060.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/7,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/7,000 Single-Family Residential District is to provide for ~~conventional~~ single-family residential dwellings and affordable housing incentives developments with up to four units on ~~residential neighborhoods with~~ lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 4. Amending the text of *Salt Lake City Code* Subsection 21A.24.070.A. That Subsection 21A.24.070.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-1/5,000 Single-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-1/5,000 Single-Family Residential District is to provide for ~~conventional~~ single-family residential dwellings and affordable housing incentives developments with up to four units on ~~residential neighborhoods with~~ lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

SECTION 5. Amending the text of *Salt Lake City Code* Subsection 21A.24.110.A. That Subsection 21A.24.110.A of the *Salt Lake City Code* (Zoning: Residential Districts: R-2 Single- and Two-family Residential District) shall be and hereby is amended to read as follows:

A. Purpose Statement: The purpose of the R-2 Single- and Two- Family Residential District is to preserve ~~and protect for single-family dwellings~~ the character of existing neighborhoods which exhibit a mix of predominantly single- and two-family dwellings ~~by controlling the concentration of two-family dwelling units~~. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

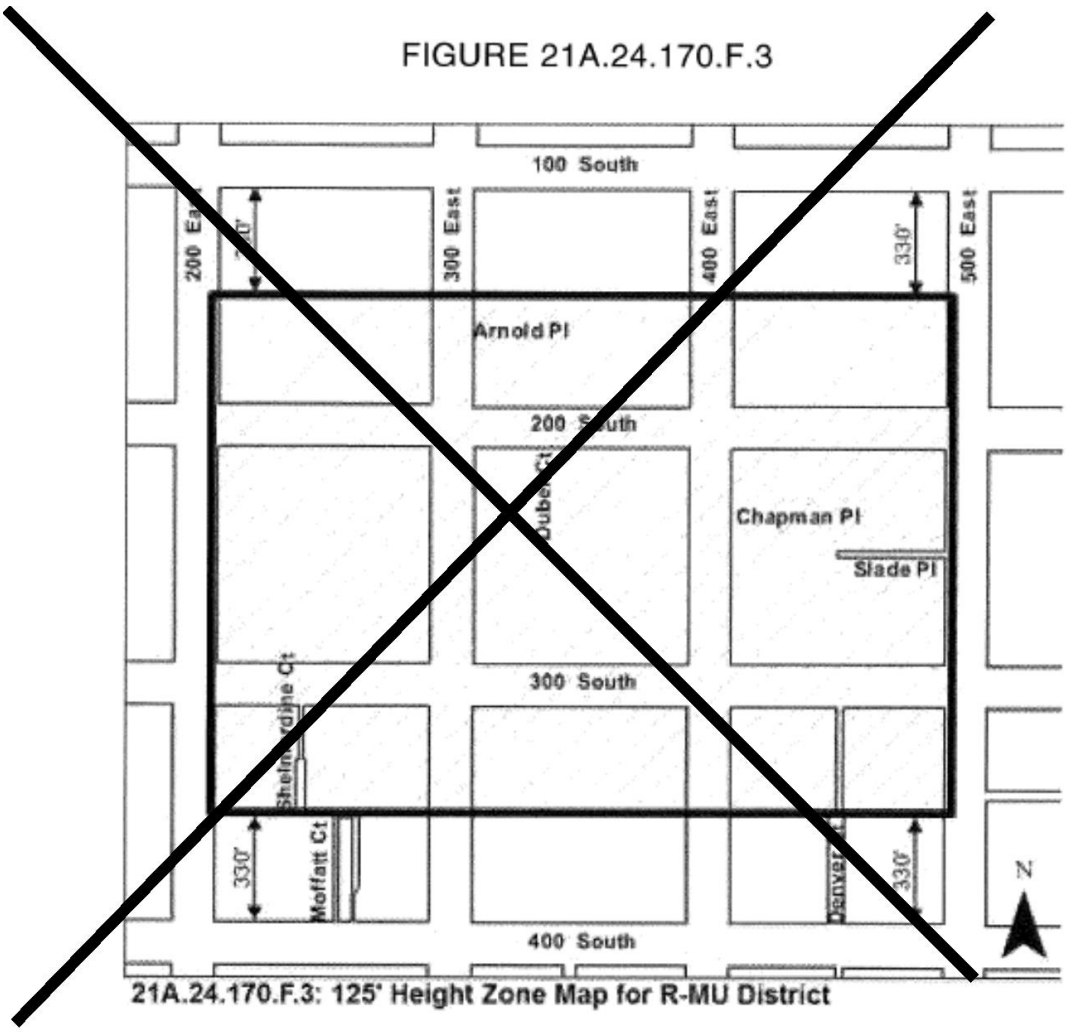
SECTION 6. Amending the text of *Salt Lake City Code* Subsection 21A.24.170.F. That Subsection 21A.24.170.F of the *Salt Lake City Code* (Zoning: Residential Districts: R-MU Residential/Mixed Use District) shall be and hereby is amended to read as follows:

F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. ~~Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized through the design review process (chapter 21A.59 of this title) and provided, that the proposed height is located within the one hundred twenty five foot (125') height zone indicated in the map located in subsection F3 of this section.~~

1. Maximum height for nonresidential buildings: Forty five feet (45').
2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

~~3. One hundred twenty five foot (125') height zone map for the R-MU District:~~

~~**FIGURE 21A.24.170.F.3**~~



SECTION 7. Amending the text of *Salt Lake City Code* Subsection 21A.26.078.E.2. That Subsection 21A.26.078.E.2 of the *Salt Lake City Code* (Zoning: Commercial Districts: TSA Transit Station Area District) shall be and hereby is amended to read as follows (Table 21A.26.078.E.2 and all notes thereto shall remain and are not amended herein):

2. Building Height: The minimum and maximum building heights are found in table 21A.26.078.E.2, "Building Height Regulations", of this subsection E.2. ~~The following exceptions apply:~~

~~a.~~ The minimum building height applies to all structures that are adjacent to a public or private street. The building shall meet the minimum building height for at least fifty percent (50%) of the width of the street facing building wall.

