
M E M O R A N D U M

DATE: August 15, 2012
TO: City Council
FROM: Neil Lindberg
RE: Proposed amendments to Salt Lake City Code demolition regulations
Chapter 18.64 - Demolition
Chapter 18.97 - Mitigation of Residential Housing Loss

COUNCIL PHILOSOPHY STATEMENT: Neighborhood Quality of Life

STATUS UPDATE - REVISIONS

The demolition ordinance was last discussed at the Council Work Session held May 1, 2012. A public hearing was held on the same day and continued to a future date. No one appeared to offer comments. On May 8, a Council Subcommittee met with Council and Administration staff to further discuss the proposed ordinance. As a result of these meetings and other feedback, the proposed ordinance was revised as summarized below. **Based on subsequent Council member feedback, further revisions have been made which are noted in red.**

- **Clarifies that an intent of the ordinance is to require maintenance of existing buildings in habitable condition.**
- Changes the point at which a demolition permit may be issued. The ordinance now requires that before a demolition permit may be issued, a **complete** building permit application must be submitted for a replacement use. The previous ordinance draft required a building permit for a replacement use to be approved prior to demolition.
- Clarifies the scope of the performance bond. The bond is intended to guarantee timely completion of demolition, clean-up of the property and maintenance of landscaping required when no replacement building is proposed. The bond would remain in place until the property is redeveloped.
- Clarifies landscaping requirements when no new construction is proposed following demolition. Landscaping must be installed within thirty days after demolition is completed (unless delayed due to weather conditions). The property owner is required to maintain landscaping, including park strips, until new construction is approved.
- Clarifies that housing mitigation is not required for housing (i) demolished for health or safety reasons, (ii) that is a nonconforming use, or (iii) located in a redevelopment area. The redevelopment area exemption is in response to concerns that a mitigation requirement may deter redevelopment efforts. But it could also become a loophole that could undermine the intent of the ordinance. The exemption could be limited to city Redevelopment Agency or other city-approved projects based on formally adopted criteria.

- Parallel language in Sections 18.64.050 and 18.97.020 has been revised to narrow the housing mitigation exemption. Housing mitigation would be required for housing demolished for redevelopment projects and as the result of neglect.
- *The Council may wish to further clarify exemptions to mitigation of housing loss.*
- Adds a definition of “hazardous or blighting conditions,” taken from state redevelopment law, to provide better guidance to the chief building official and fire marshal. These officials have authority to order demolition when hazardous or blighting conditions exist.
- Adds a provision that the “demolition by neglect” rule does not apply to “boarded buildings.” Under Section 18.64.045 of the draft ordinance a property owner may not neglect a building to the point that it no longer conforms to adopted building maintenance standards in Chapter 18.50 of the city code. A question raised by the Administration is whether or not the owners of boarded buildings should be required to bring them up to code so they can be occupied.
 - This section has been revised to clarify that the demolition by neglect rule would not apply retroactively to any boarded building legally existing on September 1, 2012. However, it would apply going forward.
 - The residential demolition provisions in Section 18.64.05 have been revised to require housing mitigation when a building is demolished as a result of neglect.
 - *The Council may wish to further clarify demolition by neglect.*
- Revises contractor qualifications to refer to the Utah Division of Occupational and Professional Licensing.
- Revises Section 18.64.070 to clarify that a predemolition salvage permit may be issued only if a permit for demolition or new construction is first approved.
- Revises Section 18.64.100 to coordinate backfill and compaction requirements with what may be approved in conjunction with a building permit for new construction.

ATTACHMENTS

- Clean, legislative and compare versions of the August 15, 2012 proposed ordinance
- Salt Lake City Code excerpt – Landscaping for Vacant Lots
- Administration’s February 2, 2012 email outlining potential issues
- Open City Hall comments as of August 15, 2012

The following information was provided previously in a staff memo prepared on March 28, 2012.

BACKGROUND

Proposed amendments to the City’s demolition requirements have been discussed by the Council several times over the last few years. The two principal concerns underlying this matter are minimizing the loss of viable dwelling units and ameliorating the effects of unfinished/failed development.

The proposed changes are intended to address situations where existing structures have been demolished as part of anticipated new construction but, in some cases, construction is delayed and the site is allowed to sit vacant with minimal or no landscaping. This can disrupt existing development patterns of an area or negatively impact the character of an established neighborhood.

The proposed ordinance was primarily developed by the Council's Planning Subcommittee during 2009. During the Council's discussion of this item on November 5, 2009, the Council asked that the Planning Subcommittee develop a draft purpose statement for further discussion with the full Council. (Please see the purpose statement below.)

After review of the purpose statement, the Council directed that the draft ordinance be distributed to the Administration and made available for public for review and comment. Council Members emphasized the draft ordinance was not a completed product, but was intended to generate conversation and recommendations.

No work has been completed on the proposed ordinance since March 2010. In December 2011, Council staff reviewed and updated the proposed ordinance.

In January 2012, the proposal was sent to various departments and divisions in the Administration for review (CED, RDA, Building Services, Planning and the Attorney's Office). The comments received are attached to this memo. The draft proposal was also posted on the City's online public forum, Open City Hall, in January 2012. Feedback received through OCH is also attached.

ORDINANCE SUMMARY

Chapter 18.64 – Demolition

Purpose Statement

- Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality
- Provide an orderly and predictable process for demolition of buildings and structures
- Ensure demolition occurs safely
- Protect utilities and other infrastructure from damage during demolition
- Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property
- Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect
- Encourage preservation of the City's housing stock

A primary intent of the City Council is to avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the Council finds that it is in the public interest to:

- Require existing buildings to be maintained in a habitable condition until replaced by new construction
- Avoid demolition of existing structures until a building permit is issued for new construction
- Avoid creation of vacant demolition sites with minimal or no landscaping or other improvements

Permit Application

- Requires identification of the proposed use of the premises following demolition
- The anticipated start date for new construction

- Whether any development applications have been submitted or approved by the City

Fees and Signature – Bond

- Removes landscaping waiver fee
- Requires fee for compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials
- A bond would be required for abatement of health, safety impacts, environmental impact, general clean up and landscaping

Issuance of Demolition Permit

- A demolition permit must be issued:
 - If a building permit for a use replacing the building/structure has been approved and issued by the City, *or*
 - If the Chief Building Official or Fire Marshal orders demolition due to a natural disaster, fire, or other similar event; or hazardous or blighting conditions
- Requires the site to be landscaped within 30 days after demolition unless a building permit has been issued for new construction
- Provisions of this section apply regardless of any contrary zoning regulations or standards
- Requires a bond to cover proper installation and maintenance of the landscaping
- Allows a delay in installing landscaping up to 6 months due to weather conditions
 - Property owner must escrow funds ensure installation

Property Owner Neglect

- Class B misdemeanor for a property owner to neglect a building/structure to the point that it fails to conform to standards in City Code (Chapter 18.50 Existing Residential Housing)
- Each day a violation occurs is a separate offense

Residential Demolition Provisions (Housing Advisory and Appeals Board)

- HAAB may delay issuance of a demolition permit for 6 months to attempt preservation of housing
- After expiration of time period ordered by HAAB a demolition permit must be issued subject to compliance with a housing mitigation plan

Removes option for post-demolition use plan waiver (landscaping waiver)

Predemolition Salvage Permits

- Predemolition salvage permit may be issued upon approval of a building permit for new construction

Expiration – Diligence

- Permit holder must complete demolition work or City may declare bond forfeited
- Can use funds to finish demolition and installation of landscaping

Chapter 18.97 - Mitigation of Residential Housing Loss

Purpose

- Question for Council consideration – should the purpose statement be updated? The City has experienced a loss of important affordable housing stock, particularly in its central City and Capitol Hill areas due to commercial expansion
- Objective is to mitigate adverse impacts of housing losses with due consideration for vested or protected property rights

Housing Mitigation Condition Precedent to Demolition of Residential Units

- Requires a housing mitigation plan for a demolition permit if net loss of housing units in a residential zone is one or more

Housing Mitigation Justification

- Requires HAAB to consider a housing mitigation plan as part of the process for a demolition permit application
- Requires report from Community and Economic Development Director to HAAB justifying the method of housing mitigation recommended, including a factually based justification for mitigation
- Applicant may submit a similar proposal and factual and legal justification for mitigation or why the Director's recommendations are appropriate or should be modified
- HAAB action must include an evaluation of the mitigation plan submitted by the applicant and recommended by the CED Director

ISSUES/QUESTIONS FOR CONSIDERATION

- Should the City allow buildings to be torn down before the developer has presented re-use plans to the City?
- Should the City allow landscaping in lieu of a re-use plan?
- Should the City allow parking lots as an interim re-use plan?
- If the City determines that landscaping plans are appropriate:
 - Should it be required in every circumstance?
 - How extensive should it be?
 - What happens if the property owner takes down a building and doesn't landscape?
 - When should a performance bond be required? In a default, should the City perform the work?
 - Does the City have adequate performance bond regulations?
- Should the City require a mitigation payment for the loss of housing?
 - Is the current payment adequate to discourage the demolition of housing?
 - Should mitigation be limited to residential zones?
- How should the City address situations where neighbors and the community council are supportive of removing a structure they consider a blight on the area or an attractive nuisance when City regulations require a waiting period?
 - This issue might be particularly applicable to RDA projects
- How does the City avoid inadvertently creating an incentive for property owners to allow property to deteriorate in order to increase the likelihood that it will be approved for demolition?
- How does the City avoid inadvertently creating a disincentive for property owners who would like to redevelop their property in a manner supported by the City's adopted land use plans and zoning and who need to demolish structures prior to submitting a full set of building plans for City approval?
- How far can the City go with its regulatory authority without inappropriately infringing on the rights of property owners?

Draft 8-15-12 (clean version)

SALT LAKE CITY ORDINANCE
No. ___ of 2012

(Amending demolition requirements)

AN ORDINANCE AMENDING CHAPTERS 18.64 AND 18.97, *SALT LAKE CITY CODE*, TO MODIFY REQUIREMENTS FOR DEMOLITION OF BUILDINGS AND STRUCTURES, AND FOR MITIGATION OF RESIDENTIAL HOUSING LOSS.

