

ATTACHMENT A

Proposed Code Changes: November 3, 2022 Version

21A.34.160 Homeless Resource Center Overlay District

Purpose: The intent of the overlay is to consider the safety and welfare of those experiencing homelessness while considering the impact to city services, adjacent neighborhoods and minimize the effects on neighborhoods and populations that have traditionally been marginalized when considering locations for future homeless resource centers.

- A. Applicability: The process and regulations found in this chapter apply to all homeless resource centers existing prior to January 1, 2023 and any proposed homeless resources centers mapped within the city. This overlay is prohibited in the M-1 and M-2 zoning districts.
- B. Applying to Zoning Map: A petition to apply this overlay shall be subject to the applicable provisions of 21A.50.
 - 1. A homeless resource center shall only be allowed if located within the homeless resource center overlay or as otherwise allowed by this title.
 - 2. City Council Action: In deciding to apply this overlay, the city council may consider a development agreement to address any benefit or impact that a proposed HRC may have on the surroundings of the proposed location of the overlay.
 - 3. Permitted Use: If approved by the city council, a homeless resource center shall be a permitted use within the boundary of the homeless resource center overlay district.
- C. Previously Approved HRC and Homeless Shelters: An existing homeless resource center or homeless shelter that was approved as a conditional use prior to January 1, 2023 shall be subject to the specifics of the conditional use approval, and any subsequent modification to the approval, that were placed on the use at the time of approval, and subject to the following modification limitations:
 - 1. Modifications to prior conditional use approval. A modification to a prior conditional use shall be subject to 21A.54.135.
 - 2. Any modification beyond 21A.54.135 is subject to a zoning map amendment to apply this overlay
- D. Applicability to Places of Worship. A place of worship is not required to petition for a zoning map amendment to apply this overlay provided any emergency shelter provided is part of the ecclesiastic function of the place of worship. A place of worship that provides emergency shelter to people experiencing homelessness shall comply with the provisions of 21A.36.350.
- E. Complying with standards. Any existing or proposed homeless resource center or homeless shelter shall comply with the applicable provisions of this title, including but not limited to the requirements of the underlying zoning district and section 21A.36.350.

21A.36.350: QUALIFYING PROVISIONS STANDARDS FOR HOMELESS RESOURCE CENTER OR HOMELESS SHELTER:

A. A homeless resource center or homeless shelter may be allowed ~~as outlined~~ pursuant to ~~in~~ 21A.34 of this title and the requirements of this section.

~~A. A homeless resource center or homeless shelter may be allowed as a conditional use, as identified in chapter 21A.33, "Land Use Tables", of this title pursuant to the provisions of chapter 21A.54, "Conditional Uses", of this title and the requirements of this section~~

1. ~~Capacity Limit. the number of homeless persons who may occupy a homeless resource center for overnight accommodations to a maximum of two hundred (200) homeless persons.~~ unsheltered individuals.
 - ~~a. Service provider staff shall not be included in this occupancy limit.~~
 - ~~b. No homeless resource center shall exceed the maximum occupancy for overnight accommodations for any reason, including on an overflow basis.~~
2. ~~A security~~ Security and operations plan. A plan shall be prepared by the applicant and approved by the Salt Lake City Police Department and Community and Neighborhoods Department ~~prior to conditional use approval~~, and filed with the Recorder's Office. The owner of property on which a homeless resource center or homeless shelter is located shall ensure that the operator complies with the requirements of this subsection A2. A security and operations plan shall include:
 - a. A community relations and complaint response program that identifies specific strategies and methods designed to maintain the premises in a clean and orderly condition, minimize potential conflicts with the owners/operators and uses of neighboring properties, and prohibit unlawful behavior by occupants of the homeless resource center or homeless shelter on the site ~~or adjacent public right-of-way~~. The community relations and complaint response program shall include at least the following elements:
 - (1) Identify a representative of the homeless resource center or homeless shelter, including the representative's name, telephone number, and email, who will meet with neighbors upon request to attempt to resolve any ~~neighborhood~~ complaints regarding operation of the center;
 - (2) A dedicated ~~twenty four~~ (24) hour telephone line for the purpose of receiving complaints;
 - (3) Quarterly meetings with a community coordinating group, which shall be open to the public, to discuss and address concerns and issues that may be occurring as a result of the homeless resource center or homeless shelter operation. The meetings shall be advertised at least ~~ten~~ (10) days in advance by posting notice on the operator's website and a sign posted along the public street;
 - (4) Representatives from each of the following shall be included in the community coordinating group:
 - (A) The homeless resource center or homeless shelter,
 - (B) A business located within ~~one fourth~~ (1/4) mile of the site,
 - (C) A resident who lives within ~~one fourth~~ (1/4) mile of the site,