~~b. Projects that achieve a development score that qualifies for administrative review are eligible for an increase in height. The increase shall be limited to one story of habitable space. The height of the additional story shall be equal to or less than the average height of the other stories in the building. This is in addition to the height authorized elsewhere in this title.~~

SECTION 8. Amending the text of *Salt Lake City Code* Table 21A.27.040.C. That Table 21A.27.040.C of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-SC and FB-SE Form Based Special Purpose Corridor District) shall be and hereby is amended to read as follows:

TABLE 21A.27.040.C
FB-SC BUILDING FORM STANDARDS

Permitted Building Forms Multi-Family And Storefront			
H	Maximum building height		Maximum building height in the FB-SC is 60 ft. ~~An additional 15 ft. in height (for a total height of 75 ft.) may be permitted for residential uses if a minimum of 10% of the units are affordable housing.~~
	Limitation on commercial uses		Commercial or nonresidential uses are limited to the first 3 stories and a height of 45 ft. This limitation does not apply to hotel/motel uses, which are limited to the maximum height of 75 ft.
F	Front and corner side yard setback	Greenway	Minimum of 5 ft. Maximum of 15 ft.
		Neighborhood	Minimum of 15 ft. Maximum of 25 ft.
		Avenue	Minimum of 5 ft. Maximum of 10 ft.
		Boulevard	Minimum of 15 ft. Maximum of 25 ft.
B	Required built-to		Minimum of 50% of any street facing facade shall be built to the minimum setback line. At least 10% of any street facing facade shall be built to the maximum setback line.
S	Interior side yard		When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no

		minimum setback is required. See illustration below.
R	Rear yard	When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density.
W	Minimum lot width	50 ft.
DU	Dwelling units per building form	No minimum or maximum.
Bf	Number of building forms per lot	1 building form permitted for every 4,000 sq. ft. of lot area provided all building forms have frontage on a street.

SECTION 9. Amending the text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Residential Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Affordable Housing Incentives Development	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P

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SECTION 10. Amending the text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Commercial Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District						
	CN	CB	CS[1]	CC	CSHBD[1]	CG	SNB
Affordable Housing Incentives Development	P	P	P	P	P	P	P

SECTION 11. Amending the text of *Salt Lake City Code* Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Transit Station Area Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Affordable Housing Incentives Development	P	P	P	P	P	P	P	P

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SECTION 12. Amending the text of *Salt Lake City Code* Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Downtown Districts, in alphabetical order with other use categories in the table, which use category shall read and appear in that table as follows:

Use	**Permitted And Conditional Uses By District**			
	D-1	D-2	D-3	D-4
Affordable Housing Incentives Development	P	P	P	P

SECTION 13. Amending the text of *Salt Lake City Code* Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for the Gateway District, which use category shall read and appear in that table as follows:

Use	**G-MU**
Affordable Housing Incentives Development	P

SECTION 14. Amending the text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Special Purpose Districts, which use category shall read and appear in that table as follows:

Use	Permitted and Conditional Uses by District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Affordable Housing Incentives Development													P				

SECTION 15. Amending the text of *Salt Lake City Code* Section 21A.33.080. That Section 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Form Based Districts) shall be and hereby is amended only to add the use category "Affordable Housing Incentives Development" in the Table of Permitted and Conditional Uses for Form Based Districts, which use category shall read and appear in that table as follows:

[*Note to codifier: use this table if FBUN3 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Use	**Permitted Uses By District**				
	FB-UN1	FB-UN2	FB-UN3	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P	P

[*Note to codifier: use this table if FBUN3 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.]*

Use	**Permitted Uses By District**			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Affordable Housing Incentives Development	P	P	P	P

SECTION 16. Creating a new Chapter 21A.52 of *Salt Lake City Code* 21A. Chapter 21A of the *Salt Lake City Code* (Zoning Incentives) shall be and hereby is amended to include a new Chapter 21A.52 Zoning Incentives and shall read as follows:

21A.52.010 PURPOSE:

The purpose of this chapter is to establish zoning incentives to support achieving adopted goals within the City's adopted plans and policy documents.

21A.52.020 APPLICABILITY:

This chapter applies as indicated within each subsection.

21A.52.030 RELATIONSHIP TO BASE ZONING DISTRICTS AND OVERLAY ZONING DISTRICTS:

Unless otherwise indicated in this chapter, all base zoning district or overlay zoning district standards and requirements take precedence except as indicated in this section.

21A.52.040 APPROVAL PROCESS:

Any process required by this title shall apply to this chapter unless specifically exempt or modified within this chapter.

A. The Planned Development process in 21A.55 may be modified as indicated within this chapter.
B. The Design Review process in 21A.59 may be modified as indicated within this chapter.
C. Developments authorized by this chapter are exempt from 21A.10.020.B.1.

21A.52.050 AFFORDABLE HOUSING INCENTIVES:

A. Purpose: The Affordable Housing Incentives encourage the development of affordable housing. The provisions within this section facilitate the construction of affordable housing by allowing more inclusive development than would otherwise be permitted in the base zoning districts. Housing constructed using the incentives is intended to be compatible in form with the neighborhood and provide for safe and comfortable places to live and play.
B. Applicability: The provisions in this section provide optional incentives to development projects that include affordable housing units. Unless specifically stated below, all other applicable provisions in the base zoning district or overlay districts shall apply.
C. Uses: Additional housing types are allowed in zones subject to compliance with this section.
D. Reporting and Auditing: Property owners who use the incentives of this chapter are required to provide a report that demonstrates compliance with this section and any additional approvals associated with the use of incentives. The report shall be submitted annually by April 30th and shall be reflective of the financial status at the end of the previous calendar year. The report shall be submitted to the Director of Community and Neighborhoods or successor.
    1. Annual Report and Auditing: Each property owner shall submit a report that demonstrates compliance with this chapter.
        a. If applicable, the property owner shall submit a copy of the annual report(s) provided to Utah Housing Corporation, Olene Walker Housing Loan Fund, Housing Authority of Salt Lake City, Housing Connect, or similar funding source as determined by the Department of Community and Neighborhoods, or successors, confirming compliance with affordable housing conditions, including tenant income and rent rates.
        b. If an annual report is not submitted as required in 21A.52.050.D.1.a above, the property owner shall provide a report that includes, but is not limited to the following:
            (1) The property location, tax ID number, and legal description.
            (2) Property owner name, mailing address, and email address.
            (3) Information on the dwelling units and tenants of the property receiving the incentives that includes:

(A) The total number of dwelling units
(B) The number of bedrooms of each dwelling unit
(C) The rental rate of each dwelling unit
(D) Identify the dwelling units that comply with the level of affordability identified in the approval to use the incentives and a statement that the dwelling units are in compliance with the approval requirements.
(E) Identify any change in occupancy to the units that are required to be affordable under this section, including a change in the number of people residing in each unit and any change in tenant. Personal data is not required to be submitted.
(F) Confirm that income verification for all tenants was performed on an annual basis.
(G) Identify any differences in rent between the agreed upon rental rate in the approval to use the incentives and the actual rent received for the identified affordable dwelling units.
(H) Identify any instance where an affordable dwelling unit was no longer rented at the agreed upon level of affordability, the length of time the dwelling unit was not in compliance with the agreed upon level of affordability, and any remedy that was taken to address the noncompliance.

