



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: March 21, 2023
FROM: Mike DeSimone, Director
SUBJECT: Ordinance #23-10 (LDC Amendments – Public Zones – Homeless Shelter)

Summary of Planning Commission Proceedings

Project Name: Public Zones – Homeless Shelter
Request: Code Amendment
Project Address: Citywide
Recommendation of the Planning Commission: **Approval**

On March 9, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.13 “Public Zones,” Chapter 17.14 “Public Zones Uses,” Chapter 17.15 “Public Zone Development Standards,” and Chapter 17.62 “Definitions.”

Planning Commissioners vote (5-0):

Motion: J. Guth

Second: E. Peterson

Yea: J. Guth, R. Croshaw, D. Lewis, E. Peterson, K. Heare

Abstain: none **Nay:** none

Attachments

Ordinance #23-10

Staff Report

PC Meeting Minutes

CITY OF LOGAN, UTAH
ORDINANCE NO. 23-10

**AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF
LOGAN CITY, UTAH**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH AS
FOLLOWS:

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.13 "Public Zones" are amended as attached hereto as Exhibit A.

SECTION 2: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.14 "Public Zones Uses" are amended as attached hereto as Exhibit B.

SECTION 3: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.15 "Public Zones Development Standards" are amended as attached hereto as Exhibit C.

SECTION 4: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.62 "Definitions" are amended as attached hereto as Exhibit D.

SECTION 5: This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ____ DAY OF _____, 2023.

AYES:

NAYS:

ABSENT:

Ernesto López, Chairman

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ____ day of _____, 2023.

Ernesto López, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2023.

Holly H. Daines, Mayor

EXHIBIT A

Chapter 17.13: Public Zones

§17.13.010. Public Zones Established

The following districts are established as Public base zoning districts:

- A. Public (PUB).
- B. Recreation (REC).

§17.13.020. Public Zone (PUB)

- A. The purpose of the Public Zone is to classify lands which are publicly owned, and on which public facilities, public schools, or other existing or identified publicly-owned facilities or uses are located. These areas serve many functions including providing opportunities for education, cultural enhancements, indoor and outdoor recreation, and general governmental functions.
- B. The Public zone is appropriate for publicly owned lands such as lands owned by public utilities, schools, Utah State University, Logan City, Cache County, the State of Utah, and other public and non-profit organizations. Utah State University properties are zoned Public; however, these state-owned lands are exempt from local zoning requirements. Private projects on University lands may be subject to City development standards and permitting requirements.
- C. The Public zone is appropriate for facilities or uses owned and managed, either by a public entity or by a non-profit entity, that are unique, may be incompatible with a wide range of uses, are very site specific in terms of their location, and because of the unique nature of their intended use, function, and purpose, do indirectly serve and benefit the broader public.



§17.13.030. Recreation Zone (REC)

- A. The purpose of the Recreation zone is to preserve and enhance public and private open, natural, and improved park and recreational areas, and to implement recreation and resource sustainability provisions of the General Plan.
- B. The Recreation zone is intended to be applied to publicly-owned parks and recreation facilities as well as publicly owned open space. The classification may also be used conditionally for privately



owned recreation facilities, such as a golf course, recreation vehicle park, or campground.

EXHIBIT B

Chapter 17.14: Public Zones Uses

§17.14.010. Primary Land Uses

Table 17.14.050 lists the primary uses allowed within the Public zones.

§17.14.020. Residential Structure Types

Mobile homes and other types of dwelling units used as on-site housing for security guards or caretakers shall be allowed in the Public zones if approved in accordance with the conditional use permit procedures of Chapter 17.42. Only one such dwelling shall be allowed per lot.

§17.14.030. Accessory Uses

Accessory uses shall be permitted within Public zones if they comply with all development standards of this title. Accessory uses and structures shall not be established before the primary use or structure is established.

§17.14.040. Temporary Uses

Temporary uses shall be permitted within the Public zones for a period not to exceed twelve calendar months in compliance with the provisions of this Chapter and all development standards of this title.