WHEREAS, it is proposed that Chapters 18.64 and 18.97, *Salt Lake City Code*, be amended to modify requirements for demolition of buildings and structures, and for mitigation of housing loss; and

WHEREAS, the City Council finds adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 18.64, *Salt Lake City Code*, shall be, and hereby is, amended to read as follows:

**Chapter 18.64
DEMOLITION**

18.64.005: PURPOSE AND INTENT:

A. The purpose of the provisions in this Chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;

2. Provide an orderly and predictable process for demolition of buildings and structures;

3. Ensure demolition occurs safely;

4. Protect utilities and other infrastructure from damage during demolition;

5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;

6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and

7. Encourage preservation of the City's housing stock.

B. A primary intent of the City Council with respect to this Chapter is to avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the Council finds that it is in the public interest to:

1. Require existing buildings to be maintained in a habitable condition until replaced by new construction,

2. Avoid demolition of existing structures until a complete building permit application is submitted for new construction, and

3. Avoid creation of vacant demolition sites with minimal or no landscaping or other improvements.

18.64.010: PERMIT REQUIRED:

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official as provided in this chapter.

18.64.020: APPLICATION FOR PERMIT:

To obtain a permit for demolition, an applicant shall submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

A. Identify and describe the type of work to be performed under the permit;

B. State the address of the structure or building to be demolished;

C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories, and number of residential dwelling units (if any);

D. Indicate the method and location of demolished material disposal;

E. Identify the approximate date of commencement and completion of demolition;

F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;

G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;

H. If the building or structure to be demolished contains any dwelling units, state whether any of the dwelling units are presently occupied; and

I. State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.

18.64.030: FEES AND SIGNATURE–BOND:

A. The permit application shall be signed by the party or the party’s authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.

B. The fee for a demolition permit application shall be as shown on the Salt Lake City Consolidated Fee Schedule.

C. An additional fee for the cost of inspecting the property to determine compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials shall be collected in the amount shown on the Salt Lake City Consolidated Fee Schedule.

D. A performance bond shall be provided prior to issuance of a demolition permit. The bond amount shall be determined by the building official and shall be sufficient to ensure abatement of potential impacts to public health and safety, including environmental impacts resulting from demolition, general clean-up of the demolition site, and installation and maintenance of landscaping if landscaping is required under this chapter.

1. The form of the bond shall be approved by the city attorney or designee.

2. The building official may require adjustment of bond amount if the scope of work changes after demolition work has begun.

3. If the applicant fails to comply with provisions of the demolition permit

and the city has any unreimbursed cost resulting from such failure, the building official or designee may call on the bond for reimbursement. After such cost has been finally determined, if the amount of the bond exceeds such cost, the remainder shall be released to the applicant. If the amount of the bond is less than the cost incurred by the city, the applicant shall be liable to the city for the difference in cost.

4. The bond shall remain in place until all required work is complete, final inspection has been approved, and a building permit for new construction on the subject property has been approved by the city.

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

A. A demolition permit shall be issued only upon compliance with Subsection B of this section, if applicable, and if:

1. A complete building permit application for a use replacing the demolished building or structure has been submitted to the building services and licensing division; or

2. The chief building official or fire marshal orders immediate demolition:

a. Due to an emergency as provided in Chapter 18.48 of this title;

b. Because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or

c. Because immediate demolition and clearing of land is necessary to remove hazardous or blighting conditions. For the purpose of this subsection, the phrase “hazardous or blighting conditions” means the present condition or use of the subject property substantially impairs the sound growth of the city, retards the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare as shown by the existence of at least four (4) of the following factors:

i. Substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure;

ii. Significant noncompliance with applicable requirements of the building code, safety code, health code, fire code, or this code;

iii. Unsanitary or unsafe conditions that threaten the health,

safety, or welfare of the community;

iv. Environmental hazards, as defined in state or federal law, that require remediation as a condition for current or future use or development;

v. Excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;

vi. Abandoned or outdated facilities that pose a threat to public health, safety, or welfare; or

vii. Criminal activity on the property which is greater than that of comparable nonblighted areas in the city.

B. Unless a building permit has been issued for one (1) or more new buildings or structures located on the same site as the demolished building or structure, within thirty (30) days after demolition is completed, landscaping shall be installed on the property according to the standards set forth in Subsection 21A.48.100.D.2 of this code.

1. This Subsection B shall apply regardless of the zoning district in which the subject property is located and any contrary provision in Title 21A of this code.

2. Timely and proper installation and maintenance of landscaping shall be assured by a bond filed with the City as provided in Section 18.64.030.D of this chapter.

3. Required landscaping shall remain in place and shall be maintained until new construction is commenced on the subject property and may be removed to facilitate such construction. Thereafter, replacement landscaping shall be installed as may be required by this code.

4. A park strip abutting the subject property shall be maintained as provided in Section 21A.48.060 of this code or its successor.

5. Notwithstanding the thirty (30) day requirement in Subsection B, installation of landscaping may be delayed due to weather conditions so long as landscaping is completed within six (6) months after demolition and the property owner escrows funds sufficient to assure installation of landscaping as determined by the building services and licensing division.

C. 1. Except as otherwise provided in Section 18.64.050 of this chapter, if one (1) or more dwelling units located in a residential zone, whether or not

occupied, will be removed under a demolition permit, a housing mitigation plan shall be prepared as required in Chapter 18.97 of this title prior to issuance of the permit.

2. If proposed demolition involves a landmark site, a contributing structure, or a structure located in a historic preservation overlay district, as provided in Section 21A.34.020 of this code, or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that subsection or its successor.

18.64.045: DEMOLITION BY NEGLIGENCE:

A. Except as otherwise provided in Subsection B of this section, it shall be unlawful for a property owner to neglect a building or structure to the point that the building or structure fails to conform to standards set forth in Sections 18.50.140 to 18.50.230 of this title. Such neglect of a building or structure shall be a class B misdemeanor. Each day a violation occurs shall be a separate offense.

B. This section shall not apply to a lawfully boarded building existing prior to [ordinance adoption date].

18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

A. Except as provided in Subsection B of this section, if the structure for which a demolition permit is sought contains one (1) or more dwelling units, whether or not occupied, the building official shall consider the impact of the requested demolition on the housing stock of Salt Lake City pursuant to the provisions of this section.

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

1. Is a nonconforming use as provided by relevant provisions of Title 21A (Zoning) of this code; or
2. Is located on property for which an applicable master plan or the current zoning envisions exclusive non-residential use; or
3.
 - a. Is proposed to be demolished for health or safety reasons as provided in Section 18.64.040 or Chapter 18.48 of this title or their successors.
 - b. Notwithstanding Subsection B.3.a, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this chapter, shall be subject to the provisions of this section.

C. The building official, within ten (10) days after receipt of a demolition permit application, shall determine whether the requested demolition will result in:

1. Construction of one (1) or more residential units with a net loss of one (1) or more dwelling units; or

2. No net loss of dwelling units will occur due to the anticipated construction of new dwelling units pursuant to an approved and issued building permit for the premises where the demolition will occur.

D. 1. If Subsection C.2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.

2. If Subsection C.1 of this section applies, the building official shall issue a finding of residential impact.

E. Upon making a finding of residential impact, the building official shall mail written notice to the owners and residents of property located within six hundred (600) feet from the property line of the lot where the proposed demolition work will take place as shown on the last equalized property tax assessment roll. Notice shall also be mailed to any affected neighborhood-based organization recognized pursuant to Subsection 2.60.020.C of this code. The notice shall specify:

1. The property proposed for demolition,

2. The proposed replacement use,

3. The proposed housing mitigation plan,

4. The basis for the finding of residential impact, and

5. The date and time of a hearing before the Housing Advisory and Appeals Board (HAAB).

F. 1. To allow time for effective consideration by the notified parties, the hearing before the HAAB shall take place not less than thirty (30) days after the finding of residential impact issued by the building official and not more than sixty (60) days after the finding.

2. The HAAB shall take evidence from the applicant and all interested parties regarding:

a. The effect of the proposed demolition and replacement use plan

on:

- i. The city's housing stock,
 - ii. The city's employment and economic base,
 - iii. The character of the neighborhood where the subject property is located,
 - iv. The city's master plans for the area,
 - v. The city's adopted housing policy, and
 - vi. Any other policy adopted by the city which applies to the subject property.
- b. The cost and economic practicality of repairing or remodeling the structure proposed for demolition to comply with zoning requirements and with building and housing codes; and
 - c. The proposed method of housing mitigation, including the factual basis upon which the housing mitigation plan is premised and justified.
3. The HAAB may encourage an applicant to work with the city and interested parties to repair, remodel, preserve, or increase the city's housing stock.
 4. The HAAB shall issue its decision not more than ten (10) days after the hearing.
- G. 1. Notwithstanding the acceptability of a housing mitigation plan, the HAAB may order that a demolition permit not be issued for an additional period not to exceed six (6) months to allow the city and interested parties time to make further attempts to preserve the housing stock if the HAAB finds:
- a. The proposed demolition and replacement use plan are likely to:
 - i. Adversely impact the city's housing stock and character of the neighborhood; and
 - ii. Such impact is not outweighed by any positive effects on the city's economic and employment base; and
 - b. The structure proposed for demolition is economically practical

to repair or remodel to comply with zoning requirements and building and housing codes.

2. After any additional time period ordered by the HAAB has expired, the requested permit shall be immediately issued subject to compliance with the housing mitigation plan.

3. If the HAAB does not make the findings required by this Subsection G, the demolition permit shall be issued ten (10) days after the HAAB decision.

H. 1. The applicant or any person or entity required to be notified of the demolition pursuant to Subsection F of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.

2. Any other party identified in Subsection H.1 of this section may respond to the appeal in writing within ten (10) days of the appeal.

3. The mayor or the mayor's designee shall consider the appeal on the written record and shall issue a decision within ten (10) days of the close of any written submissions. Such decision shall be based on the criteria set forth in Subsection F of this section and may be appealed within ten (10) days to a court of competent jurisdiction.