- (D) A school, if any, located within ~~one-fourth~~ (1/4) mile of the site;
 - (E) Chair of the community council, or designee, whose boundary encompasses the site;
 - (F) An individual who has previously received or is currently receiving services (i.e., client) from a homeless resource center or homeless shelter; and
- (5) A written annual report, provided on or before February 15th of each year, from the operator of the homeless resource center or homeless shelter, provided to the City Planning Director and subsequently posted to the Planning Division website and to the City Council member in whose district the homeless resource center or homeless shelter is located, which includes the following information:
- (A) List of individuals who have participated in the community coordinating group meetings;
 - (B) A summary of each community coordinating group meeting;
 - (C) A summary of complaints received from the community by the operator of the homeless resource center or homeless shelter; and
 - (D) An explanation of how complaints have been addressed/resolved.
- b. A complaint response community relations program that includes strategies and methods designed to maintain the premises in a clean and orderly condition, minimize potential conflicts with the owners/operators and uses of neighboring property, and prohibit unlawful behavior by occupants of the homeless resource center or homeless shelter on the site or adjacent public right- of-way.
 - c. A provision requiring a representative of the homeless resource center or homeless shelter to meet with neighbors upon request to attempt to resolve any neighborhood complaints regarding operation of the center;
 - d. A provision requiring continuous on-site security ~~and emergency services~~, which may include professional security personnel and ; monitored security cameras, trained emergency responders, and emergency alert systems.
 - e. A plan to maintain noise levels in compliance with ~~title 9,~~ chapter 9.28 of this Code;
 - f. Design requirements that ensure any areas for client queuing take place strictly within the ~~footprint of principal building and will not occur on any public street or sidewalk~~ an enclosed building;
 - g. Designation of a location for smoking tobacco outdoors in conformance with State laws;
 - h. A provision stating that any trash ~~strewn~~ on the premises be collected and deposited in a trash receptacle by ~~six o'clock (6:00) A.M.~~ the following day, ~~including any smoking and parking lot areas~~;
 - i. A provision stating that portable trash receptacles on the premises be emptied daily and that other receptacles be emptied at a minimum of once per week or as needed.

- j. A provision showing a location within the site where emergency services can easily and privately provide necessary services to clients.

~~The owner of property on which a homeless resource center or homeless shelter is located shall ensure that the operator complies with the requirements of this subsection A2.~~

3. ~~The applicant shall demonstrate how the building and site is designed to prevent~~ reduce crime based on the following principles. ~~However, the Planning Commission may require modification of the proposed building and site plans if it determines that the plans do not sufficiently address each of these principles:~~

a. Natural Surveillance:

- (1) The building include windows and doors in sufficient quantities and locations that allow people inside the building to see all exterior areas of the site. If an area of the site is not visible, 24/7 camera monitoring of the exterior areas may be used to comply with this standard;
- (2) Lighting is sufficient to illuminate building site, entrances, and access points from public streets and sidewalks to the building;
 - (A) Exterior public and private areas shall be illuminated at a minimum rating of one foot-candle, and parking lots shall be illuminated at a minimum rating of ~~three~~ (3) foot-candles.
 - (B) Exterior lighting shall be shielded to control light pollution and prevent glare, and utilize light emitting diodes or metal-halide filaments.
- (3) Landscaping is arranged on the site in a manner that does not create hidden spaces or block sight lines between the building, public spaces, parking areas and landscaped areas.

b. Natural Access Control:

- (1) Buildings include direct walkways from the public sidewalk to the primary building entrances;
- (2) Walkways are provided to guide people from the parking areas to primary building entrances;
- (3) Low growing landscape, low walls, curbing, or other means are used to guide pedestrians along walkways;
- (4) All walkways are properly illuminated and all illumination on the site is shielded to direct light down and away from neighboring properties;
- (5) Building entrances are clearly identified with universally accessible signs.