Table 17.14.050: Allowed Uses in Public Zones

Land Use	Zones	
	PUB	REC
Residential Uses		
Assisted Living Center	N	N
Nursing Home, Convalescent Home	N	N
Caregiver, Certified NA or CA	N	N
Residential Treatment Programs where care, training, or treatment IS provided on-site.	N ²	N ²
Residential Group Homes for individuals with disabilities.	N ²	N ²
Residential Group Homes (communal living exceeding occupancy limits).	N ²	N ²
Dormitories, Fraternities, Sororities	C	N
Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals.	N ¹	N ¹
Institutional Uses		
Colleges, Universities, or Technical Schools	C	N
Trade, vocational, or commercial schools	C	N
Community Services	C	N
Family Day Care	C	N
Family Group Care	C	N
Commercial Day Care	C	N
Hospital	N	N

17.14: Public Zone Uses		
Land Use	Zones	
	PUB	REC
<u>Behavioral and Mental Health Receiving Center</u>	<u>C</u>	<u>N</u>
<u>Homeless Resource Center</u>	<u>C</u>	<u>N</u>
<u>Homeless Shelter</u>	<u>C</u>	<u>N</u>
Parks and Open Areas	P	P
Religious Institutions	<u>NC</u>	N
Safety Service	P	C
Public Schools (K-12)	State law supersedes local zoning regulations	
Private schools (K-12)	N	N
Utility Uses		
All Public and Commercial Wireless, Radio, Television, and Telecommunication Towers and Facilities.	C	C
Amateur radio towers	C	C
Utilities, basic service delivery	P	P
Utilities, distribution network	C	C
Utilities, structures, physical facilities (Regional Facilities)	C	C
Municipal water well, reservoir, or storage tank	C	C
Commercial Uses		
Major Entertainment Events	N	C
Office – general government only	P	P
Commercial Parking	C	N
Outdoor Recreation and Entertainment	C	C
Golf course	C	C
RV Parks	N	C
Tent campground	N	C
Miniature golf course and accessory recreation	N	C
Sales and service, including food service, permitted in either the Public or Recreation zones as a Conditional Use and provided they are accessory to a primary public or recreation use.	C	C
Railroad or bus passenger station	C	C
Tennis swimming or other recreation, private indoor	C	C
Theaters	N	P
Electric charging facilities for vehicles (no petroleum) in conjunction with a primary use.	P	P
Industrial Uses		
Storage yard of heavy equipment	P	P
Storage of sand, gravel, earth, stone, pipe, conduit, electrical equipment, wire, etc., or other materials related to governmental service provision	P	P
Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material	C	C
Recycling drop off containers	C	C

17.14: Public Zone Uses		
Land Use	Zones	
	PUB	REC
Enclosed Wrecking or Salvage Facilities	C	N
Other Uses		
Agricultural uses and activities	P	P
Air Passenger Terminals	P	N
Detention Facilities	C	N
Alternative or Post Incarceration Facilities	N	N
Mineral Resource Production, Processing, Storage	C	C
Rail Lines	P	P

¹ One residential dwelling may be conditionally permitted for a caretaker or security personnel.

² Indicates use may be allowed where State or Federal law preempts local zoning.

EXHIBIT C

Chapter 17.15: Development Standards: Public Zones

§17.15.010. Purpose

- A. The purpose of this Chapter is to provide unified development standards for Logan's Public zones; to promote streamlining of development review; and to ensure consistency and provide flexibility in site design consistent with Logan's General Plan.
- B. These standards apply to all development proposals in Logan's Public zones. Some Sections may not be applicable to certain types of development, as specified by this Code. Where an interpretation of applicability is required, the Director shall make the interpretation or elevate the decision to a decision body.
- C. Design Review and Decision Criteria.
Development proposals which comply with the standards in this Chapter shall be reviewed as Track 1 Design Review decisions, in accordance with Chapter 17.43. Such projects do not involve adjustments. The standards listed in the sections below are the review criteria for Track 1 decisions. Development proposals which include one or more adjustments, and/or include requests requiring a public hearing, shall be reviewed as Track 2 Design Review decisions. Where adjustments are requested, the adjustments criteria in the sections below are the applicable decision criteria.