18.64.070: PREDEMOLITION SALVAGE PERMITS:

A. A predemolition salvage permit shall be required for removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of any building prior to demolition of the structure. A predemolition salvage permit may be issued only contemporaneously with, or after, city approval of:

1. A building permit for new construction on the premises following demolition, or

2. A demolition permit.

B. A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule.

18.64.080: EXPIRATION–DILIGENCE:

A. A demolition permit shall expire forty-five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the

building official at the time of application. A demolition permit may be renewed upon request prior to expiration with approval of the building official for one-half (1/2) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

B. Once demolition has begun pursuant to a demolition permit, the permit holder shall diligently pursue completion of the work authorized thereunder. If such work is not diligently pursued the city may declare the bond required under Section 18.64.030.D to be forfeited and may use the proceeds to finish demolition as provided in such section.

18.64.090: QUALIFICATIONS TO DO WORK:

A. It shall be unlawful for demolition work permitted under this chapter to be performed except by a wrecking and demolition contractor having a license in good standing issued by the division of occupational and professional licensing in the Utah department of commerce.

B. Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other applicable conditions of this chapter are met.

18.64.100: DEMOLITION REQUIREMENTS:

A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.

B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.

C. A permit for demolition shall require that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. Unless otherwise approved under a building permit for redevelopment of the site, the depression caused by the removal of such debris shall be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.

D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, shall be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the building services and licensing division. In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed.

18.64.110: RELATIONSHIP TO OTHER ORDINANCE:

Provisions of this chapter shall be subordinate to any contrary specific provisions of Chapter 21A.34 of this code, dealing with demolition in historic districts, or its successor.

SECTION 2. Chapter 18.97, *Salt Lake City Code*, shall be, and hereby is, amended to read as follows:

**Chapter 18.97
MITIGATION OF RESIDENTIAL HOUSING LOSS**

18.97.010: PURPOSE:

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

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

A. Housing Mitigation Plan: Except as provided in Subsection B of this section, any application for a demolition permit which, if issued, will result in a loss of one (1) or more residential units located in a residential zone; any petition for a conditional use permit to authorize or expand vehicle parking in a residential or mixed-use zone; and any petition for a zoning change that would permit a nonresidential use of land, that includes within its boundaries residential dwelling units, may not be approved until a housing mitigation plan is approved by the city. The housing mitigation plan shall be proposed and submitted to the city's planning director and the director of community and economic development and shall be accompanied by a housing impact statement.

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

1. Is a nonconforming use as provided by relevant provisions of Title 21A

(Zoning) of this code; or

2. Is located on property for which an applicable master plan or the current zoning envisions exclusive non-residential use; or

3. a. Is proposed to be demolished for health or safety reasons as provided in Section 18.64.040 or Chapter 18.48 of this title or their successors.

b. Notwithstanding Subsection B.3.a, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this title, shall be subject to the provisions of this section.

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

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

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

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

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

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

18.97.030: OPTIONS FOR MITIGATING RESIDENTIAL LOSS:

Petitioners subject to the requirements of this chapter may satisfy the need for mitigation of any residential housing unit losses by any one of the following three (3) methods:

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

1. The city council district in which the land subject of the petition is

located; or

2. An adjoining council district, if the mitigation site is within a one (1) mile radius of the demolition site.

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

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

C. Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference of Landowner:

1. Request By Petitioner For Flat Fee Consideration: In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the city's department of community and economic development as provided below. A judgment as to whether deterioration has occurred as the result of deliberate indifference shall be based on a preponderance of evidence.

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

3. Flat Fee Mitigation Payment: In the event that the petitioner actually and reasonably demonstrates to the city's director of community and economic development that the costs of calculating and analyzing the various methods of

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

18.97.040: HOUSING MITIGATION JUSTIFICATION TO COUNCIL:

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

B. Report To Planning Director On Conditional Use Permit Petitions: In the event of a conditional use permit, said report shall be submitted to the city's planning director. The report shall be duly evaluated, considered and included in the decision regarding any conditional use permit. The planning director, or designee, shall memorialize, in writing, the factual basis supporting any decision dealing with the housing mitigation component of any such conditional use permit and include this finding and evaluation in the file for due consideration should there be an appeal relating thereto.

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

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the petitioner and that recommended by director of the department of community and economic development.

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

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

SECTION 3. 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 _____, 2012.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2012.
Published: _____

<p>APPROVED AS TO FORM</p> <p>Date: _____</p> <p>By: _____</p>

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Demolition Ordinance (clean 08-15-12).doc

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SALT LAKE CITY ORDINANCE
No. ____ of 2012

(Amending demolition requirements)

AN ORDINANCE AMENDING CHAPTERS 18.64 AND 18.97, *SALT LAKE CITY CODE*, TO MODIFY REQUIREMENTS FOR DEMOLITION OF BUILDINGS AND STRUCTURES, AND FOR MITIGATION OF RESIDENTIAL HOUSING LOSS.

WHEREAS, it is proposed that Chapters 18.64 and 18.97, *Salt Lake City Code*, be amended to modify requirements for demolition of buildings and structures, and for mitigation of housing loss; and

WHEREAS, the City Council finds adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 18.64, *Salt Lake City Code*, shall be, and hereby is, amended to read as follows:

**Chapter 18.64
DEMOLITION**

18.64.005: PURPOSE AND INTENT:

A. The purpose of the provisions in this Chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;

2. Provide an orderly and predictable process for demolition of buildings and structures;

3. Ensure demolition occurs safely;

4. Protect utilities and other infrastructure from damage during demolition;

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5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;

6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and

7. Encourage preservation of the City's housing stock.

B. A primary intent of the City Council with respect to this Chapter is to avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the Council finds that it is in the public interest to:

1. Require existing buildings ~~intended to be used for habitation~~ to be maintained in a habitable condition until replaced by new construction,

2. Avoid demolition of existing structures until a complete building permit application is submitted for new construction, and

3. Avoid creation of vacant demolition sites with minimal or no landscaping or other improvements.

18.64.010: PERMIT REQUIRED:

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official as provided in this chapter.

18.64.020: APPLICATION FOR PERMIT:

To obtain a permit for demolition, an applicant shall submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

A. Identify and describe the type of work to be performed under the permit;

B. State the address of the structure or building to be demolished;

C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories, and number of residential dwelling units (if any);

D. Indicate the method and location of demolished material disposal;

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E. Identify the approximate date of commencement and completion of demolition;

F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;

G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;

H. If the building or structure to be demolished contains any dwelling units, state whether any of the dwelling units are presently occupied; and

I. State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.

18.64.030: FEES AND SIGNATURE–BOND:

A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.

B. The fee for a demolition permit application shall be as shown on the Salt Lake City Consolidated Fee Schedule.

C. An additional fee for the cost of inspecting the property to determine compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials shall be collected in the amount shown on the Salt Lake City Consolidated Fee Schedule.

D. A performance bond shall be provided prior to issuance of a demolition permit. The bond amount shall be determined by the building official and shall be sufficient to ensure abatement of potential impacts to public health and safety, including environmental impacts resulting from demolition, general clean-up of the demolition site, and installation and maintenance of landscaping if landscaping is required under this chapter.

1. The form of the bond shall be approved by the city attorney or designee.

2. The building official may require adjustment of bond amount if the scope of work changes after demolition work has begun.

3. If the applicant fails to comply with provisions of the demolition permit

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and the city has any unreimbursed cost resulting from such failure, the building official or designee may call on the bond for reimbursement. After such cost has been finally determined, if the amount of the bond exceeds such cost, the remainder shall be released to the applicant. If the amount of the bond is less than the cost incurred by the city, the applicant shall be liable to the city for the difference in cost.

4. The bond shall remain in place until all required work is complete, final inspection has been approved, and a building permit for new construction on the subject property has been approved by the city.

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

A. A demolition permit shall be issued only upon compliance with Subsection B of this section, if applicable, and if:

1. A complete building permit application for a use replacing the demolished building or structure has been submitted to the building services and licensing division; or

2. The chief building official or fire marshal orders immediate demolition:

a. Due to an emergency as provided in Chapter 18.48 of this title;

b. Because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or

c. Because immediate demolition and clearing of land is necessary to remove hazardous or blighting conditions. For the purpose of this subsection, the phrase “hazardous or blighting conditions” means the present condition or use of the subject property substantially impairs the sound growth of the city, retards the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare as shown by the existence of at least four (4) of the following factors:

i. Substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure;

ii. Significant noncompliance with applicable requirements of the building code, safety code, health code, fire code, or this code;

iii. Unsanitary or unsafe conditions that threaten the health,

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safety, or welfare of the community;

iv. Environmental hazards, as defined in state or federal law, that require remediation as a condition for current or future use or development;

v. Excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;

vi. Abandoned or outdated facilities that pose a threat to public health, safety, or welfare; or

vii. Criminal activity on the property which is greater than that of comparable nonblighted areas in the city.

B. Unless a building permit has been issued for one (1) or more new buildings or structures located on the same site as the demolished building or structure, within thirty (30) days after demolition is completed, landscaping shall be installed on the property according to the standards set forth in Subsection 21A.48.100.D.2 of this code.

1. This Subsection B shall apply regardless of the zoning district in which the subject property is located and any contrary provision in Title 21A of this code.

2. Timely and proper installation and maintenance of landscaping shall be assured by a bond filed with the City as provided in Section 18.64.030.D of this chapter.

3. Required landscaping shall remain in place and shall be maintained until new construction is commenced on the subject property and may be removed to facilitate such construction. Thereafter, replacement landscaping shall be installed as may be required by this code.

4. A park strip abutting the subject property shall be maintained as provided in Section 21A.48.060 of this code or its successor.

5. Notwithstanding the thirty (30) day requirement in Subsection B, installation of landscaping may be delayed due to weather conditions so long as landscaping is completed within six (6) months after demolition and the property owner escrows funds sufficient to assure installation of landscaping as determined by the building services and licensing division.