2. Review of Annual Report: The Director of Community and Neighborhoods shall review the report to determine if the report is complete.
3. Within 30 days of receipt of a complete report, the Director of Community and Neighborhoods shall provide the property owner with written notice that:
   a. Identifies whether the property is in compliance.
   b. Identify any deficiency in the information provided by the owner.
   c. Assesses any penalty that is due as a result of an identified noncompliance.
4. After receipt of the notice from the Director of Community and Neighborhoods that indicates noncompliance, the property owner shall:
   a. Cure the identified noncompliance within 30 days of such notice and concurrently submit an updated report of then-current operations of the property that demonstrates compliance; or
      (1) Property owners can request an extension in writing prior to the expiration of the 30-day cure period identified above. The request shall include an explanation of the efforts to correct the non-compliance and the reason the extension is needed. The Director of Community and Neighborhoods will review and determine if the timeframe and extension are appropriate and whether or not fines shall be stayed during any approved extension. Upon expiration of the extension granted by the Director the property owner shall submit an updated report of then-current operations of the property that demonstrates compliance.
   b. Pay any fine or fee that is assessed pursuant to 21A.20.040 due to any noncompliance within 14 days of achieving compliance. Any fine or fee shall

be assessed from the first identified date that the property is not in compliance.

5. The city may contract with another entity for review of the requirements in this section.
6. Violations of this Chapter shall be investigated and prosecuted pursuant to 21A.20, except as set forth below in 21A.52.050.E.

E. Enforcement: Violations of this Chapter, or the restrictive covenant on the property as set forth in 21A.52.050.F.1, shall be investigated and prosecuted pursuant to 21A.20. The city shall have the additional remedies for violations as set forth below.

1. Lien on Property. If the property owner fails to make payment of the outstanding fines, then after 90 days or when fines reach $5,000, the division will issue a statement of outstanding fines. If the property owner fails to make payment within 14 days, then the division may certify the fines set forth in the statement to the Salt Lake County Treasurer. After entry by the Salt Lake County Treasurer, the amount entered shall have the force and effect of a valid judgment of the district court, is a lien on the property, and shall be collected by the treasurer of the county in which the property is located at the time of the payment of general taxes. Upon payment of the amount set forth in the statement, the judgment is satisfied, the lien is released from the property, and receipt shall be acknowledged upon the general tax receipt issued by the treasurer.
2. Revocation of Business License. Upon a determination of the division that the property is in violation of this Chapter the city may suspend or revoke the business license associated with the property. Any suspension or revocation of a license shall not be imposed until a hearing is first held before the Director of Community and Neighborhoods or his/her successor. The licensee shall be given at least 14 days' notice of the time and place of the hearing, together with the nature of the charges against the licensee. The licensee may appear in person or through an officer, agent or attorney, to introduce evidence on the licensee's behalf, and to confront and cross-examine witnesses. The Director of Community and Neighborhoods shall make a decision based upon the evidence introduced at the hearing and issue a written decision. The licensee may appeal to an appeals hearing officer and thereafter to district court pursuant to 21A.16. If the license is revoked or suspended it shall thereafter be unlawful for any person to engage in or use, or permit to be used any property for any business with respect to which the license has been suspended or revoked until a license shall be granted upon appeal or due to the property's compliance with this Chapter. No person whose license has been revoked, and no person associated or connected with such person in the conduct of such business, shall be granted a license for the same purpose for a period of six months after the revocation has occurred. The Director may, for good cause, waive the prohibition against persons formerly associated or connected with an individual who has had a license revoked.

F. Eligibility Standards: Developments shall meet the criteria below to be eligible for the authorized incentives:

1. Restrictive Covenant Required:
   a. Any owner who uses the incentives of this chapter shall enter into a legally binding restrictive covenant, the form of which shall be approved by the city attorney. Prior to the issuance of a building permit for construction of a building using the incentives, the restrictive covenant shall be filed with the Salt Lake County Recorder. The agreement shall provide for the following, without limitation: acknowledge the use of the incentives, the nature of the approval and any conditions thereof, the affordability requirements, the terms of compliance with all applicable regulations, shall guarantee compliance for a term of 30 years, and the potential enforcement actions for any violation of the agreement. The agreement shall be recorded on the property with the Salt Lake County Recorder, guarantees that the affordability criteria will be met for at least 30 years, and is transferrable to any future owner.
   b. For an affordable homeownership unit, a notice of sale shall be provided to the city and the city shall have a right of first refusal to any sale of the property in accordance with a future sales price that is capped to comply with section 21A.52.050.F.2.b.2 below.

2. The affordable units shall be both income and rent/housing payment restricted.
   a. Income Restriction - The affordable units shall be made available only to Eligible Households that are qualifying occupants with an annual income at or below the SLC Area Median Income ("AMI") as applicable for the given affordable unit for Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area (as periodically determined by the HUD and adjusted for household size).
   b. Rent/Housing Payment Restriction
      (1) For an affordable rental unit, the monthly rent, including all required housing costs per unit, such as utilities and other charges uniformly assessed to all apartment units other than charges for optional services, shall be set forth in a written lease and shall not exceed, for the term of the lease, the maximum monthly gross rental rate published annually by the Utah Housing Corporation for affordable units located in Salt Lake City for the percentage AMI as applicable for the given affordable unit type.
      (2) For an affordable homeownership unit, the annualized housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for the AMI as applicable for the given affordable

unit, assuming a household size equal to the number of bedrooms in the unit plus one person.

3. Comparable units: Affordable units shall be comparable to market rate units in the development including entrance location, dispersion throughout the building or site, number of bedrooms (unless otherwise permitted), access to all amenities available to the market rate units in the development, or as set forth in the terms of the restrictive covenant. This section does not apply to units in single- and two-family zoning districts.

4. The property owner shall be ineligible for affordable housing incentives pursuant to this Chapter if the property owner or its principals, partners, or agents are under enforcement for any violation of title 11, 18, 20, or 21.

G. Incentives: Developments are eligible for the incentives identified in this section. Table 21A.52.050.G establishes the affordability requirements based on the zoning district of the property. Sections 1 through 4 establish the modifications allowed within each zoning district in order to be eligible for the affordability incentives. To use the incentives, developments shall comply with the criteria applicable to the base zoning districts.

Table 21A.52.050.G

Incentive Types	
Types	**Incentive**
Type A. Applicable to the single- and two-family zoning districts: FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3.	Dwelling units shall meet the requirements for an affordable rental or homeownership unit affordable to those with incomes at or below 80% AMI. New construction: At least 50% of the provided dwelling units shall be affordable. Existing building maintained: A minimum of one of the dwelling units shall be affordable provided the existing building is maintained as required in 21A.52.050.H.1.c.
Type B. Applicable to residential multifamily zoning districts: RMF-30, RMF-35, RMF-45, and RMF-75	An affordable rental unit shall meet a minimum of at least one of the following affordability criteria: 1. 40% of units shall be affordable to those with incomes at or below 60% AMI; 2. 20% of units shall be affordable to those with incomes at or below 50% AMI; or 3. 40% of units shall be affordable to those with incomes averaging no more than 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI. For sale owner occupied units: An affordable homeownership unit shall provide a minimum of 50% of units affordable to those with incomes at or below 80% AMI.