§17.15.020. Land Use

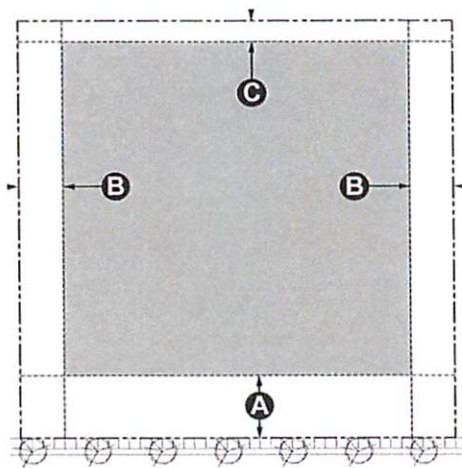
Land uses shall conform to the provisions of Chapter 17.14.

§17.15.030. Siting

Siting standards provide for consistent setbacks along street frontages, allow for light between buildings, provide compatibility with adjacent uses, and allow for adequate vehicular parking while efficiently using land resources, consistent with the purpose of each zone.

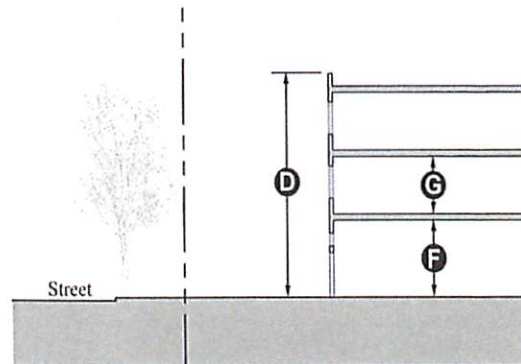
§17.15.040. Procedures for Review and Approval

All proposed developments shall be processed and reviewed in accordance with the review and approval processes outlined in this Title. Building design and placement shall be reviewed Design review

§17.15.050. Public Zone and Recreation Zone Development Standards

Street

Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max) NA

Site

Lot coverage (max) 50%

Setbacks

A	Front (min)	20'
B	Side (min)	20'
C	Rear (min)	10'
	Parking (min)	20'
	Location	Rear or Side

Setbacks for Outdoor Activities Facilities – See Other Standards below

Building Form**Building Heights**

D	Height (max)	35'
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See Height Exceptions.

Floor Heights

F	Ground Floor (min)	12'
G	Upper Floors (min)	9'

Building Design

Building design shall follow the commercial design standards in Chapter 17.12.

Land Set Asides

Not Applicable except for Recreational Vehicle Parks which require 20% open space.

Outdoor Activity Setbacks

Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds

must be set back 50 feet from abutting neighborhood zones. Playground facilities must be set back 25 feet from abutting neighborhood and corridor zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts an adjacent outdoor activity in another zone (e.g. a school yard in an abutting Neighborhood zone) the required setback is reduced to 10 feet.

Proximity Limitations: Homeless Shelter, Homeless Resource Center, Behavioral and Mental Health Receiving Center

A homeless Shelter, Homeless Resource Center, or Behavioral and Mental Health Receiving Center shall not be located within 300' of a community location (public or private school, public park, public playground, daycare, nursery, or library) or residentially zoned property.

Height Exceptions

The following may exceed the maximum height limit by ten (10) feet: water towers; utility poles; solar collectors, louvers, and reflectors; penthouse structures for elevators, stairways, HVAC facilities, or; skylights; steeples; flagpoles; chimneys; silos and barns. Utility poles, public safety facilities and recreational facilities may exceed the 45' height limit with a Conditional Use Permit.

EXHIBIT D

Chapter 17.62: Definitions

The definitions of words in this chapter are established as specific meanings for this Title only. Words with specific meaning in the Land Development Code are as follows:

“Behavioral and Mental Health Receiving Center” means a 23 hour nonsecure program or facility that is responsible for, and provides mental health crisis services to, an individual experiencing a behavioral or mental health crisis.

“Community Service” means a use of a public, a nonprofit, or a charitable nature providing a local service to people of the community. Generally, the service is provided onsite or there are employees at the site on a regular basis. The service is always ongoing and not for special events. The use may provide special counseling, education, or training of a public, nonprofit or charitable nature. “Community service” does not include facilities or uses which house or serve adjudicated youth offenders, proctor homes, group homes serving as transitional facilities for criminally convicted persons, or other group homes as defined by State or Federal law or regulations (see “group home”). **“Community service” does not include homeless shelters, homeless resource centers, or behavioral health receiving centers. A warming center that provides temporary, seasonal, overnight refugee during the winter months is considered a “community service” as defined in this Chapter.**

“Homeless Person” means a person without permanent housing.