C. 1. Except as otherwise provided in Section 18.64.050 of this chapter, if one (1) or more dwelling units located in a residential zone, whether or not

occupied, will be removed under a demolition permit, a housing mitigation plan shall be prepared as required in Chapter 18.97 of this title prior to issuance of the permit.

2. If proposed demolition involves a landmark site, a contributing structure, or a structure located in a historic preservation overlay district, as provided in Section 21A.34.020 of this code, or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that subsection or its successor.

18.64.045: DEMOLITION BY NEGLIGENCE:

A. Except as otherwise provided in Subsection B of this section, it shall be unlawful for a property owner to neglect a building or structure to the point that the building or structure fails to conform to standards set forth in Sections 18.50.140 to 18.50.230 of this title. Such neglect of a building or structure shall be a class B misdemeanor. Each day a violation occurs shall be a separate offense.

B. This section shall not apply to a lawfully boarded building ~~that is not intended existing prior to be used for habitation~~ [ordinance adoption date].

18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

A. Except as provided in Subsection B of this section, if the structure for which a demolition permit is sought contains one (1) or more dwelling units, whether or not occupied, the building official shall consider the impact of the requested demolition on the housing stock of Salt Lake City pursuant to the provisions of this section.

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

1. ~~Is proposed to be demolished for health or safety reasons as provided in:~~

~~a. Section 18.64.040 of this chapter; or~~

~~b. Chapter 18.48 of this title or its successor.~~

~~2.~~ Is a nonconforming use as provided by relevant provisions of Title 21A (Zoning) of this code; or

~~3.~~ Is located on property for which an applicable master plan or the current zoning envisions:

~~a. exclusive~~ non-residential use; ~~;~~ or

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~~b. Redevelopment of the property, even if such redevelopment may include new residential use; or~~

~~4. Is located on land which is part of:~~

~~a. A larger area being assembled for the purpose of joining contiguous lots to create a one (1) or more larger parcels of developable land; or~~

~~b. A city economic development or redevelopment project.~~

3. a. Is proposed to be demolished for health or safety reasons as provided in Section 18.64.040 or Chapter 18.48 of this title or their successors.

b. Notwithstanding Subsection B.3.a, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this chapter, shall be subject to the provisions of this section.

C. The building official, within ten (10) days after receipt of a demolition permit application, shall determine whether the requested demolition will result in:

1. Construction of one (1) or more residential units with a net loss of one (1) or more dwelling units; or

2. No net loss of dwelling units will occur due to the anticipated construction of new dwelling units pursuant to an approved and issued building permit for the premises where the demolition will occur.

D. 1. If Subsection C.2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.

2. If Subsection C.1 of this section applies, the building official shall issue a finding of residential impact.

E. Upon making a finding of residential impact, the building official shall mail written notice to the owners and residents of property located within six hundred (600) feet from the property line of the lot where the proposed demolition work will take place as shown on the last equalized property tax assessment roll. Notice shall also be mailed to any affected neighborhood-based organization recognized pursuant to Subsection 2.60.020.C of this code. The notice shall specify:

1. The property proposed for demolition,

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2. The proposed replacement use,
3. The proposed housing mitigation plan,
4. The basis for the finding of residential impact, and
5. The date and time of a hearing before the Housing Advisory and Appeals Board (HAAB).

F. 1. To allow time for effective consideration by the notified parties, the hearing before the HAAB shall take place not less than thirty (30) days after the finding of residential impact issued by the building official and not more than sixty (60) days after the finding.

2. The HAAB shall take evidence from the applicant and all interested parties regarding:

a. The effect of the proposed demolition and replacement use plan on:

- i. The city's housing stock,
- ii. The city's employment and economic base,
- iii. The character of the neighborhood where the subject property is located,
- iv. The city's master plans for the area,
- v. The city's adopted housing policy, and
- vi. Any other policy adopted by the city which applies to the subject property.

b. The cost and economic practicality of repairing or remodeling the structure proposed for demolition to comply with zoning requirements and with building and housing codes; and

c. The proposed method of housing mitigation, including the factual basis upon which the housing mitigation plan is premised and justified.

3. The HAAB may encourage an applicant to work with the city and

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interested parties to repair, remodel, preserve, or increase the city's housing stock.

4. The HAAB shall issue its decision not more than ten (10) days after the hearing.

G. 1. Notwithstanding the acceptability of a housing mitigation plan, the HAAB may order that a demolition permit not be issued for an additional period not to exceed six (6) months to allow the city and interested parties time to make further attempts to preserve the housing stock if the HAAB finds:

a. The proposed demolition and replacement use plan are likely to:

i. Adversely impact the city's housing stock and character of the neighborhood; and

ii. Such impact is not outweighed by any positive effects on the city's economic and employment base; and

b. The structure proposed for demolition is economically practical to repair or remodel to comply with zoning requirements and building and housing codes.

2. After any additional time period ordered by the HAAB has expired, the requested permit shall be immediately issued subject to compliance with the housing mitigation plan.

3. If the HAAB does not make the findings required by this Subsection G, the demolition permit shall be issued ten (10) days after the HAAB decision.

H. 1. The applicant or any person or entity required to be notified of the demolition pursuant to Subsection F of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.

2. Any other party identified in Subsection H.1 of this section may respond to the appeal in writing within ten (10) days of the appeal.

3. The mayor or the mayor's designee shall consider the appeal on the written record and shall issue a decision within ten (10) days of the close of any written submissions. Such decision shall be based on the criteria set forth in Subsection F of this section and may be appealed within ten (10) days to a court of competent jurisdiction.

18.64.070: PREDEMOLITION SALVAGE PERMITS:

A. ~~If the city has approved a building permit for new construction on the premises following demolition,~~ A predemolition salvage permit ~~may be issued for other than structural demolition.~~ ~~Such permit~~ shall be required for ~~the~~ removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of any building ~~– prior to demolition of the structure.~~ A predemolition salvage permit may ~~not~~ be issued ~~for any property for which the only contemporaneously with, or after, city has not approved a building permit for new construction on the premises following demolition approval of:~~

1. A building permit for new construction on the premises following demolition, or

2. A demolition permit.

B. A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule.

18.64.080: EXPIRATION–DILIGENCE:

A. A demolition permit shall expire forty-five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the building official at the time of application. A demolition permit may be renewed upon request prior to expiration with approval of the building official for one-half (1/2) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

B. Once demolition has begun pursuant to a demolition permit, the permit holder shall diligently pursue completion of the work authorized thereunder. If such work is not diligently pursued the city may declare the bond required under Section 18.64.030.D to be forfeited and may use the proceeds to finish demolition as provided in such section.

18.64.090: QUALIFICATIONS TO DO WORK:

A. It shall be unlawful for demolition work permitted under this chapter to be performed except by a wrecking and demolition contractor having a license in good standing issued by the division of occupational and professional licensing in the Utah department of commerce.

B. Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other applicable conditions of this chapter are met.

18.64.100: DEMOLITION REQUIREMENTS:

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A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.

B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.

C. A permit for demolition shall require that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. Unless otherwise approved under a building permit for redevelopment of the site, the depression caused by the removal of such debris shall be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.

D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, shall be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the building services and licensing division. In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed.

18.64.110: RELATIONSHIP TO OTHER ORDINANCE:

Provisions of this chapter shall be subordinate to any contrary specific provisions of Chapter 21A.34 of this code, dealing with demolition in historic districts, or its successor.

SECTION 2. Chapter 18.97, *Salt Lake City Code*, shall be, and hereby is, amended to read as follows:

**Chapter 18.97
MITIGATION OF RESIDENTIAL HOUSING LOSS**

18.97.010: PURPOSE:

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

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

A. Housing Mitigation Plan: Except as provided in Subsection B of this section, any application for a demolition permit which, if issued, will result in a loss of one (1) or more residential units located in a residential zone; any petition for a conditional use permit to authorize or expand vehicle parking in a residential or mixed-use zone; and any petition for a zoning change that would permit a nonresidential use of land, that includes within its boundaries residential dwelling units, may not be approved until a housing mitigation plan is approved by the city. The housing mitigation plan shall be proposed and submitted to the city's planning director and the director of community and economic development and shall be accompanied by a housing impact statement.

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

1. Is ~~proposed to be demolished for health or safety reasons~~ nonconforming use as provided ~~in~~ by relevant provisions of Title 21A (Zoning) of this code; or
 - a. ~~Section 18.64.040 of this chapter; or~~
 - b. ~~Chapter 18.48 of this title or its successor.~~
2. ~~Is a nonconforming use as provided by relevant provisions of Title 21A (Zoning) of this code; or~~
3. ~~2.~~ Is located on property for which an applicable master plan or the current zoning envisions:
 - a. exclusive non-residential use; ~~;~~ or
 - b. ~~Redevelopment of the property, even if such redevelopment may include new residential use; or~~
4. ~~Is located on land which is part of:~~

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~~a. A larger area being assembled for the purpose of joining contiguous lots to create a one (1) or more larger parcels of developable land; or~~

~~b. A city economic development or redevelopment project.~~

3. a. Is proposed to be demolished for health or safety reasons as provided in Section 18.64.040 or Chapter 18.48 of this title or their successors.

b. Notwithstanding Subsection B.3.a, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this title, shall be subject to the provisions of this section.

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

1. Identify the essential adverse impacts on the residential character of the area subject of the petition;
2. Identify by address any dwelling units targeted for demolition, following the granting of the petition;
3. Separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire and health codes;
4. State the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and
5. Specify a mitigation plan to address the loss of residential zoned land, residential units or residential character.

18.97.030: OPTIONS FOR MITIGATING RESIDENTIAL LOSS:

Petitioners subject to the requirements of this chapter may satisfy the need for mitigation of any residential housing unit losses by any one of the following three (3) methods:

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

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

2. An adjoining council district, if the mitigation site is within a one (1) mile radius of the demolition site.

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

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

C. Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference of Landowner:

1. Request By Petitioner For Flat Fee Consideration: In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the city's department of community and economic development as provided below. A judgment as to whether deterioration has occurred as the result of deliberate indifference shall be based on a preponderance of evidence.