Type C. Applicable to zoning districts not otherwise specified.	Affordable rental or homeownership units shall meet a minimum of at least one of the affordability criteria identified. Any fractional number of units required shall be rounded up to the nearest whole number. 1. 20% of units are restricted as affordable to those with an income at or below 80% AMI; 2. 10% of units are restricted as affordable to those with an income at or below 60% AMI; 3. 10% of units are restricted as affordable to those with an average income at or below 60% AMI and these units shall not be occupied by those with an income greater than 80% AMI; 4. 5% of units are restricted as affordable to those with an income at or below 30% AMI; 5. 10% of units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have two or more bedrooms; 6. 5% of units are restricted as affordable to those with an income at or below 60% AMI when the affordable units have two or more bedrooms; or 7. 5% of the units are restricted as affordable to those with an income at or below 80% AMI when the affordable units have three or more bedrooms.

1. Single- and Two-Family Zoning Districts: The following housing types: twin home and two-family, three-family dwellings, four-family dwellings, row houses, sideways row houses, and cottage developments are authorized in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts provided the affordability requirements in for Type A in Table 21A.52.050.G are met.

2. RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts: The qualifying provisions for density found in the minimum lot area and lot width tables for the RMF-35, RMF-45, and RMF-75 zoning districts do not apply and in the RMF-30 zoning district, the minimum lot size per dwelling unit does not apply, provided the affordability requirements for Type B in Table 21A.52.050.G are met.

3. Incentives in the CB Community Business, CC Corridor Commercial, CG General Commercial, and I Institutional Zoning Districts:
    a. The following housing types: row houses, sideways row houses, and cottage developments are authorized in zoning districts provided the affordability requirements in subsection b. are complied with;

b. To be eligible for the incentives listed in this section, a development shall meet the affordability requirements for Type C in Table 21A.52.050.G.

4. The following incentives are authorized in zoning districts provided the affordability requirements for Type C in Table 21A.52.050.G are complied with:
   a. Administrative design review provided the noticing requirements of 21A.10.020.B and the standards in 21A.59 are met. Early engagement notice requirements to recognized organizations are not applicable.
   b. Additional building height as indicated in the following sections:
      (1) Residential districts:

Zoning District	Permitted Maximum Height with Incentive
RMU-35	45’ with administrative Design Review, regardless of abutting use or zone.
RMU-45	55’ with administrative Design Review, regardless of abutting use or zone.
RB	May build one additional story equal to or less than the average height of the other stories in the building. Density limitations listed in the land use table do not apply.
RMU	May build three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
RO	May build one additional story equal to or less than the average height of the other stories in the building.

      (2) Commercial Districts:

Zoning District	Permitted Maximum Height with Incentive
SNB	May build one additional story equal to or less than the average height of the other stories in the building.
CB	May build one additional story equal to or less than the average height of the other stories in the building.
CN	May build one additional story equal to or less than the average height of the other stories in the building.
CC	45’ with administrative Design Review; additional landscaping may be met by meeting requirements in 21A.52.050.H.3.c.5.
CG	May build two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review. May build three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review for properties in the mapped area in Figure 21A.26.070.G.
CSHBD1	105’ and two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
CSHBD2	60’ with administrative Design Review and one additional story equal to or less than the average height of the other stories in the building with administrative Design Review.

TSA-Transition	May build one additional story equal to or less than the average height of the other stories in the building with administrative review.
TSA-Core	May build two additional stories equal to or less than the average height of the other stories in the building with administrative review.

(3) Form-based districts:

[*Note to codifier: use this table if FBUN3 is adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is not adopted, then this table is void.*]

Zoning District	**Permitted Maximum Height with Incentive**
FB-UN3	125' and three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
FB-UN2	May build one additional story equal to the average height of the other stories in the building.
FB-SC	May build one additional story equal to the average height of the other stories in the building.
FB-SE	May build one additional story equal to the average height of the other stories in the building.
FB-UN1	May build up to three stories and 30' in height.

[*Note to codifier: use this table if FBUN3 is not adopted as of the date of this ordinance pursuant to Petition No. PLNPCM2019-00277. If it is adopted this table is void and the prior table should be codified.]*

Zoning District	**Permitted Maximum Height with Incentive**
FB-UN2	May build one additional story equal to the average height of the other stories in the building.
FB-SC	May build one additional story equal to the average height of the other stories in the building.
FB-SE	May build one additional story equal to the average height of the other stories in the building.
FB-UN1	May build up to three stories and 30' in height.

(4) Downtown districts:

Zoning District	**Permitted Maximum Height with Incentive**
D-1	Administrative Design Review is permitted when a Design Review process is required.
D-2	Two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
D-3	Three additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.

D-4	Three additional stories equal to or less than the average height of the stories permitted with administrative Design Review. 375' and administrative Design Review in mapped area in 21A.30.045.E.2.b.

(5) Other districts:

Zoning District	Permitted Maximum Height with Incentive
GMU	Two additional stories equal to or less than the average height of the other stories in the building with administrative Design Review.
MU	60' with residential units and administrative Design Review.

c. Administrative Design Review is permitted for the following:

(6) Buildings in the CSHBD1 and CSHBD2 zoning district that exceed 20,000 square feet in size.

(7) Buildings in the CB zoning district that exceed 7,500 gross square feet of floor area for a first-floor footprint or in excess of 15,000 gross square feet floor area.

5. Planned Developments: A Planned Development is not required when the purpose of the planned development is due to the following reasons cited below, subject to approval by other city departments. If a development proposes any modification that is not listed below, planned development approval is required. To be eligible for the incentives in this section, a development shall meet the affordability requirements for the applicable zoning district in Table 21A.52.040.

a. Multiple Buildings on a Single Parcel: More than one principal building may be located on a single parcel and are allowed without having public street frontage. This allowance supersedes the restrictions of 21A.36.010.B;

b. Principal buildings with frontage on a paved public alley;

c. Principal buildings with frontage on a private street;

d. Development located in the Community Shopping (CS) "Planned Development Review" in 21A.26.040.C.

H. Development Regulations: The following development regulations are intended to provide supplemental regulations and modify standards of the base zoning district for the purpose of making the affordable housing incentives more feasible and compatible with existing development. Base zoning standards apply unless specifically modified by this section and are in addition to modifications authorized in subsection 21A.52.050.G. If there are conflicts with design standards, the more restrictive regulation shall apply and take precedence. These standards are not allowed to be modified through the planned development process.

1. Modifications in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, SR-1A, and SR-3 zoning districts:

a. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. One detached garage

or covered parking space, no greater than 250 sq. ft. per unit, may be provided for each unit and these structure(s) may exceed the yard and building coverage requirements for accessory structures. When covered parking is provided, the 250 sq. ft. per unit of covered parking may be combined into a single structure for each required parking stall provided.

b. Yards: Minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

c. Density:

(1) Lots approved through a planned development prior to the effective date of this chapter are required to go through a major modification of the planned development to use the incentives.

