

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE No. 15A of 2022

(An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pertaining to homeless resource center and homeless shelter text amendments)

An ordinance amending various Sections of Title 21A of the *Salt Lake City Code* pertaining to homeless resource center and homeless shelter text amendments pursuant to Petition No. PLNPCM2021-01033.

WHEREAS, on October 4, 2021, Mayor Erin Mendenhall (the “Mayor”) initiated a petition, Petition No. PLNPCM2021-01033, to consider, among other things, a text amendment to the *Salt Lake City Code* to prohibit new future homeless shelters or homeless resources centers in all zoning districts in the city;

WHEREAS, the Mayor initiated the petition pursuant to City ordinance, thereby, invoking the pending ordinance doctrine recognized by Utah Code Section 10-9a-509 to prohibit new homeless shelters and homeless resource centers in the city;

WHEREAS, in accordance with Utah Code §10-9a-502, the Salt Lake City Planning Commission (the “Planning Commission”) held a public hearing on January 12, 2022 to consider the request initiated by the Mayor to amend the Salt Lake City Code to prohibit new homeless shelters and homeless resource centers within the city;

WHEREAS, at the January 12th public hearing, the Planning Commission discussed amendments to the City’s land use regulations related to the homeless resource centers and homeless shelters, including whether to discontinue the allowance of homeless resource centers and homeless shelters as a conditional use in the city and the duration of such action, among other considerations;

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WHEREAS, at its January 12, 2022 hearing, the Planning Commission, expressing concern that there was no future plan for allowing homeless resource centers and homeless shelters in the city, voted to forward a negative recommendation on the proposal related to the petition before it;

WHEREAS, the Salt Lake City Council (the “City Council”) desires, for the time being, to prohibit new homeless shelters and homeless resource centers while the city conducts outreach necessary to inform the City Council in its desire to allow the use in the future pursuant to new regulations and allow additional time for the city’s professional staff to study and discuss alternative means for regulating the historically challenging land uses;

WHEREAS, the City Council expresses its intent to allow homeless resource centers and homeless shelters in the city in the future, and to further demonstrate the City Council’s intent the City Council finds that in the absence of a future new regulatory scheme that the City should amend Salt Lake City Code in a manner that would again allow homeless shelters and homeless resources in the CG General Commercial, D-2 Downtown Support, and D-3 Downtown Warehouse/Residential districts;

WHEREAS, in order to authorize homeless shelters and homeless resources in the aforementioned zones the City Council would need to make various changes to the city code as further detailed in Ordinance No. 15B of 2022;

WHEREAS, the City Council finds that adopting Ordinance No. 15B in conjunction with this Ordinance alleviates the concern that homeless resource centers and homeless shelters will be prohibited city wide for an indefinite period of time and provides for changes necessary to allow the land uses in the City in the absence of the creation of a new regulatory scheme;

WHEREAS, the City Council finds that Ordinances No. 15A of 2022 and 15B of 2022 should be adopted simultaneously with differing effective dates and act as a single transaction;

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WHEREAS, the City Council hereby requests that the Mayor engage her professional staff to conduct outreach, study means and methods for regulating uses similar to homeless shelters and homeless resource centers, and propose to the City Council at a future date a recommendation on regulatory scheme for homeless shelters and homeless resource centers; and

WHEREAS, the Salt Lake City Council finds, after holding a public hearing on this matter, that adopting this ordinance is in the city's best interests.

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

SECTION 1. Amending the Text of *Salt Lake City Code* Subsection 21A.33.010.C.

That Subsection 21A.33.010.C of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

C. Uses Not Permitted: ~~Any use specifically listed without a "P" or a "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district. Any use not specifically permitted or conditionally permitted~~ in the table of permitted and conditional uses for the specific zoning district is prohibited. Only uses listed as a "P" or a "C" in the table of permitted and conditional uses for a district shall be allowed where designated.

SECTION 2. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended to modify only the following rows in the table which shall read and appear in that table as follows:

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

| USE | CN | CB | CS ¹ | CC | CSHBD ¹ | CG | SNB |
|--------------------------|----|----|-----------------|----|--------------------|-----------------|-----|
| Homeless Resource Center | | | | | | C ²¹ | |
| Homeless Shelter | | | | | | C ²¹ | |

SECTION 3. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That the "Qualifying Provisions:" of Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be and hereby is amended to remove qualifying provision number "21" and designate qualifying provision 21 as "reserved" as follows:

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Qualifying Provisions:

~~21.—Subject to conformance with the provisions of section 21A.36.350 of this title, the City may not prohibit construction of a homeless resource center or homeless shelter if the site is approved by and receives funding through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division within the Department of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.~~

21.[Reserved.]

SECTION 4. Amending the Text of Salt Lake City Code Section 21A.33.050. That Section

21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended to modify only the following rows in the table which shall read and appear in that table as follows:

21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

| USE | D-1 | D-2 | D-3 | D-4 |
|--------------------------|-----|-----------------|-----------------|-----|
| Homeless Resource Center | | € ¹⁵ | € ¹⁵ | |
| Homeless Shelter | | € ¹⁵ | € ¹⁵ | |

SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.050. That the

“Qualifying Provisions:” of Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) shall be and hereby is amended to remove qualifying provision number “15” and designate qualifying provision 15 as “reserved” as follows:

Qualifying Provisions:

~~15.—Subject to conformance with the provisions of section 21A.36.350 of this title, the City may not prohibit construction of a homeless resource center or homeless shelter if the site is approved by and receives funding through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division within the Department of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.~~

15. [Reserved].

SECTION 6. Amending the Text of Salt Lake City Code Section 21A.36.350. That

Salt Lake City Code Section 21A.36.350 shall be and hereby is amended to read as follows:

21A.36.350: QUALIFYING PROVISIONS REGULATIONS FOR HOMELESS RESOURCE CENTERS OR AND HOMELESS SHELTERS:

A. A homeless resource center or homeless shelter located within the city shall comply with the following regulations. Any homeless resource center or homeless shelter approved as a

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conditional use shall comply with these regulations and the requirements of the approved conditional use. 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. 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.

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 and operations 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. 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 property, 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 to the City Council member in whose district the homeless resource center or homeless shelter is located, which includes the following information:

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(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 includes professional security personnel, 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 queuing take place within the footprint of the principal building and will not occur on any public street or sidewalk;

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.

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 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 includes windows and doors in sufficient quantities and locations that allow people inside the building to see all exterior areas of the site;

(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.

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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') high shall be provided along all interior side and rear lot lines and that complies with all required site distance triangles at driveways and walkways. Walls in excess of six feet (6') may be required as a condition of approval of a conditional use 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') 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.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.62.040. That Section

21A.62.040 of the *Salt Lake City Code* (Definitions of Terms) shall be and hereby is amended to modify the definition of “homeless resource center” and “homeless shelter” which shall read and appear as follows:

HOMELESS RESOURCE CENTER: ~~An establishment building or portion thereof~~ 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

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treatment; behavioral and mental health counseling; employment counseling; educational instruction, and vocational training.

~~HOMELESS SHELTER: An establishment building or portion thereof in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness. Any homeless shelter that began operation on or before January 1, 2016, may operate year round in accordance with section 10-9a-526 of the Utah Code.~~

SECTION 8. Effective Date. This Ordinance shall take effect on April 1, 2022.

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

_____, 2022.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2022.

Published: _____.