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

3. Flat Fee Mitigation Payment: In the event that the petitioner actually and reasonably demonstrates to the city's director of community and economic

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

18.97.040: HOUSING MITIGATION JUSTIFICATION TO COUNCIL:

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

B. Report To Planning Director On Conditional Use Permit Petitions: In the event of a conditional use permit, said report shall be submitted to the city's planning director. The report shall be duly evaluated, considered and included in the decision regarding any conditional use permit. The planning director, or designee, shall memorialize, in writing, the factual basis supporting any decision dealing with the housing mitigation component of any such conditional use permit and include this finding and evaluation in the file for due consideration should there be an appeal relating thereto.

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

Compare version showing differences between 8-15-12 draft and 7-25-12 draft

evaluation an evaluation of the adequacy of the housing loss mitigation plan, proposed by the petitioner and that recommended by director of the department of community and economic development.

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

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

SECTION 3. 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 _____, 2012.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2012.

<p>APPROVED AS TO FORM</p> <p>Date: _____</p> <p>By: _____</p>

Compare version showing differences between 8-15-12 draft and 7-25-12 draft

Published: _____

Demolition Ordinance (clean 08-15-12).doc

Draft 8-15-12 (legislative version)

SALT LAKE CITY ORDINANCE
No. ____ of 2012

(Amending demolition requirements)

AN ORDINANCE AMENDING CHAPTERS 18.64 AND 18.97, *SALT LAKE CITY CODE*, TO MODIFY REQUIREMENTS FOR DEMOLITION OF BUILDINGS AND STRUCTURES, AND FOR MITIGATION OF RESIDENTIAL HOUSING LOSS.

WHEREAS, it is proposed that Chapters 18.64 and 18.97, *Salt Lake City Code*, be amended to modify requirements for demolition of buildings and structures, and for mitigation of housing loss; and

WHEREAS, the City Council finds adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 18.64, *Salt Lake City Code*, shall be, and hereby is, amended to read as follows:

**Chapter 18.64
DEMOLITION**

18.64.005: PURPOSE AND INTENT:

A. The purpose of the provisions in this Chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;

2. Provide an orderly and predictable process for demolition of buildings and structures;

3. Ensure demolition occurs safely;

4. Protect utilities and other infrastructure from damage during demolition;

5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;

6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and

7. Encourage preservation of the City's housing stock.

B. A primary intent of the City Council with respect to this Chapter is to avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the Council finds that it is in the public interest to:

1. Require existing buildings to be maintained in a habitable condition until replaced by new construction.

2. Avoid demolition of existing structures until a complete building permit application is submitted for new construction, and

3. Avoid creation of vacant demolition sites with minimal or no landscaping or other improvements.

18.64.010: PERMIT REQUIRED:

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official as provided in this chapter.

18.64.020: APPLICATION FOR PERMIT:

To obtain a permit for demolition, an applicant ~~must~~shall submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

A. Identify and describe the type of work to be performed under the permit;

B. State the address of the structure or building to be demolished;

C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories, and number of residential dwelling units (if applicable);

D. Indicate the method and location of demolished material disposal;

E. Identify the approximate date of commencement and completion of demolition;

F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;

G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;

H. If the building or structure to be demolished contains any dwelling units, ~~the application should~~ state whether any of the dwelling units are presently occupied; and

I. State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.

18.64.030: FEES AND SIGNATURE ~~BOND~~:

A. ~~Signature:~~ The permit application shall be signed by the party or the party's authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.

~~B. Demolition Permit Application Fee:~~

~~B.~~ The fee for a demolition permit application shall be ~~based on the building floor area and shown on the Salt Lake City consolidated fee schedule.~~

~~C. Waiver Fee:~~ Landscaping waiver requests shall also pay the fee shown on the Salt Lake City consolidated fee schedule for the cost of the landscape waiver process.

~~D. Inspection Fee:~~ If landscaping is not required by the zoning ordinance, or if a landscaping waiver is sought pursuant to section 18.64.070 of this chapter, ~~an additional fee, as shown~~ as shown on the Salt Lake City Consolidated Fee Schedule;.

C. An additional fee for the cost of inspecting the property to determine ~~if~~ compliance with the requirements of this chapter and to assure the property is kept free of weeds and junk materials shall be collected. ~~If a waiver request is denied, the fee paid under this subsection shall be refunded.~~ in the amount shown on the Salt Lake City Consolidated Fee Schedule.

18.64.040: POSTDEMOLITION USE PLAN REQUIRED:

~~No demolition permit shall be issued until one of the following requirements has been met:~~

~~A. A permit for the use replacing the demolished building or structure has been issued by the building and housing division.~~

~~B. A landscaping plan for the site, showing the sprinkling system and planted areas, has been approved and.~~

~~D. A performance bond shall be provided prior to assure timely and proper issuance of a demolition permit. The bond amount shall be determined by the building official and shall be sufficient to ensure abatement of potential impacts to public health and safety, including environmental impacts resulting from demolition, general clean-up of the demolition site, and installation and maintenance of the landscaping has been filed with the city in a form acceptable to the city. In the event the building official determines that landscaping if landscaping is impracticable or unnecessary given the characteristics of the site and the neighborhood, the landscaping requirement may be waived subject to the provisions of section 18.64.070 of required under this chapter.~~

~~C. In the event of a natural disaster, fire or other similar event or where immediate demolition and clearing of the land is necessary to remove hazardous or blighting conditions, the building official may waive the landscaping requirement and order immediate demolition~~

~~D. For parcels in the D-1 zone, a permit for the~~

~~1. The form of the bond shall be approved by the city attorney or designee.~~

~~2. The building official may require adjustment of bond amount if the scope of work changes after demolition work has begun.~~

~~3. If the applicant fails to comply with provisions of the demolition permit and the city has any unreimbursed cost resulting from such failure, the building official or designee may call on the bond for reimbursement. After such cost has been finally determined, if the amount of the bond exceeds such cost, the remainder shall be released to the applicant. If the amount of the bond is less than the cost incurred by the city, the applicant shall be liable to the city for the difference in cost.~~

~~4. The bond shall remain in place until all required work is complete, final inspection has been approved, and a building permit for new construction on the subject property has been approved by the city.~~

18.64.040: ISSUANCE OF DEMOLITION PERMIT:

~~A. A demolition permit shall be issued only upon compliance with Subsection B~~

of this section, if applicable, and if:

1. A complete building permit application for a use replacing the demolished building or structure has been ~~issued by~~ submitted to the building services and licensing ~~division~~; or

2. The chief building official or fire marshal orders immediate demolition:

a. ~~landscape plan~~. Due to an emergency as provided in Chapter 18.48 of this title;

b. Because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or

c. Because immediate demolition and clearing of land is necessary to remove hazardous or blighting conditions. For the purpose of this subsection, the phrase “hazardous or blighting conditions” means the present condition or use of the subject property substantially impairs the sound growth of the city, retards the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare as shown by the existence of at least four (4) of the following factors:

i. Substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure;

ii. Significant noncompliance with applicable requirements of the building code, safety code, health code, fire code, or this code;

iii. Unsanitary or unsafe conditions that threaten the health, safety, or welfare of the community;

iv. Environmental hazards, as defined in state or federal law, that require remediation as a condition for ~~the site~~ current or future use or development;

v. Excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;

vi. Abandoned or outdated facilities that pose a threat to public health, safety, or welfare; or

vii. Criminal activity on the property which is greater than

that of comparable nonblighted areas in the city.

B. Unless a building permit has been approved in accordance with ~~issued for one (1) or more new buildings or structures located on the same site as the demolished building or structure, within thirty (30) days after demolition is completed, landscaping shall be installed on the property according to the standards set forth in~~ Subsection 21A.48.100D100.D.2 of this code. ~~A performance bond to assure~~

1. This Subsection B shall apply regardless of the zoning district in which the subject property is located and any contrary provision in Title 21A of this code.

2. Timely and proper installation and maintenance of the landscaping shall be assured by a bond filed with the City as provided in Section 18.64.030.D of this chapter.

3. Required landscaping shall remain in place and shall be maintained until new construction is commenced on the subject property and may be removed to facilitate such construction. Thereafter, replacement landscaping shall be installed as may be required by this code.

4. A park strip abutting the subject property shall be maintained as provided in Section 21A.48.060 of this code or its successor.

5. Notwithstanding the thirty (30) day requirement in Subsection B, installation of landscaping may be delayed due to weather conditions so long as landscaping shall be filed with the city in a form acceptable to the city is completed within six (6) months after demolition and the property owner escrows funds sufficient to assure installation of landscaping as determined by the building services and licensing division.

C. 1. Except as otherwise provided in Section 18.64.050 of this chapter, if one (1) or more dwelling units located in a residential zone, whether or not occupied, will be removed under a demolition permit, a housing mitigation plan shall be prepared as required in Chapter 18.97 of this title prior to issuance of the permit.

2. If proposed demolition involves a landmark site, a contributing structure, or a structure located in a historic preservation overlay district, as provided in Section 21A.34.020 of this code, or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that subsection or its successor.

18.64.045: DEMOLITION BY NEGLECT:

A. Except as otherwise provided in Subsection B of this section, it shall be unlawful for a property owner to neglect a building or structure to the point that the building or structure fails to conform to standards set forth in Sections 18.50.140 to 18.50.230 of this title. Such neglect of a building or structure shall be a class B misdemeanor. Each day a violation occurs shall be a separate offense.

B. This section shall not apply to a lawfully boarded building existing prior to [ordinance adoption date].

18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

A. Except as provided in Subsection B of this section, if the structure for which a demolition permit is sought contains ~~residential one (1) or more~~ dwelling units, whether or not occupied, the building official shall consider the impact of the requested demolition ~~permit's impact~~ on the housing stock of Salt Lake City pursuant to the ~~following~~ provisions: of this section.

~~A. Impact Determination Standards:~~

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

1. Is a nonconforming use as provided by relevant provisions of Title 21A (Zoning) of this code; or

2. Is located on property for which an applicable master plan or the current zoning envisions exclusive non-residential use; or

3. a. Is proposed to be demolished for health or safety reasons as provided in Section 18.64.040 or Chapter 18.48 of this title or their successors.

b. Notwithstanding Subsection B.3.a, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this chapter, shall be subject to the provisions of this section.