c. Territorial Reinforcement:

- (1) Landscaped areas along the perimeter of the site, which are not visible from the building or public spaces, shall include mechanisms to restrict access outside daylight hours;
- (2) Parking areas are secured outside of daylight hours;

- (3) A decorative masonry wall that is a minimum of ~~six feet (6 feet)~~ high shall be provided along all interior side and rear lot lines. The operator may increase the height up to 8 feet to further minimize impacts to adjacent properties. Walls in excess of six feet (6') may be approved by the Planning Commission as a special exception if it determines a taller wall is necessary to mitigate a detrimental impact created by the homeless resource center or homeless shelter;
- (4) A fence no taller than ~~three feet (3 feet)~~ high, and does not create a visible barrier, shall be placed near the front property line to mark the transition from public space to private space;
- ~~(5) If the zoning district does not require a landscape buffer, the Planning Commission may nevertheless establish appropriate landscape buffering requirements as a condition of approval to mitigate reasonably anticipated detrimental effects of the proposed use.~~

d. Maintenance:

- (1) The building and site are maintained free from graffiti, litter, garbage, and other items that constitute a nuisance;
- (2) The building is maintained in good repair and all property damage is repaired in a timely manner;
- (3) All fencing, walls, paving, walkways and other site features are maintained in good repair, and free from obstruction.

e. Building And Zoning Compliance: A homeless resource center or homeless shelter shall comply with all applicable building and zoning regulations.

B. Standards for Homeless Resource Centers (Temporary)

- 1. When Allowed: A Homeless Resource Center (temporary) is allowed if the following situations are present in the City:
 - a. The existing homeless resource centers and homeless shelters in the city are at full capacity or are likely to be at full capacity due to night time temperatures dropping below 32 degrees Fahrenheit; and
 - b. The City is required to provide emergency shelter during winter months by applicable state laws.
- 2. Location: A homeless resource center (temporary) may be located in existing buildings within the city if:
 - a. The building is located in a zoning district that allows hotels, motels, or multi-family dwellings or is owned by a government entity or was constructed as a hotel, motel, or other temporary lodging purpose.
 - b. The building contains restrooms adequate for the determined occupancy load, not less than 40 net square feet per individual;

- c. The building complies with or can comply with applicable building and fire codes deemed necessary by City officials who are qualified to make such a determination.
 - e. The building complies with the spacing requirements in Utah Code 35A-16-502 (11) regulating separation requirements or its successor. The separation requirement in 35A-16-502 (11)(c) is waived upon adoption of this section by the Salt Lake City Council. The requirement in 35A-16-502(11)(c) pertaining to community locations may be waived or reduced by the director of community and neighborhoods department. The director of community and neighborhood department may also waive any future separation requirement that is added to 35A-16-502. .
3. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- a. Contact information for a 24 hour property manager who has responsibility for administering the security and operations plan and addressing nuisances or compliance issues required by applicable laws. The contact info must be clearly posted on the site and legible to passers-by.
 - b. A description of the intake process for those that may be using the facility that can occur entirely within the building or on the property in a manner that does not impact public sidewalks.
 - c. Designated smoking areas on the property that are located in an areas that comply with applicable laws and is at least 30 feet from a property line.
 - d. A property maintenance plan to ensure that the property is maintained free of litter and any waste.
 - e. A vicinity maintenance plan to ensure that the properties and public space within 660 feet of the property where the facility is located are free from any litter or waste and that requires the facility operator to respond to requests from property owners or occupants of the properties within 660 feet to remove any waste, including sanitization when necessary, that can be attributed to the occupants of the facility.
 - f. Visible signage at all public entrances indicating that firearms are not permitted inside the homeless shelter. A means of detecting firearms at all public entrances and the plan to ensure an individual is physically present at all entrances when the public entrance is in use. A secure storage area for a firearm for clients of the shelter but also clear policies to not collect information on the firearm while in storage at shelter. An abandonment plan if a firearm is left at the shelter for more than 7 days, process to relinquish to a law enforcement agency for disposal.
4. Limitations. A temporary homeless resource center approved under these regulations may only occupy a site once every four years.
5. Temporary Land Use Regulations: The City Council may approve any temporary homeless resource center utilizing temporary land use approval authority prescribed under current laws.