(2) Lots may contain up to four units. Existing lots may be divided such that each unit is on its own lot. The new lots are exempt from minimum lot area, lot width, and lot frontage requirements.

(3) An accessory dwelling unit (ADU) is considered one unit and counts toward the number of units permitted.

(4) Arrangement of dwellings:

(A) New dwelling units may be arranged in any manner within a building, as a second detached dwelling, as attached units, or a cottage development with three or more detached dwellings, within the buildings that are part of the cottage development.

(B) When an existing building is maintained, new units may be added internal to the existing structure, as an addition, or as a second detached dwelling. Any addition must comply with the standards of the base zoning district; however, the addition may contain additional units. 50% of the exterior walls of the existing dwelling, including the front elevation, shall remain as exterior walls.

(C) The units shall comply with this section, applicable requirements of the base zoning district, and any applicable overlay district.

2. Within the RMF-30, RMF-35, RMF-45 and RMF-75 zoning districts the following provisions shall apply:

a. Unit Mix: No more than 25% of the units in the development shall be less than 500 square feet to promote a mix of unit sizes.

b. Parking: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required in multifamily developments with less than 10 units.

c. Yards: The minimum required yards shall apply to the perimeter of the development and not to the individual principal buildings within the development.

d. Lot width: Minimum lot width requirements do not apply.

3. In addition to applicable requirements in 1. and 2. above, the following provisions apply to the specific building types listed:

a. Row house and Sideways row house

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the building and 6 feet on the other interior side yard unless a greater yard is required by the base zoning district

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Number of Units: To qualify for incentives in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A zoning districts there is a minimum of three and a maximum of four residential dwelling units per building.

(3) Building length facing street:

(A) The building length shall not exceed 60 feet or the average of the block face, whichever is less, in FR-1, FR-2, FR-3, R -1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1, and SR-1A districts;

(B) The building length shall not exceed 100 feet in the RMF-30, RMF-35, RMF-45 and RMF-75 districts; and

(C) The building length shall not exceed 175 feet in other zoning districts.

(4) Building entry facing street: At least one operable building entrance on the ground floor is required for each unit facing the primary street facing façade. All units adjacent to a public street shall have the primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. The entry feature may encroach in the front yard setback, but the encroachment shall not be closer than 5 feet from the front property line.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the

proposed material is durable and is appropriate for the structure.

(6) Parking requirement and location: Unless there is a lesser parking requirement in 21A.44, only one off-street parking space per unit is required. All provided parking shall be located to the side of the street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.

(7) Garage doors facing street: Garage doors are prohibited on the façade of the building that is parallel to, or located along, a public street.

(8) Personal outdoor space: Each unit shall have a minimum outdoor space of 60 square feet where the minimum measurement of any side cannot be less than 6 feet.

(9) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(10) Blank wall: The maximum length of any blank wall uninterrupted by windows, doors, or architectural detailing at the ground floor level along any street facing façade is 15'.

(11) Screening of mechanical equipment: All mechanical equipment shall be screened from public view and sited to minimize their visibility and impact. Examples of siting include on the roof, enclosed or otherwise integrated into the architectural design of the building, or in a rear or side yard area subject to yard location restrictions found in section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards" of this title.

Illustration for 21A.52.050.E.3.a.1 Required Setbacks for Public Street Facing Row House

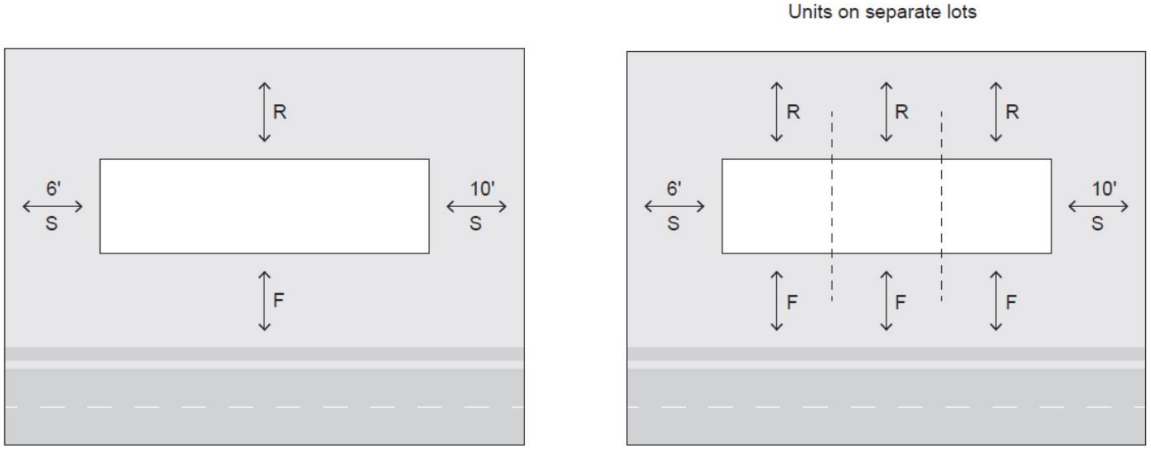
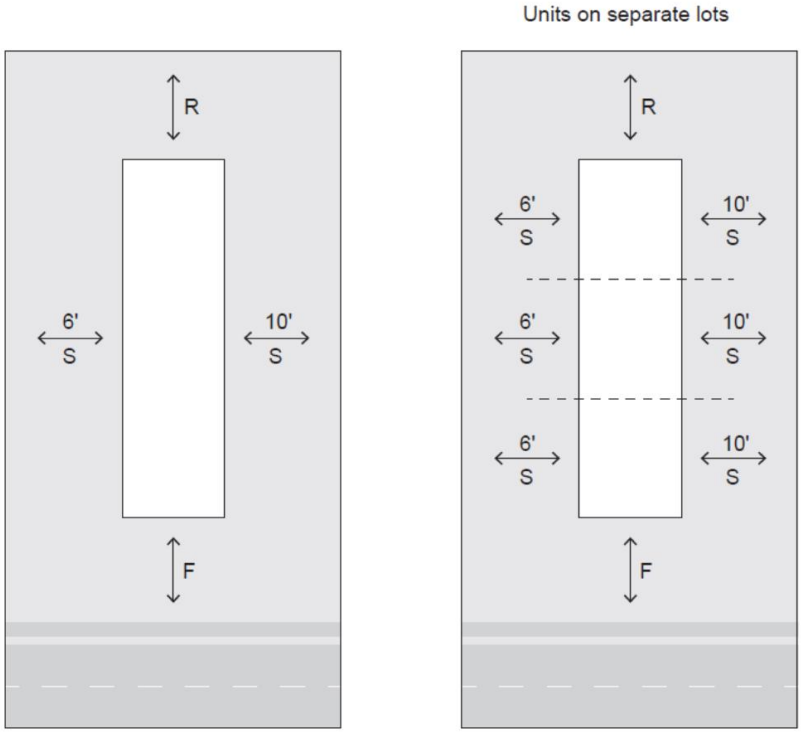


Illustration for 21A.52.050.E.3.b.1 Required Setbacks for Sideways Row House



b. Cottage Development

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard of the base zoning district apply.