C. The building official, within ten (10) days ~~of the~~ after receipt of a demolition permit application, shall determine whether the requested demolition ~~permit and the postdemolition use plan~~ will result in:

1. Construction of ~~one (1) or more~~ residential ~~unit or~~ units with a net loss of one (1) or more ~~than five (5)~~ dwelling units; or

2. Construction of a vacant lot, landscaped lot or parking lot.

~~B.~~

~~2. No Impact Permit: If the net loss of dwelling units will occur due to the anticipated construction of new dwelling units pursuant to an approved and issued building official determines that neither of the conditions of subsection A of this section are met, the demolition permit shall be issued.~~

~~C. Impact Finding: If for the building official finds one of premises where the criteria in subsection A demolition will occur.~~

~~D. 1. If Subsection C.2 of this section applies, the building official shall issue a finding of no residential impact and the demolition permit may be issued.~~

~~D. Impact Notice:~~

~~2. If Subsection C.1 of this section applies, the building official shall issue a finding of residential impact.~~

~~E. Upon making a finding of residential impact, the building official shall mail a written notice to the owners and residents of properties property located within a six hundred foot (600') radius (600) feet from the property line of the property on which lot where the proposed demolition work will take place as shown on the last equalized property tax assessment roll. Notice shall also be mailed to any affected neighborhood-based organization recognized pursuant to Subsection 2.60.020C.020.C of this code. The notice shall specify:~~

- ~~1. The property proposed for demolition;~~
- ~~2. The proposed postdemolition replacement use plan;~~
- ~~3. The proposed housing mitigation plan,~~
- ~~4. The basis for the finding of residential impact; and~~

~~45. The date and time of a hearing before the Housing Advisory and Appeals Board-~~

~~E. (HAAB Impact Hearing:).~~

~~F. 1. To allow time for effective consideration by the notified parties, the hearing before the HAAB shall take place not less than thirty (30) days after the finding of residential impact issued by the building official and not more than sixty (60) days after the finding.~~

- ~~2. The HAAB shall take evidence from the applicant and all interested~~

parties regarding:

a. ~~Regarding~~ The effect of the proposed demolition and ~~postdemolitionreplacement~~ use ~~plan's effect-plan~~ on:

i. The city's housing stock,

ii. The city's employment and economic base,

iii. The character of the neighborhood where the subject property is located,

iv. The city's master plans for the area,

v. The city's adopted housing policy; and

vi. Any other policy adopted by the city which applies to the subject property.

b. ~~Regarding~~ The cost and economic practicality of repairing or remodeling the structure proposed for demolition to comply with zoning requirements and with building and housing codes; and

c. The proposed method of housing mitigation, including the factual basis upon which the housing mitigation plan is premised and justified.

3. The HAAB may encourage ~~thean~~ applicant to work with the city and interested parties to repair, remodel, preserve, or increase the city's housing stock.

4. The HAAB shall issue its decision not more than ten (10) days after the hearing.

F. HAAB Decision:

G. 1. ~~If HAAB finds:~~

a. ~~The proposed demolition and postdemolition use plan has a significant adverse impact on the city's housing stock and Notwithstanding the character of acceptability of a housing mitigation plan, the neighborhood;~~

~~b. Which is not outweighed by any positive effects on the city's~~

~~economic and employment base; and~~

~~e. That it is economically practical to repair or remodel the structure proposed for demolition to comply with zoning requirements and building and housing codes, HAAB may order that ~~the~~ demolition permit not be issued for an additional period not to exceed ~~ninety (90) days~~ six (6) months to allow the city and interested parties time to make further attempts to preserve the housing stock. ~~After this additional period has expired, the requested permit shall be immediately issued. if the HAAB finds:~~~~

~~a. The proposed demolition and replacement use plan are likely to:~~

~~i. Adversely impact the city's housing stock and character of the neighborhood; and~~

~~ii. Such impact is not outweighed by any positive effects on the city's economic and employment base; and~~

~~b. The structure proposed for demolition is economically practical to repair or remodel to comply with zoning requirements and building and housing codes.~~

~~2. After any additional time period ordered by the HAAB has expired, the requested permit shall be immediately issued subject to compliance with the housing mitigation plan.~~

~~3. If the HAAB does not make the findings required by this Subsection ~~FG~~, the demolition permit shall be issued ten (10) days after ~~HAAB's~~ the HAAB decision.~~

~~G. Appeal Of HAAB Decision:~~

~~H. 1. The applicant or any person or entity required to be notified of the demolition pursuant to Subsection ~~DE~~ of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.~~

~~2. Any other party identified in Subsection ~~G4H.1~~ of this section may respond to the appeal in writing within ten (10) days of the appeal.~~

~~3. The mayor or the mayor's designee shall consider the appeal on the written record and shall issue a decision within ten (10) days of the close of any written submissions. Such decision shall be based on the criteria set forth in Subsection F of this section and may be appealed within ten (10) days to a court~~

of competent jurisdiction.

18.64.070: ~~POSTDEMOLITION USE PLAN WAIVER PROCEDURE:~~

~~A. If a waiver of the postdemolition use plan is sought under subsection 18.64.040E of this chapter, the applicant shall file with the building official, on a form provided therefor, a statement of any claimed hardship or other special circumstances justifying waiver of the postdemolition use plan requirements.~~

~~B. The building official shall mail a written notice to the owners and residents of properties within a six hundred foot (600') radius from the edge of the property on which the proposed demolition work will take place as shown on the last equalized property tax assessment roll and any affected neighborhood based organization recognized pursuant to subsection 2.60.020C of this code. The notice shall state the reasons given by the applicant for waiving the postdemolition use plan and state the date, time and location of a hearing before the city's housing advisory and appeals board.~~

~~C. The chairperson of the housing advisory and appeals board shall select a panel of three (3) examiners from the roster of members and schedule a hearing date no sooner than thirty (30) days from the date of the petition and no later than sixty (60) days from the date of the petition, except that if a residential impact hearing is also required pursuant to subsection 18.64.050E of this chapter the two (2) hearings shall be combined.~~

~~D. In determining whether to waive the postdemolition use landscaping requirements, the board may consider the effects on surrounding properties, the character of the neighborhood, the master plan for the area, future plans for the property and similar factors.~~

~~E. 1. The applicant, or any person or entity required to be notified of the demolition pursuant to subsection B of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.~~

~~2. Any other party identified in subsection B of this section may respond to the appeal in writing within ten (10) days of the appeal.~~

~~3. The mayor or the mayor's designee shall consider the appeal on the written record and issue a decision within ten (10) days of the close of any written submissions.~~

18.64.080: PREDEMOLITION SALVAGE PERMITS:

A. A predemolition salvage permit ~~for other than structural demolition~~ shall be required for ~~the~~ removal of doors, windows, special glass, fixtures, fittings, pipes,

railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of ~~the building~~ any building prior to demolition of the structure. A predemolition salvage permit may be issued only contemporaneously with, or after, city approval of:

1. A building permit for new construction on the premises following demolition, or

2. A demolition permit.

B. ~~The~~A predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule.

18.64.090080: EXPIRATION-DILIGENCE:

Permits

A. A demolition permit shall expire forty-five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the building official at the time of application. ~~Demolition permits~~A demolition permit may be renewed upon request prior to expiration with approval of the building official for one-half (1/2) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without ~~the~~ prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

18.64.100: QUALIFICATIONS TO DO WORK:

B. Once demolition has begun pursuant to a demolition permit, the permit holder shall diligently pursue completion of the work authorized thereunder. If such work is not diligently pursued the city may declare the bond required under Section 18.64.030.D to be forfeited and may use the proceeds to finish demolition as provided in such section.

18.64.090: QUALIFICATIONS TO DO WORK:

A. It shall be unlawful for demolition work permitted under this chapter to be performed except by:

A. ~~A general contractor or subcontractor currently holding a license in good standing with the state of Utah to do~~ a wrecking and/or demolition work.

B. ~~A licensed general contractor currently holding~~having a license in good standing ~~with the state of Utah qualified as a general contractor, but only when the demolition is incidental and supplemental to the construction~~issued by the general contractor ~~or division of occupational and professional licensing in the Utah department~~ of a

~~new structure on the demolition site~~commerce.

~~€B.~~ Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other applicable conditions of this chapter are met.

18.64.~~110~~100: DEMOLITION REQUIREMENTS:

A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.

B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.

C. A permit for demolition ~~requires~~shall require that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. Unless otherwise approved under a building permit for redevelopment of the site, the depression caused by the removal of such debris ~~must~~shall be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.

D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, ~~must~~shall be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the building services and licensing division. In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed.

18.64.~~120~~110: RELATIONSHIP TO OTHER ORDINANCE:

Provisions of this chapter shall be subordinate to any contrary specific provisions of Chapter 21A.~~30 of this code, dealing with the downtown C-4 zoning district, and chapter 21A.34 of this code, dealing with demolition in historical~~ districts, or ~~their~~its successor-~~chapters.~~

SECTION 2. Chapter 18.97, *Salt Lake City Code*, shall be, and hereby is, amended to read as follows:

Chapter 18.97
MITIGATION OF RESIDENTIAL HOUSING LOSS ~~FROM REZONING~~

18.97.010: PURPOSE:

The ~~city has experienced a purpose of this chapter is to mitigate the~~ loss of ~~important~~ affordable housing stock, ~~particularly in its central city and Capitol Hill areas~~ due to ~~commercial expansion. It is the objective of the city to mitigate the adverse impacts of such losses, when zoning changes are sought to accommodate expansion of commercial uses, new development~~ with due consideration for vested or protected property rights.