Changes to 21A.50 Amendments

21A.50.010: PURPOSE STATEMENT:

The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. (Ord. 56-14, 2014)

21A.50.020: AUTHORITY:

The text of this title and the zoning map may be amended by the passage of an ordinance adopted by the city council in accordance with the procedures set forth in this chapter. (Ord. 56-14, 2014)

21A.50.030: INITIATION:

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, the city council, the planning commission, or the owner of the property included in the application, or the property owner's authorized agent. Applications related to H historic preservation overlay districts or landmark sites or the Homeless Resource Center Overlay shall be initiated as provided in chapter 21A.34 of this title. (Ord. 56-14, 2014)

21A.50.040: PROCEDURE:

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

A. Application: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;
2. Street address and legal description of the property;
3. A complete description of the proposed use of the property where appropriate;
4. Site plans drawn to scale (where applicable); and
5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator.

B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title. Application and noticing fees filed by the city council, planning commission or the mayor shall not be required. Application and noticing fees filed for designation within an H historic preservation overlay district or to establish a character conservation district shall not be required.

C. Determination Of Completeness: Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010, "General Application Procedures", of this title.

D. Staff Report: A staff report evaluating the amendment application shall be prepared by the planning director and shall contain at least the following information:

1. An analysis of any factors to be considered found in this title.
2. A discussion regarding input received from the public.
3. Input from other City Departments or entities who have provided comments related to the proposal.

E. Planning Commission Public Hearing: The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

F. Planning Commission Decision: Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the City Council.

G. City Council Hearing: The City Council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

H. City Council Decision: Following the hearing, the City Council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be zoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restricted classification, without new notice and hearing. (Ord. 56-14, 2014)

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

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

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

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

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

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect adjacent properties;
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 56-14, 2014)

21A.50.060 CONSIDERATION OF AMENDMENTS APPLYING THE HOMELESS RESOURCE CENTER OVERLAY ZONING DISTRICT.

- A. Applicability. Any proposal to consider a petition that involves a zoning map amendment to apply the Homeless Resource Center Overlay Zoning District shall be subject to the additional requirements of this section in addition to any other requirement of this Title.
- B. Additional Submittal Requirements. In addition to the application requirements of this Chapter, the following information shall be provided by the person submitting a zoning amendment petition that includes applying the Homeless Resource Center Overlay Zoning District.
 1. A site plan meeting the requirements of chapter 21A.58 and the following additional detail:
 - a. The site plan shall include all labels for the function of each room or space, both indoor and outdoor, proposed for the facility.
 - b. All information that demonstrates compliance with the requirements in 21A.36.350
 2. The maximum total human occupancy the proposed facility is intended to serve.

3. A detailed list of all the anticipated supportive services to be offered on the property, including a description of each service, where the service will be on the property and the square footage of the area designated for each service.
4. Data regarding similar uses in Salt Lake and Davis Counties, including the total number of facilities, the total number of people who use the facilities, the number of individuals served with overnight tenancy in each facility, the average percentage of occupancy of the facilities, and the number of nights per year that the other facilities are at capacity.
5. Data regarding the total number of beds available to people experiencing homelessness and the estimated number of people currently experiencing homelessness.
6. Identified funding sources to operate the facility and any anticipated funding requests made to the city to operate the facility.

C. Information Provided by the City. After a complete application has been submitted to apply this overlay to property within the boundaries of the city, applicable city departments shall provide the Planning Division with the following information within 30 days:

1. Information regarding the impact to the police department which may include any data that demonstrates the services to existing homeless resources centers located in the city, the estimated cost of providing service by the police department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the police department to provide services to other parts of the city.
2. Information regarding the impact to the fire department which may include any data that demonstrates the services to existing homeless resources centers located in the city and the estimated cost of providing service by the fire department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the fire department to provide services to other parts of the city.
3. Information regarding the number of civil enforcement cases associated with existing homeless resource centers, including the types of complaints, and the estimated impact to civil enforcement workloads and ability to provide services to other parts of the city.
4. Information regarding accessibility of the site and its impact on Public Services.
5. The city demonstrates an updated website to provide any and all city departments to contact for various complaints such as graffiti, encampment clean up, enforcement issues, and any other identified city service that may address impacts on the neighborhood from HRCs.