(B) Side yards: A minimum of 10 feet on one side of the property line and 6 feet on the other interior side yard, unless a greater yard is required by the base zoning district.

(C) Rear yard: The rear yard of the base zoning district applies.

(2) Setbacks Between Individual Cottages: All cottages shall have a minimum setback of eight feet from another cottage.

(3) Area: No cottage shall have more than 850 square feet of gross floor area, excluding basement area. There is no minimum square foot requirement.

(4) Building Entrance: All building entrances shall face a public street or a common open space.

(5) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the

proposed material is durable and is appropriate for the structure.

(6) Open Space: A minimum of 250 square feet of common, open space is required per cottage. At least 50% of the open space shall be in a courtyard or other common, usable open space. The development shall include landscaping, walkways or other amenities intended to serve the residents of the development.

(7) Personal Outdoor Space: In addition to the open space requirement in this section, a minimum of 120 square feet of private open space is required per cottage. The open space shall provide a private yard area for each cottage and will be separated with a fence, hedge, or other visual separation to distinguish the private space.

(8) Parking: Unless there is a lesser parking requirement in 21A.44, one off-street parking space per unit is required. All provided parking shall be located to the side of a street facing building façade, behind a principal structure that has frontage on a street, or within the principal structure subject to any other applicable provision.

c. In addition to applicable requirements in 21A.52.050.H above, the following provisions apply to all other buildings containing more than two residential units. If the base zone has a greater design standard requirement, that standard applies.

(1) Perimeter yard requirements:

(A) Front yards: The front yard and corner side yard setback of the base zoning district apply.

(B) Side yards: For housing types not otherwise allowed in the zoning district, a minimum of 10 feet on each side property line, unless a greater setback is required for single-family homes.

(C) Rear yards: The rear yard of the base zoning district applies.

(2) Building entrances: The ground floor shall have a primary entrance on the street facing façade of the building with an unenclosed entry porch, canopy, or awning feature. Stairs to second floor units are not permitted on street facing elevations.

(3) Glass: The surface area of the façade of each floor facing a street must contain a minimum of 15% glass.

(4) Building materials: 50% of any street facing facade shall be clad in durable materials. Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the Planning Director if it is found that the

proposed material is durable and is appropriate for the structure.

(5) Open space: Open space area may include landscaped yards, patios, dining areas, and other similar outdoor living spaces. All required open space areas shall be accessible to all residents or users of the building.

(A) Single- and two-family zoning districts: 120 sq. ft. of open space with a minimum width of 6 ft. shall be provided for each building with a dwelling.

(B) All other zoning districts: A minimum of 10% of the land area within the development shall be open space, up to 5,000 square feet. Open space may include courtyards, rooftop and terrace gardens and other similar types of open space amenities. All required open space areas shall be accessible to all residents or users of the building.

d. Single- and Two-family Dwellings: No additional design standards except as identified in 21A.24.

e. Unit Limits: For overall development sites with more than 125 units, no more than 50% of units shall be designated as affordable units.

f. Lots without public street frontage may be created to accommodate developments without planned development approval subject to the following standards:

(1) Required yards shall be applied to the overall development site not individual lots within the development. The front and corner yards of the perimeter shall be maintained as landscaped yards;

(2) Lot coverage shall be calculated for the overall development not individual lots within the development; and

(3) Required off street parking stalls for a unit within the development are permitted on any lot within the development.

(4) The subdivision shall be finalized with a final plat and the final plat shall document that the new lot(s) has adequate access to a public street by way of easements or a shared driveway or private street; and

(5) An entity, such as a homeowner association, must be established for the operation and maintenance of any common infrastructure. Documentation establishing that entity must be recorded with the final plat.

SECTION 17. Amending the text of *Salt Lake City Code* Subsection 21A.55.010.C.1. That Subsection 21A.55.010.C.1 of the *Salt Lake City Code* (Zoning: Planned Developments: Purpose Statements) shall be and hereby is amended to read as follows:

1. ~~At least twenty percent (20%) of the housing must be for those with incomes that are at or below eighty percent (80%) of the area median income~~. Affordable housing that meets the requirements of 21A.52.050.

SECTION 18. Amending the Text of *Salt Lake City Code* Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms) shall be and hereby is amended to add the following terms in the list of defined terms to be inserted into that list in alphabetical order:

Affordable Housing
Affordable Housing Incentives Development
Dwelling, Three-family
Dwelling, Four-family
Dwelling, Row House
Dwelling, Sideways Row House
Dwelling, Cottage Development

SECTION 19. Amending the Text of *Salt Lake City Code* Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be and hereby is amended as follows:

a. Adding the definition of "AFFORDABLE HOUSING." That the definition of "AFFORDABLE HOUSING" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING: Affordable housing shall be both income and, as applicable, rent-restricted. The affordable units shall be made available only to individuals and households that are qualifying occupants at or below the applicable percentage of the area median income for the Salt Lake City Utah, U.S. Department of Housing and Urban Development ("HUD") Metro FMR Area the "SLC Area Median Income" or "AMI", as periodically determined by HUD and adjusted for household size) and published by the Utah Housing Corporation, or its successor. Affordable (30% of gross income for housing costs, including utilities) housing units must accommodate at least one of the following categories:

a. Extremely Low-Income Affordable Units: Housing units accommodating up to 30% AMI;
b. Very Low-Income Affordable Units: Housing units accommodating ~~up to~~ greater than 30% and up to 50% AMI; or

c. Low-Income Affordable Units: Housing units accommodating greater than 50% and up to 80% AMI.

b. Adding the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT." That the definition of "AFFORDABLE HOUSING INCENTIVES DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

AFFORDABLE HOUSING INCENTIVES DEVELOPMENT: A housing development that meets the criteria in 21A.52.050.

c. Adding the definition of "DWELLING, THREE-FAMILY." That the definition of "DWELLING, THREE-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, THREE-FAMILY: A detached building containing three dwelling units.

d. Adding the definition of "DWELLING, FOUR-FAMILY." That the definition of "DWELLING, FOUR-FAMILY" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, FOUR-FAMILY: A detached building containing four dwelling units.

e. Adding the definition of "DWELLING, ROW HOUSE." That the definition of "DWELLING, ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a public street. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

f. Adding the definition of "DWELLING, SIDEWAYS ROW HOUSE." That the definition of "DWELLING, SIDEWAYS ROW HOUSE" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, SIDEWAYS ROW HOUSE: A series of attached single-family dwellings that share at least one common wall with an adjacent dwelling unit and where the entry of each unit faces a side yard as opposed to the front yard. Units may be stacked vertically and/or attached horizontally. Each attached unit may be on its own lot.

g. Adding the definition of "DWELLING, COTTAGE DEVELOPMENT." That the definition of "DWELLING, COTTAGE DEVELOPMENT" be added and inserted into the list of definitions in alphabetical order and read as follows:

DWELLING, COTTAGE DEVELOPMENT: A cottage development is a unified development that contains a minimum of two and a maximum of eight detached dwelling units with each unit appearing to be a small single-family dwelling with a common green or open space. Dwellings may be located on separate lots or grouped on one lot.