18.97.020: HOUSING MITIGATION CONDITION PRECEDENT TO ~~REZONING OR PERMITS FOR PARKING LOTS, IN AREAS CONTAINING~~ DEMOLITION OF RESIDENTIAL UNITS:

A. Housing Mitigation Plan: ~~Except as provided in Subsection B of this section, any application for a demolition permit which, if issued, will result in a loss of one (1) or more residential units located in a residential zone;~~ any petition for a conditional use permit to authorize or expand vehicle parking in ~~a residential zone~~ or mixed-use zone; and any petition for a zoning change that would permit a nonresidential use of land, that includes within its boundaries residential dwelling units, may not be approved until a housing mitigation plan ~~shall have been~~ is approved by the city. The housing mitigation plan shall be proposed and submitted to the city's planning director and the director of community and economic development ~~by the petitioner not less than twenty (20) days prior to final action by the city on such a petition and~~ and shall be accompanied by a housing impact statement.

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

1. Is a nonconforming use as provided by relevant provisions of Title 21A (Zoning) of this code; or

2. Is located on property for which an applicable master plan or the current zoning envisions exclusive non-residential use; or

3. a. Is proposed to be demolished for health or safety reasons as provided in Section 18.64.040 or Chapter 18.48 of this title or their successors.

b. Notwithstanding Subsection B.3.a, housing which is demolished for health or safety reasons, which is the result of neglect pursuant to Section 18.64.045 of this title, shall be subject to the provisions of this section.

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

- 1.) Identify the essential adverse impacts on the residential character of the area subject of the petition;
- 2.) Identify by address any dwelling units targeted for demolition, following the granting of the petition;
- 3.) Separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire and health codes;
- 4.) State the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and
- 5.) Specify a mitigation plan to address the loss of residential zoned land, residential units or residential character.

18.97.030: OPTIONS FOR MITIGATING RESIDENTIAL LOSS:

Petitioners subject to the requirements of this chapter may satisfy the need for mitigation of any residential housing unit losses by any one of the following three (3) methods:

A. Replacement Housing: The petitioner may agree, in a legal form satisfactory to the city attorney, to construct the same number of residential dwelling units proposed for demolition, within: ~~1) the city municipal council district in which the land subject of the petition is located; or 2) an adjoining council district, if the mitigation site is within a one mile radius of the demolition site. Any such agreement shall include adequate security to guarantee completion, within two (2) years of the granting of any rezoning or conditional use permit.~~

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

2. An adjoining council district, if the mitigation site is within a one (1) mile radius of the demolition site.

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

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

C. Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference of Landowner:

1. Request By Petitioner For Flat Fee Consideration: In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the city's department of community and economic development, as provided below. A judgment as to whether deterioration has occurred as the result of deliberate indifference shall be based on a preponderance of evidence.

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

3. Flat Fee Mitigation Payment: In the event that the petitioner actually and reasonably demonstrates to the city's director of community and economic development that the costs of calculating and analyzing the various methods of mitigation are unreasonably excessive in relationship to the rough estimated costs of constitutionally permitted mitigation, the department director may recommend to the city council that a flat rate be paid by the petitioner to the city's housing trust fund. This flat rate shall be a sum not in excess of three thousand three

hundred twenty two dollars and twenty cents (\$3,322.20) per dwelling unit to be demolished. ~~The three thousand three hundred twenty two dollars twenty cent (\$3,322.20)~~ Such flat fee shall be adjusted for inflation as of January 1 of each calendar year following the initial adoption hereof, based on the consumer price index for the previous twelve (12) months, or three (3) percent ~~(3%)~~, whichever result is less.

18.97.040: HOUSING MITIGATION JUSTIFICATION TO COUNCIL:

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

B. Report To Planning Director On Conditional Use Permit Petitions: In the event of a conditional use permit, said report ~~will~~shall be submitted to the city's planning director. The report ~~will~~shall be duly evaluated, considered and included in the decision regarding any conditional use permit. The planning director ~~will, or designee, shall~~ memorialize, in writing, the factual basis supporting any decision dealing with the housing mitigation component of any such conditional use permit and include this finding and evaluation in the file for due consideration should there be an appeal relating thereto.

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

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

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

SECTION 3. 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 _____, 2012.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2012.

Published: _____

LANDSCAPING FOR VACANT LOTS
(Salt Lake City Code 21A.48.100.D.2)

The following provision is cited by reference in the proposed demolition ordinance and would be used as the standard for landscaping required following demolition of a building when a replacement building is not constructed.

2. Landscaping for Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape Yard Requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines. Fencing, pursuant to section 21A.40.120 of this title, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots is for aesthetic value only, and shall consist of wrought iron or other similar material (no chainlink). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located within thirty feet (30') of the intersection of front property lines on any corner lot as noted in subsection 21A.40.120E of this title. The approval of a final landscape plan, that includes a fencing element, shall be delegated to the building official with the input of the planning director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3'). All plants shall be drought tolerant; consult the Salt Lake City water wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Ground Cover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative ground cover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

Lindberg, Neil

From: Goff, Orion
Sent: Thursday, February 02, 2012 8:32 AM
To: Simonsen, Soren; Christensen, Carlton; Garrott, Luke; Luke, Charlie; LaMalfa, Kyle; Love, Jill; Penfold, Stan
Cc: Gust-Jenson, Cindy; Everitt, David; Tarbet, Nick; Lindberg, Neil; Gray, Frank; DeLaMare-Schaefer, Mary; Butcher, Larry; Clark, Luann; Spangenberg, Craig; Baxter, DJ; Ellis, Martha
Subject: Proposed Changes to Title 18.64, Demolition Ord. and 18.97 Housing Mitigation Ord.
Follow Up Flag: Follow up
Flag Status: Flagged

Hello all,

I hope this e-mail finds you doing well.

As you know, there is a briefing scheduled for the proposed changes to the demolition ordinance on February 7, 2012. We have identified some additional items for further discussion regarding the proposed changes. We believe that the issues listed below are in addition to, or possibly more specific than, the 'staff concerns' already included in the transmittal. Also included is a statement from the Fire Department.

We are concerned that there may be a perception that the adoption of this ordinance would be a fool-proof solution to avoid the situation we experienced in Sugarhouse a few years ago on 1100 East and 2100 South. In that situation the issuance of a demolition permit, in accordance with the ordinance in force at the time, created a substantial controversy among citizens and left a large area of private land vacant, which remains in that condition today. In our opinion the proposed ordinance, as currently drafted, does not eliminate the possibility of a similar situation occurring again after its adoption.

In addition, the members of the HAAB Board have requested an opportunity to present their comments on the record and in person to the Council regarding the proposed changes. For your convenience, their comments are included below:

Section 18.64.010 I. - A permit for a replacement use shall be issued prior to issuance of a demolition permit

- Buildings and structures that are dilapidated but structurally sound cannot be demolished without a replacement use. These properties will also have a negative impact on neighborhoods and create a financial hardship for the property owner.
- Hardship to developers who would rather amalgamate and prepare a site for development prior to issuance of permits for construction. (Recent Target Store on 300 West as example)

Section 18.64.030 D. - The bond amount must be sufficient to cover the cost of landscape installation and maintenance Assuming a property has been demolished and landscaping has not been provided as required, the following should be addressed;

- Who will install and maintain the landscaping if the owner refuses to do it and forfeits the bond?
- What will the specific specifications be for landscaping, i.e. sod vs. ground cover; trees vs. shrubs; rocks vs. mulch?
- Will a permanent irrigation/sprinkling system be installed?
- Who provides the weekly maintenance, i.e., weed control, mowing, inspections, etc.?

- Can the City require an additional inspection fee to ensure properties are being maintained?
- Where will the funds come from to cover long-term landscape maintenance costs?
- If the City takes on these roles additional city staff will need to be hired for landscape and maintenance contractors; lien properties for costs and monitor these properties.
- Proposed landscaping requirements will be higher than what is required for current vacant lots; will this be retroactive on other vacant lots in the City?
- What about exceptions for M-1 and M-2 areas within RDA's or other areas where we want to encourage development?
- In regards to the landscape requirements; what about CSHBD, for example, where no setbacks or landscaping are required? Under the proposed ordinance, in the CSHBD, you could demo without a bond for landscaping.
- Additional or re-purposed staff to do the work negotiating, seeking the Attorney's office approval and tracking the bonds?
- Many of the RDA's projects and activities require demolition of existing structures, in furtherance of the RDA's mission to remove blight and facilitate redevelopment. The City Council can exercise direct control over RDA demolitions as the RDA Board, but applications of this ordinance to RDA properties will increase the costs of redevelopment and limit the RDA's ability to facilitate redevelopment of blighted properties.

Section 18.64.040 - Buildings or structures are required to be maintained

- Applicants that meet the ordinance criteria will be held to higher standards than currently existing owners of boarded buildings or other vacant properties.
- If adopted as currently drafted, all interior standards i.e., electrical, plumbing, mechanical, would be required to meet code. Is this a reasonable requirement for vacant buildings?
- Will existing boarded buildings be required to meet these maintenance standards?

Sections 18.64.050 D.3 and 18.97.040 C. - Housing Mitigation

- Need to specify at what point in the process should a housing mitigation plan be submitted? In its present draft form the time frame for submission is unclear. (Preferably, the mitigation plan should be submitted at time of pre-demo application)

Non-code Specific Issues:

- Building Official must determine bond amount – clarify calculation method. It is likely that a signed bid document would be required. Who will provide facilitation and administration over that bid?
- The proposed ordinance requires a bond for all City ordered demolitions for life-safety/imminent hazard findings. The proposed Ordinance may delay emergency demolitions thus creating/maintaining a hazard to the public while the owner is located to provide the bond. If the owner cannot be located, where are the funds to pay the demolition contractor to mitigate the hazard to the general public?
- The proposed Ordinance does not sufficiently differentiate between commercial and residential demolitions as they relate to mitigation of housing loss.

- The Building Official is left to determine what is considered to be blight. The term ‘blight’ is broad and may be a difficult interpretation. (In the case of Sugarhouse Demo, based on common application of the term, many of the existing structures on that site would reasonably fit within the common definition of blight). Very difficult and labor intensive to enforce on an absent owner if they intend to allow their structures to slip into a blighted condition in order to qualify for a demolition approval based on lack of maintenance.

