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OFFICER

Staff Report Memorandum December 14, 2023

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments to Title 21 of the Land Development Code related to Limiting Transitional Housing Facilities in the City CA09212023-0006626

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

On behalf of Sandy City, the Community Development Department is proposing to amend Title 21, *Land Development Code*, Chapter 8, Section 2, *Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts*, to limit Transitional Housing Facilities within the City. A "Transitional Housing Facility" is defined in the Land Development Code under Sec. 21-37-21(15)¹.

The proposed code amendment limits Transitional Housing Facilities with a conditional use permit to only one property in the RC – Regional Commercial District zone, at 8955 S. Harrison Street (Lot 3 of the Ark Subdivision). The specific amendment to the Land Development Code are included as Exhibit "A" (red-lined version) and Exhibit "B" (clean version).



Background

On September 19, 2023, the City Council directed staff to review and amend the City's land use regulations in a manner that would limit the number of "Transitional Housing Facilities" allowed in the City. Staff were directed to study the issue and bring back a recommendation for appropriate changes to the land use code for consideration and decision by the Council within 180 days. Following the City Council's direction, staff prepared a code amendment that limits Transitional Housing Facilities to only one property in the RC zone, with conditional use permit approval from the Planning Commission.

¹ *Transitional housing facility* means a facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization which provides non-congregate interim housing, on a referral (non-walkup) basis only, with on-site supportive services to persons experiencing homelessness for a total anticipated stay of no more than 24 months while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:

- a. A homeless shelter;
- b. A detached single family dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than 30 days; or
- c. A residential facility for persons with a disability.

Case History	
Case Number	Case Summary
CUP07282023-006576	Application for a Conditional Use Permit by property owner Shelter The Homeless to operate a Transitional Housing Facility for Medically Vulnerable People in the RC zone at 8955 S. Harrison St. The facility is a change of use from the previous 98-room hotel, formerly known as the Econo Lodge Inn & Suites. (09/07/2023)
Ord. No. 23-17 CA07282023-0006578	Code Amendment to Title 21, <i>Land Development Code</i> , Chapter 37, <i>Definitions</i> , Section 21, "T" <i>Definitions</i> , Subsection 15, " <i>Transitional Housing Facility</i> " to clarify that a Transitional Housing Facility provides non-congregate interim housing for no more than 24 months on a referral (non-walkup) basis only, with on-site supportive services to persons experiencing homelessness. (10/03/2023)

Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

Analysis

Currently, seven commercial zoning districts allow Transitional Housing Facilities, with conditional use permit approval from the Planning Commission. These include the CBD, CR-PUD, RC, BC, CC, CN(HSN), and LC zoning districts (see land use matrix under [Sec. 21-8-2](#)). In all other zones, Transitional Housing Facilities are not a permitted use.

The code amendment limits Transitional Housing Facilities to only one property, Lot 3 of the Ark Subdivision (see Exhibit "C"), in the RC zone with conditional use permit approval from the Planning Commission. In all other zones and all other properties within the RC zone, Transitional Housing Facilities will not be permitted.

Non-Conforming Uses

This code amendment would not create any non-conforming situations. There is one existing transitional housing facility in the City that was approved with a conditional use permit at 8955 S Harrison Street under case file CUP07282023-006576. The proposed code amendment would allow the existing Transitional Housing Facility for medically vulnerable people at 8955 S Harrison Street to remain without becoming a non-conforming use, but it would prohibit any new Transitional Housing Facility from being established elsewhere in the city.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City’s General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*

- d. To enhance the economic well-being of Sandy City and its inhabitants.*
- 2. Implementation of General Plan**
To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
- 3. Comprehensive, Consistent and Equitable Regulations**
To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
- 4. Efficiently and Effectively Managed Procedures**
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.*
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes fair procedures that are efficient and effective in terms of time and expense; facilitates the orderly growth and development of Sandy City; and is consistent with the Sandy City General Plan.

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, relating to limiting Transitional Housing Facilities in the City, as shown in Exhibit "A", based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety, and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Melissa Anderson

Zoning Administrator

Exhibits:

- A. Proposed code amendments (red-lined version)
- B. Proposed code amendments (clean version)
- C. Ark Subdivision Plat

File Name: S:\USERS\PLN\STAFFRPT\2023\CA09212023-0006626 LIMIT TRANSITIONAL HOUSING FACILITIES\STAFF REPORT\STAFF REPORT - LIMIT TRANSITIONAL HOUSING FACILITIES CODE AMEND.FINAL.DOCX

CHAPTER 21-8. - LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS

Sec. 21-8-2. Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.