SECTION 20. That the "ZONING FEES" section of the Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to add the fees set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 21. 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 _____, 2023.

_____

CHAIRPERSON

ATTEST:

_____

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed

_____
MAYOR

_____
CITY RECORDER

(SEAL)

Bill No. _____ of 2023.
Published: _____.
Ordinance creating zoning incentives and affordable housing incentives

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Katherine D. Pasker, *Senior City Attorney*

EXHIBIT A

Service	Fee	Additional Information	Section
Affordable Housing Incentives Fines			
Noncompliance violation	$100/affordable unit/day	Plus rental difference	21A.20.040.B

2. CHRONOLOGY

ERIN MENDENHALL
Mayor

DEPARTMENT of **COMMUNITY**
and **NEIGHBORHOODS**
Blake Thomas
Director

PROJECT CHRONOLOGY

Petition: PLNPCM2019-00658

July 15, 2019	Petition initiated by Mayor Jackie Biskupski
July 15, 2019	Petition assigned to Sara Javoronok
December 3, 2019	First survey posted. Notice emailed to listserv and posted on social media accounts.
June 25, 2020	Notice mailed to all Community Councils.
June 26, 2020	StoryMap with framework for proposal and survey posted. Notice emailed to listservs and posted on city social media accounts.
July 9, 2020	Planning staff held an AMA/Q&A discussion on Facebook Live.
July 20, 2020	Planning staff discussed the proposal at the Sugar House Land Use and Zoning meeting.
August 6, 2020	Planning staff discussed the proposal at the Ball Park Community Council meeting.
January 28, 2022	Project website updated and Project Update notice emailed to listservs.
February 16, 2022	Planning staff held a second AMA/Q&A on Facebook Live.
March 3, 2022	Second notice mailed to all Community Councils. Planning staff met with seven Community Councils in March and April 2022.
March 16, 2022	Planning staff discussed the proposal at the East Bench Community Council meeting.
March 21, 2022	Planning staff discussed the proposal at the Sugar House Land Use Committee meeting.
April 2022	Flyer mailed to 99,832 commercial and residential addresses in Salt Lake City and owners outside of the city.
April 5, 2022	Open House held at Sugar House Fire Station #3.
April 5, 2022	Planning staff hosted Virtual Office Hours on an open Zoom meeting to answer questions.
April 7, 2022	Planning staff discussed the proposal at the Ball Park Community Council meeting.

April 12, 2022	Open House held at the Unity Center
April 13, 2022	Planning staff discussed the proposal at the Jordan Meadows/Westpointe Community Council meeting.
April 14, 2022	Planning staff hosted Virtual Office Hours on an open Zoom meeting to answer questions.
April 14, 2022	Planning staff discussed the proposal at the Yalecrest Community Council meeting.
April 19, 2022	Open House held at Riverside Park
April 21, 2022	Open House held at Lindsey Gardens Park
April 29, 2022	Planning Commission agenda posted to the website and notice emailed to listserv.
May 4, 2022	Planning staff discussed the proposal at the Greater Avenues Community Council meeting
May 6, 2022	Staff report posted to Planning's website
May 11, 2022	Planning Commission Meeting and Public Hearing. The item was tabled.
October 25, 2022	First of four Focus Group Meetings
March 16, 2023	Planning staff discussed the proposal at the Salt Lake City Community Network meeting.
March 22, 2023	Planning Commission Briefing
March 29, 2023	Planning Commission Work Session
April 6, 2023	Historic Landmark Commission Work Session
April 14, 2023	Planning Commission agenda posted to the website and notice emailed to the listserv.
April 21, 2023	Staff report posted to Planning's website
April 26, 2023	Planning Commission forwards a positive recommendation to the City Council

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2019-00658** – A petition initiated by former Mayor Jackie Biskupski to amend the Salt Lake City Zoning Code to add a new chapter with Affordable Housing Incentives. The proposed amendments are to incentivize and reduce barriers for affordable housing. The incentives include administrative Design Review and additional building height in various zoning districts, Planned Development requirement modifications, removal of the density requirements in the RMF zoning districts, and additional dwelling types in various zoning districts. The proposed amendments involve multiple chapters of the Zoning Ordinance. Related provisions of Title 21A Zoning amended as part of this petition. The changes would apply Citywide. The City Council may consider modifications to other related sections of the code as part of this proposal.

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 Sara Javoronok at 801-535-7625 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail sara.javoronok@slcgov.com. The application details can be accessed at https://citizenportal.slcgov.com/, by selecting the "planning" tab and entering the petition number PLNPCM2019-00658 or on the project page at https://www.slc.gov/planning/2023/03/08/affordable-housing/.

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. PETITION INITIATION REQUEST

Petition Initiation Request

Planning Division
Community & Neighborhoods Department

To: Mayor Biskupski

From: Nick Norris, Planning Director

Date: July 10, 2019

CC: Patrick Leary, Chief of Staff; Jennifer McGrath, CAN Interim Director; file

Re: Initiate Petition to Amend Text in the Zoning Ordinance to add an Affordable Housing Overlay District

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This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending sections of the Zoning Ordinance to incentivize and reduce barriers for affordable housing through an Affordable Housing Overlay District. The overall purpose of the overlay district is to implement *Growing SLC: A Five Year Housing Plan*.

There are some existing incentives for affordable housing in the Zoning Ordinance. Recent population growth and an increased desire to live in the city have resulted in lower vacancy rates and higher housing costs. In *Growing SLC*, the city's goal is to be "a place for a growing diverse population to find housing opportunities that are safe, secure, and enrich lives and communities." To achieve this goal, the city must address affordability issues. An affordable housing overlay district that incentivizes and reduces barriers for affordable housing provides an opportunity to increase affordable housing options.

Other communities that have utilized affordable housing overlays have allowed zoning regulations to be modified in certain districts to offset the cost of housing units. Examples of zoning regulations that are allowed to be modified include building height, density, off street parking requirements, and lot coverage. The Planning Division intends to also consider zoning modifications that would promote the preservation of existing affordable units by allowing similar modifications.

As part of the process, the Planning Division will follow the City adoption process for zoning text amendments, which includes citizen input and public hearings with the Planning Commission and City Council. This process will specifically include discussions with low income housing providers, developers, and residents to help identify barriers that have made developing new affordable housing challenging and solutions to preserving existing affordable housing units.

Please contact me at ext. 6173 or nick.norris@slcgov.com if you have any questions. Sara Javoronok, Senior Planner, is the project manager assigned to this project and can be reached at ext. 7625 or sara.javoronok@slcgov.com if I am unavailable.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.