D. Additional Factors to Consider: In making a decision regarding a petition to map the Homeless Resource Center Overlay district, the Planning Commission and City Council shall consider the following factors, in addition to those factors identified elsewhere in 21A.50:

1. The anticipated benefits to people experiencing homelessness provided by the facility in the proposed location.
2. The proximity of support services that benefit people who may use the facility and the ability of people to access services from the proposed location. If services are not within walking distance of the proposed facility, consideration of a transportation plan connecting support services to the facility.

3. The ratio of homeless related services provided in Salt Lake City compared to other jurisdictions in Salt Lake and Davis Counties.
4. The anticipated impact to city services, including fire, police, and any other city department that would be involved in providing services to the facility and the impact, if any, to the city providing services in other parts of the city.
5. The proximity to other homeless resource centers.
6. The anticipated impact to other government entities that may provide service to the facility if information is readily available from the government entities.
7. The anticipated impact to the health and safety of public spaces within ¼ mile of the proposed facility.
8. The anticipated impacts to the health, safety, and maintenance of people and properties within ¼ mile of the proposed location.
9. Equity between different neighborhoods in providing HRCs and other locations of impactful land uses. High impact land uses are those land uses that produce higher levels of pollution than the permitted uses in the underlying zone, land uses that attract crime or produce public nuisances, and land uses that, and land uses that located by a government entity or authorized by a government entity, that is not subject to the land use regulations of the city.
10. Demonstrated compliance with the requirements of 21A.36.350

21A.50.0670: LIMITATION ON AMENDMENTS:

A. No application for an amendment to this title shall be considered by the City Council or the Planning Commission within one year of the withdrawal by the applicant or final decision of the City Council upon a prior application covering substantially the same subject or substantially the same property.

B. In the case of a proposed local historic district or thematic designation per subsection 21A.34.020C of this title, if a local historic district or area proposal fails in accordance with the voting procedures set forth in subsection 21A.34.020C13 of this title, a resident may not initiate the creation of a local historic district, area, or thematic designation that includes more than fifty percent (50%) of the same property as the failed local historic district, area, or thematic designation proposal for four (4) years after the day on which the property owner opinion ballots for the vote were due.

C. This determination shall be made by the Zoning Administrator upon receipt of an application pursuant to section 21A.50.030 of this chapter. This provision shall not restrict the Mayor, the City Council or the Planning Commission from proposing any text amendment or change in the boundaries of any of the districts in this title at any time.

21A.50.080 Development Agreements. The city council may consider applying requirements through an appropriate legal agreement with a petition for a zoning amendment when the council determines that such an agreement is necessary to increase the benefit of the proposed zoning amendment and/or to address potential impacts to city services, surrounding land uses.

public safety, and the health of current and future residents, business owners, and visitors to the city. The agreement may modify any applicable requirement of this Title provided the modification was proposed to and considered by the Planning Commission as required for any zoning amendment.

21A.50.0790: APPEAL OF DECISION:

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

21A.60 List of Terms

Homeless Resource Center (Temporary)

21.A.62.040 New and modified definitions

HOMELESS RESOURCE CENTER: A building or portion thereof which contains sleeping facilities for those experiencing homeless and operates year round. The facility may contain related services such as bathing, eating, laundry facilities, housing case management, medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and/or vocational training as defined in Utah State Code or its successor. An establishment in which co-located supportive services such as sleeping, bathing, eating, laundry facilities, and housing case management is provided on an emergency basis for individuals experiencing homelessness. Additional services may include preparation and distribution of food; medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and vocational training.

HOMELESS SHELTER: See the definition of Homeless Resource Center. An establishment in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness.

Homeless Resource Center (temporary): A building or portion thereof which contains sleeping facilities for no more than 150 people per night experiencing homelessness and operates for no more than 180 consecutive days or a total of 180 days in a calendar year between October 1 and April 30th of the following year. The facility may contain related services such as bathing, eating, laundry facilities, housing case management, medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and/or vocational training as defined in Utah State Code or its successor.