(a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ⁽¹⁾, refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

Land Use Category	C B D	C B D -P	C B D -O	C B D -A & C	C R - P U D	RC	B C	C C	C N	C v C	C N (H S N)	H B D	L C	P O	I D	A M (D e a l e r s h i p s)	A M (C o m m e r c i a l)	M U	T C	R D
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	€ N	N	N	N	€ N	C ²⁶	€ N	€ N	N	N	€ N	N	€ N	N	N	N	N	N	N	N

(c) *Explanatory Notes for Land Use Matrix.*

26. A maximum of one Transitional Housing Facility may be allowed as a conditional use on Lot 3 of the Ark Subdivision.

CHAPTER 21-8. - LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS

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(b) *Table of Uses.*

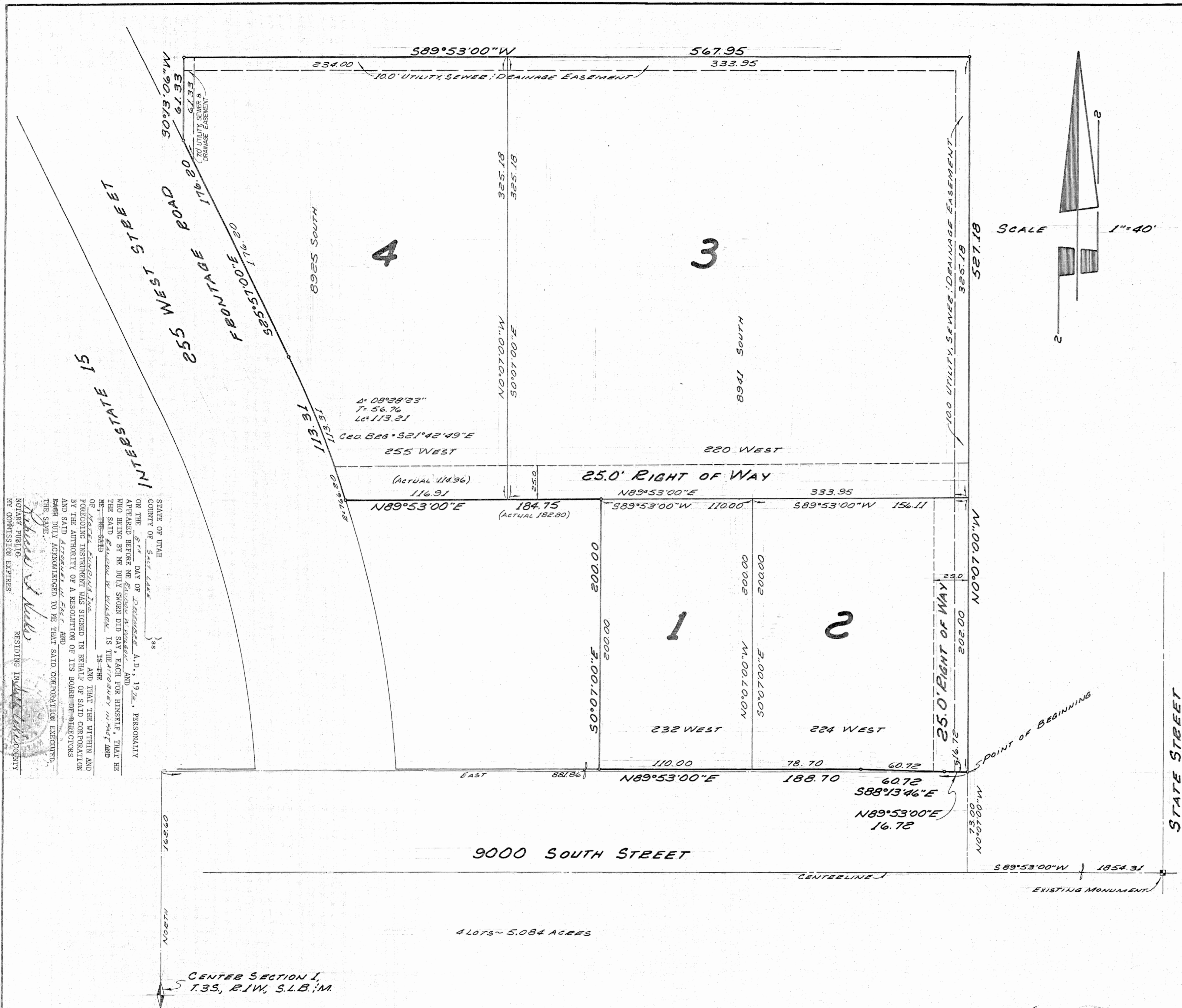
Land Use Category	C B D	C B D -P	C B D -O	C B D -A & C	C R - P U D	RC	B C	C C	C N	C v C	C N (H S N)	H B D	L C	P O	I D	A M (D e a l e r s h i p s)	A M (C o m m e r c i a l)	M U	T C	R D
Transitional housing facility (must comply with development standards for that zone (i.e., setback, height, bulk, min./max. square footage))	N	N	N	N	N	C ²⁶	N	N	N	N	N	N	N	N	N	N	N	N	N	N

...