Jackie Biskupski 7-15-19

Jackie Biskupski, Mayor **Date**

5. ADDITIONAL DEPARTMENT COMMENTS

Kristeen Beitel, Public Utilities
When weighing increased densification as an incentive for affordable housing, it is important for applicants to consider the potential increase in construction costs resulting from required offsite utility improvements. Densification may place greater demands on water, sewer, and storm drain systems, which could exceed the capacity of the existing infrastructure. Property owners and developers may be required to upgrade the offsite public utilities to ensure sufficient capacity for the new developments.

6. PUBLIC COMMENT RECEIVED AFTER PLANNING COMMISSION STAFF REPORT POSTED

From: Clark, Aubrey
To: Turner Bitton; Planning Public Comments
Subject: RE: (EXTERNAL) Supportive Comments for Affordable Housing Incentives Public Hearing
Date: Wednesday, April 26, 2023 5:58:07 PM
Attachments: image001.png

Turner,

Thank you for submitting your comments. I have forwarded it to the Planning Commission, and it will be shared during the public hearing.

Thanks,

Aubrey Clark | (*She/Her/Hers*)
Administrative Assistant
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Direct: (801) 535-7759 or Mobile: (385) 415-4701
Email: Aubrey.Clark@slcgov.com
WWW.SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Turner Bitton [redacted]
Sent: Wednesday, April 26, 2023 5:52 PM
To: Planning Public Comments <planning.comments@slcgov.com>
Subject: (EXTERNAL) Supportive Comments for Affordable Housing Incentives Public Hearing

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

Hello,

I had planned to attend tonight's planning commission digitally but learned that there is no longer a digital attendance option and I'm at Disneyland so I can't make it. I wanted to make sure that our support for the Affordable Housing Incentives was formally submitted. In addition to our formal support, I would like to submit this statement for the record:

"SLC Neighbors for More Neighbors supports the Affordable Housing Incentives, however based on estimates in the current proposal, we are concerned that projects in single-family neighborhoods will not be financially viability. If the city is serious about promoting the construction of more housing in high-opportunity single-family neighborhoods, some of the current conditions that make those projects financially unfeasible should be removed.

The Scenarios in Attachment G show that there is virtually no economic incentive for market rate developers to pursue the AHI's. However, it has the potential to add more affordable units on SELECT projects that are already pursuing LIHTC's

Especially in multi-family districts, density bonuses need to take into account building code requirements, for example that the maximum number of stories that can be built with a wood-frame structure is five. If the density bonus provided forces builders to use a steel-frame construction technique, the economic

benefits of an extra floor of apartments does not overcome the extra cost of using expensive construction materials.

In addition, to make the incentives more functional, the incentives should be changed to:

1) Allow lots to be split and to allow for the sale of separate units.
2) Eliminate ALL parking requirements for projects that meet the threshold for the incentives. This would make many projects more affordable, especially in higher density zones.
3) In multi-family districts near rail transit, the incentives in terms of FAR (floor area ratio) and height limits should be much stronger to (a) make more projects financially viable and (b) locate more residents and businesses near rail.

Overall, the incentives should be increased to find a broader mix of incentives that produce positive results for market rate developers considering adding affordable units to projects."

Thanks,
Turner C. Bitton (he/him)
Executive Director
SLC Neighbors for More Neighbors
[redacted]
www.slcneighbors.org

From: TAG SLC
To: Planning Public Comments; TAG SLC
Subject: (EXTERNAL) Affordable Housing Incentives
Date: Wednesday, April 26, 2023 6:54:28 PM

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

Planning Commission, TAG SLC is excited about the city's efforts to introduce Affordable Housing Incentives to encourage market rate developers to include affordable housing units in their projects. However, we have concerns regarding the current proposal and its effectiveness in achieving its intended goals. After reviewing the proposed text amendment in detail our team applied the incentives to a variety of projects we currently have underway in SLC. These projects ranged in unit count from 4 units to 300 units, lot sizes from 1/10th of an acre to 4 acres and included a variety of zoning districts. Of the 12 projects we applied the incentives too, not a single one produced a result in which pursuing the incentive added value to the project. Our findings seem supported by the Scenarios in Attachment G, which suggest that the proposed incentives are insufficient to lead to the creation of more affordable housing. If the city is serious about promoting the construction of more affordable housing, we need to continue to refine the text amendment until the majority of projects have positive outcomes when the incentives are applied. The need for affordable housing in SLC is urgent, let's make sure the proposal that goes forward to City Council is enough to produce results. Sincerely,

Jordan Atkin

Jordan Atkin
[redacted]

April 24, 2023

Open Letter to Mayor Erin Mendenhall
City Commissioners
Planning and Zoning
Building Officials
Fire Department
Utilities
Water Department

Re: Proposed Affordable Housing Incentive Plan

Dear Sirs, Madams,

I am a retired architect and former public servant. I have practiced architecture for fifty years, both in private practice and as the Building Program director for the State of Utah for 10 years. I was a Uniform Building Code official and served as chairman during my term there.

Who will benefit from adoption of proposed changes?
When the construction activities are complete and contractors and real estate persons have left will the city fabric be better off than before? Will residential properties in areas that were owner – occupied and cared for by their owners, be diminished by the interspersed low-income rentals where renters do not maintain what they do not own? The developers will have made their profit as well as the contractors who have done their job.

Will the systems that serve Salt Lake City be able to absorb the added loads imposed?

Water: We live in the high mountain desert and have suffered from drought conditions for several years. Residents have been urged to conserve usage. Additional home density will necessitate water mains that can adequately provide for additional demand. Can the current water system support the proposed usage? Can water quality be maintained with the increase in population?

Sewer System: Will just adding a new waste line to the existing underground system be absorbed by the capacity of the sewage treatment plant(s). Can current pipes carry the additional loads? Will new plants be required to serve the increased loads?

Sanitation Systems: A significant increase in recycling and garbage bins necessitate a greater number of trucks to remove contents and the landfill will be impacted by the greater output of an increased population.

Structural Adequacy: Salt Lake is in one of the highest seismic categories, with the probability of significant earth movement. Recent earthquakes in Turkey have shown the devastating loss of life and property due to unregulated construction standards. We understand that fast-track approval of proposed buildings will not allow for review of structural adequacy. If no additional staff are hired to inspect for structural adequacy builders may cut corners.

Quality of Life: House owners are more inclined to maintain and improve their property, landscaping, and buildings. Renters are less likely to do this and will possibly lead to lessened quality of life in existing neighborhoods with owner occupants.

I urge you to carefully weigh the impacts on the residents and systems of the city, our air, water and health as you consider the proposed changes. Please leave a legacy of enhancement rather than lessening the quality of life in our city.

Sincerely,

Wayne J. Bingham

Wayne J. Bingham
[redacted]
Salt Lake City, Utah 84105
[redacted]