Code Specific issues with the proposed changes to Title 18 as follows:

- **Section 18.64.020** – If there is a residential impact finding, is a mitigation plan required to be submitted at that time?
- **Section 18.64.030 D** – Bonding for Landscape - If the City is forced to call the bond, who will install and maintain the landscape? What about water and electric service to the property? How long will the City continue to maintain if the bond runs out? Does the City need additional staff to monitor and maintain the landscape and watering systems? (May require a mini parks department within Building Services if there are multiple properties where the bond is forfeited and then runs out)
- **Section 18.64.090** – Delete A & B and add language referring license and approval by the State Office of Professional Licensing.
- **Section 18.64.30** – City-Ordered Demo’s – There are many structures that do not rise to the level of City-ordered demolition that do provide substantial negative impact on a neighborhood. The proposed ordinance does not solve that issue.

Fire Department Comments

The Fire Department is also concerned with the proposed ordinance language. We feel that sound judgment must be exercised when granting demolition permits. These decisions must be founded in life safety to the citizens and emergency response crews in addition to reasonable assessment of the structural integrity and usefulness of the building. Urban blight is a serious concern in these economic times. Cities across the country are dealing with the hazards and aesthetic issues surrounding the “preservation” of buildings that have outlived their usefulness. Although a plan for reuse is favorable, it would be unfortunate to see the city create unreasonable criteria curtailing beneficial urban renewal. A vacant lot is going to present considerably fewer safety concerns to the city by eliminating a space for potential squatting, illegal activity and a potential death trap to public safety.

I apologize for this long e-mail, I know that you are all busy and have an oppressive amount of reading to do as it is.

Orion Goff, CBO

Building Official, Director, Building Services & Code Compliance

Salt Lake City Corporation

P.O. Box 145490

451 S. State Room 218

Salt Lake City, Utah 84114-5490

Office: 801-535-6681

Proposed Amendments to the Demolition Ordinance

What are your thoughts on the proposed changes to the City's Demolition Ordinance

Public comments as of August 15, 2012, 4:03 PM

All Participants around Salt Lake City



As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Proposed Amendments to the Demolition Ordinance

What are your thoughts on the proposed changes to the City's Demolition Ordinance

Introduction

Update 7/25: After discussion at public meetings, changes have been made to the original proposal.

The proposed changes to the City's Demolition Ordinance are intended to address situations where existing structures have been demolished as part of anticipated new construction but, in some cases, construction is delayed and the site is allowed to sit vacant with minimal or no landscaping. This can disrupt existing development patterns of an area or negatively impact the character of an established neighborhood.

Demolition Ordinance Purpose Statement

Purpose and Intent

A. The purpose of the provisions in this Chapter is to:

1. Promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality;
2. Provide an orderly and predictable process for demolition of buildings and structures;
3. Ensure demolition occurs safely;
4. Protect utilities and other infrastructure from damage during demolition;
5. Provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property;
6. Provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and
7. Encourage preservation of the City's housing stock.

B. A primary intent of the City Council with respect to this Chapter is to avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the Council finds that it is in the public interest to:

1. Require existing buildings to be maintained in a habitable condition until replaced by new construction;
2. Avoid demolition of existing structures until a building permit is issued for new construction; and
3. Avoid creation of vacant demolition sites with minimal or no landscaping or other improvements.

Proposed Amendments to the Demolition Ordinance

What are your thoughts on the proposed changes to the City's Demolition Ordinance

As of August 15, 2012, 4:03 PM, this forum had:

Attendees:	171
Participants around Salt Lake City:	10
Minutes of Public Comment:	30

Proposed Amendments to the Demolition Ordinance

What are your thoughts on the proposed changes to the City's Demolition Ordinance

All Participants around Salt Lake City

Lynne Olson in District 7

August 13, 2012, 11:07 AM

In 2007, students at Hawthorne Elementary studied the pros and cons of historic preservation, and appealed to the City's Planning Commission to preserve the old buildings at the heart of Sugar House.

The following spring, one student wrote to the newspapers. "Dear Editor," she said, "When we heard about the historic buildings in Sugar House being torn down, we were horrified, so we started to list problems with tearing the buildings down. One of the problems was that the Land Owner would run out of money or into some problem that would prevent him from finishing and guess what. He did!! So now all that history is lost. All I have left of those buildings are memories and a 99-year old brick."

The proposed changes to the demolition ordinance will not prevent the destruction of venerable old buildings that should be our community's legacy to our children. In my opinion, the City should not issue a demolition permit for buildings like those on the Granite block until a reuse plan has been submitted and a building permit has been issued.

Betty Schoeffler in District 4

May 29, 2012, 10:56 AM

When the city block between 200 and 300 South and between State and Main was redeveloped, the Gallivan Center and One Utah Center were finished long before the rest of the block was even sold, let alone developed, even though the existing buildings had been demolished.

In the interim, the landscape architects at Landmark Design, Inc., along with artist/planner Steven Goldsmith, created a temporary landscape that "acknowledged and celebrated the temporary nature of the site."

Besides saving the site from becoming both eyesore and dust bowl, it was a model of recycling long before it was popular to be "green," as well as an innovative partnership with a couple of non-profits. And by enlisting volunteers for some of the work, it was far less costly than a permanent landscape of comparable size.

They worked with the city forester to select 200 trees, which were purchased by the RDA and planted by TreeUtah volunteers, in effect creating a city nursery. As new construction dictated their removal, the trees could then be moved to parks and other city property.

The design cleverly incorporated parts of the old Auerbach's and Kress's buildings and others -- timbers, ornaments, chunks of old sandstone foundations, even walls.

Boy Scouts built a bunch of winsome tree houses, then popped them on top of poles and "planted" them along the border with Gallivan Plaza.

The key, of course, was expert, professional design. Without it, the temp landscape would likely have ended up looking much like the corner of 2100 South and 1100 East: a weedy, unattractive nuisance, surrounded by a chain link fence, without even the possibility of tying in with, say, the Farmers' Market.

Other statements have suggested ways to finance such an endeavor, but the cost should be built in to every project, and don't scrimp on design!

Suzanne Stensaas in District 7

February 6, 2012, 11:11 PM

Proposed Amendments to the Demolition Ordinance

What are your thoughts on the proposed changes to the City's Demolition Ordinance

All Participants around Salt Lake City

I am not commenting to repeat comments of others. I am thinking of what to do with idle demolition sites. Could there not be incentives, taxes or penalties to turn them to play grounds and community gardens, or pocket parks? The owner should be responsible to turn it into something of value and beautification of the neighborhood. If bankrupt and if the city did it then it would go as a lien of the property before a building permit could be issued or after a certain number of years the property would revert to the city. Perhaps the city would have the option of acquiring the land at the previously assessed evaluation of the land creating more open space.

I don't know what the regulations are on recycling materials before and after demolishing. I hope we have an ordinance that required that so we reuse and don't fill our landfill.

Matt Fields in District 5

January 24, 2012, 10:10 AM

I agree that this is has been too long in coming.
As an aside what happened to the "Support" ("Ditto"/"I agree") button on these comments.

Name not shown in District 4

January 24, 2012, 12:05 AM

I agree! This is a very fair and clever way to put the incentives in the right place--bravo.

I also agree that we need to "tax that which is undesirable"....so maybe if someone makes yet another parking lot downtown they need to pay a higher tax on that?

Additionally if someone leaves a blighted building they should also be fined for that--we need active, engaged, responsible property owners in our city centers.

I am very happy that the city is addressing this very important issue that is not only needed in Sugarhouse but also Downtown.

Richard Middleton in District 3

January 19, 2012, 2:13 PM

I totally agree with the earlier statements - it is high time that the City introduced measures to prevent a repetition of the Sugar House debacle. However, I wonder if the proposals go far enough. For example: Can the city stop "preemptive demolition", where the developer gets rid of existing structures that have a historic value and might be suitable for listing, even though he has no intention of redeveloping the property in the immediate future? Also (somewhat related to the first point), is there any way for the city to protect its financial interests by imposing property taxes on demolition sites that, for example, are at least at the same level as for the previous use? I realize that these are contentious issues, and perhaps the City already addresses them; I'm not a lawyer or a developer, so I don't know.

John Drake in District 5

January 19, 2012, 8:05 AM

I appreciate the fact the council publishes these items for comment online: it's both timely and convenient. This issue, however, appears to be a 'no-brainer'. We've all seen the results of 'not'

Proposed Amendments to the Demolition Ordinance

What are your thoughts on the proposed changes to the City's Demolition Ordinance

All Participants around Salt Lake City

having any requirements for timely replacement of demolition in Sugarhouse. Is there anyone who thinks what happened there is a 'good' thing? Yes, yes, yes - construction on a demolition site should be timely. The State of the economy certainly played a role in this delay but for this length of time and without any time requirement to motivate the construction partners? All of us who own property in the city know there is both a right and a responsibility in that ownership. Businesses should be held to some reasonable standard for maintaining their property pending construction, even if delayed for legitimate reasons.

William Littig in District 3

January 18, 2012, 9:53 PM

"Bill and Nada's" is a classic "what if". Demolition should not be allowed without a bond to provide for the planned redevelopment

This enforcement should extend to properties that are boarded and seem abandoned. These are safety and security issues equal to demolition and a standard should be raised on these properties too. Simply paying the property tax is not enough.

Make sure planned developments are compatible before any permits are issued and a time-line set on the bond, so there will be performance.

"Trust Me" doesn't work with many developers(not all)

Name not shown in District 7

January 18, 2012, 5:22 PM

I'm glad we're finally visiting this after the Sugar Hole debacle and it only took 4 years! Of course there should be onsite inspections prior to, during, and upon completion of the demolition of any major structure. The city should require all engineering reports to be completed prior to demolition and actually review them before issuing the permit. Public safety should be paramount when allowing a demolition with attention paid to sidewalks, sidewalk access and streets. If a property is going to sit vacant for a length of time then landscaping should be mandatory and issues such as water drainage should be also dealt with so we don't end up with lakes of sitting water. This is an ordinance that is long overdue in being revised and hopefully an updated one will actually be followed by city staff.

Name not shown outside Salt Lake City

January 18, 2012, 4:36 PM

I agree that people should take responsibility for demolition the same way banks should take responsibility for foreclosed houses.