(c) *Explanatory Notes for Land Use Matrix.*

...

26. A maximum of one Transitional Housing Facility may be allowed as a conditional use on Lot 3 of the Ark Subdivision.



SURVEYOR'S CERTIFICATE
 I, G. BARRIE MAKIN do hereby certify that I am a Registered Civil Engineer, and/or Land Surveyor, and that I hold Certificate No. 4384, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as ARK SUBDIVISION

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

COURSE	DIST.	REMARKS
BEGINNING ON THE NORTH EIGHT OF WAY LINE OF 9000 SOUTH STREET SAID POINT ALSO BEING NORTH 1626.00 FEET AND EAST 881.86 FEET FROM THE CENTER OF SECTION 1, T.35, R.1W, S.1B, M AND RUNNING THENCE:		
N0°07'00"W	527.18	FEET, THENCE
S89°53'00"W	567.95	" "
S0°43'06"W	61.33	FEET, TO THE EAST LINE OF 240 WEST STREET; THENCE ALONG SAID EAST LINE
S25°57'00"E	176.20	FEET, THENCE ALONG A 766.20 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS 364°03'00"W 766.20 FEET)
	113.31	FEET, THENCE
N89°53'00"E	184.75	" "
S0°07'00"E	200.00	" "
N89°53'00"E	188.70	" "
S89°53'46"E	60.72	" "
N89°53'00"E	16.72	FEET, TO THE POINT OF BEGINNING.

DATE 10-26-76
GARDNER ENGINEERING ASSOCIATES
 OWNER'S DEDICATION

Know all men by these presents that HE, the undersigned owner () of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

ARK SUBDIVISION
 do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.
 In witness whereby HE have hereunto set HIS HANDS this 8th day of DECEMBER A.D. 19 76

INTERMOUNTAIN HOLDING COMPANY
Raymond C. Bowers
 GENERAL PARTNER

MOTEL FUNDING, INC.
 BY: Randon W. Wilson
 RANDON W. WILSON
 ATTORNEY IN FACT

ACKNOWLEDGMENT
 STATE OF UTAH
 County of UTAH } S.S.

On the 8th day of DECEMBER A.D. 19 76, personally appeared before me, the undersigned Notary Public, in and for said County of SALT LAKE in said State of Utah, the signer () of the above Owner's dedication, 1 in number, who duly acknowledged to me that HE in number, who freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES 10/14/79
Rebecca S. Hicks
 NOTARY PUBLIC
 RESIDING IN SALT LAKE COUNTY

ARK SUBDIVISION
 A SUBDIVISION LOCATED IN SECTION 1, T.35, R.1W, S.1B, M
 SALT LAKE BASE & MERIDIAN

STATE OF UTAH
 COUNTY OF SALT LAKE
 I, Rebecca S. Hicks, Notary Public for said County of Utah, do hereby certify that I am duly qualified and authorized to perform the duties of my office, and that the within and foregoing instrument was signed in behalf of said corporation and said Raymond C. Bowers in fact and Randon W. Wilson in fact and that the same were duly acknowledged to me in accordance with the laws of the State of Utah.

PLANNING COMMISSION APPROVED THIS <u>21st</u> DAY OF <u>January</u> A.D. 19 <u>77</u> BY THE <u>Calvin E. Moore</u> CHAIRMAN, CITY PLANNING COMM.	BOARD OF HEALTH APPROVED THIS <u>19th</u> DAY OF <u>November</u> A.D. 19 <u>76</u> <u>Leland S. Johnson Jr.</u> DIRECTOR, CO. BOARD OF HEALTH	FLOOD CONTROL DEPT. APPROVED THIS <u>18th</u> DAY OF <u>November</u> A.D. 19 <u>76</u> <u>OT Parker</u> FLOOD CONTROL COORDINATOR	ENGINEER'S CERTIFICATE I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. <u>12/30/76</u> <u>Philip L. Palmer</u> DATE SANDY CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>18th</u> DAY OF <u>January</u> A.D. 19 <u>77</u> <u>R. J. Hill</u> CITY ATTORNEY	CITY COUNCIL PRESENTED TO THE BOARD OF SANDY CITY COUNCILORS THIS <u>21st</u> DAY OF <u>January</u> A.D. 19 <u>77</u> AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. <u>Attest:</u> CITY CLERK <u>Mayor</u>
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RECORDED # 2902042
 STATE OF UTAH, COUNTY OF Salt Lake
 RECORDER AND FILED AT THE REQUEST OF Western States Title Co.
 DATE Jan. 25, 1977 TIME 2:42 p.m. BOOK 77-1 PAGE 20
 FEE \$ 312.00
Maureen W. Hansen COUNTY RECORDER

77-1-20