“Homeless Resource Center” means an establishment in which co-located supportive services such as sleeping, bath, eating, laundry facilities, and house 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; education instruction; and vocational training.

“Homeless Shelter” means an establishment in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness. A “homeless shelter” is different than a “warming center” as it not tied to temporary, cold weather/winter conditions.



Project #23-017
Public Zone – Homeless Shelter
Land Development Code Amendment

REPORT SUMMARY...

<i>Project Name:</i>	Public Zone – Homeless Shelter
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	March 9, 2023
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.13, 17.14, 17.15 and 17.62 of the Land Development Code.

REQUEST

This is a proposal to update the LDC definitions to include Behavioral and Mental Health Receiving Center, Homeless Resource Center, and Homeless Shelter, include changes to the definition of a Community Service to exclude these types of uses, and update the intent, list of uses, and the development standards within the Public Zone.

SUMMARY OF CHANGES

17.13.020 Public Zone – added a third category broadening the intent/purpose of the Public Zone to allow for a broader range of public or non-profit types of uses and activities, especially those discussed in this code amendment, that may not be appropriate in all zones or locations in the City. The proposed language is as follows:

- C. The Public zone is appropriate for facilities or uses owned and managed, either by a public entity or by a non-profit entity, that are unique, may be incompatible with a wide range of uses, are very site specific in terms of their location, and because of the unique nature of their intended use, function, and purpose, do indirectly serve and benefit the broader public.*

17.14 Public Zones Uses – added Behavioral and Mental Health Receiving Centers, Homeless Resource Centers, Homeless Shelters, and Religious Institutions as Conditional Uses in the Public Zone.

17.15.050 Public Zone Development Standards – added a proximity standard for Homeless Shelters, Homeless Resource Centers, and Behavioral and Mental Health Receiving Center. The proposed language is as follows:

A homeless Shelter, Homeless Resource Center, or Behavioral and Mental Health Receiving Center shall not be located within 300' of a community location (public or private school, public park, public playground, daycare, nursery, or library) or residentially zoned property.

17.62 Definitions – added definitions for Behavioral and Mental Health Receiving Center, Homeless Resource Center, and Homeless Shelter. Also updated the definition of Community Service to specifically exclude those three uses but specifically include a “Warming Center” in the definition of a Community Service. The proposed language is as follows:

“Behavioral and Mental Health Receiving Center” means a 23 hour nonsecure program or facility that is responsible for, and provides mental health crisis services to, an individual experiencing a behavioral or mental health crisis.

*“Community Service” means a use of a public, a nonprofit, or a charitable nature providing a local service to people of the community. Generally, the service is provided onsite or there are employees at the site on a regular basis. The service is always ongoing and not for special events. The use may provide special counseling, education, or training of a public, nonprofit or charitable nature. “Community service” does not include facilities or uses which house or serve adjudicated youth offenders, proctor homes, group homes serving as transitional facilities for criminally convicted persons, or other group homes as defined by State or Federal law or regulations (see “group home”). “Community service” does not include homeless shelters, homeless resource centers, or behavioral health receiving centers. **A warming center that provides temporary, seasonal, overnight refugee during the winter months is considered a “community service” as defined in this Chapter.***

“Homeless Resource Center” means an establishment in which co-located supportive services such as sleeping, bath, eating, laundry facilities, and house 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; education instruction; and vocational training.

“Homeless Shelter” means an establishment in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness. A “homeless shelter” is different than a “warming center” as it not tied to temporary, cold weather/winter conditions.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to 17.13, 17.14, 17.15 and 17.62 update the LDC definitions for Behavioral and Mental Health Receiving Centers, Homeless Resource Centers, Homeless Shelters, and Community Services, the intent, list of uses, and the development standards within the Public Zone. The current LDC is unclear as to whether a receiving center, homeless resource center or homeless shelter are currently permitted anywhere in Logan and in what specific zone. By expanding the intent/purpose of the Public Zone to include non-profit types of activities, the City is able to leverage the legislative process of a rezone to evaluate the appropriateness of prospective sites for a receiving center, homeless shelter or homeless resource center, adequately notify the community, and encourage participation in the review & approval process.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the vision of, and are consistent with, the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment. Public comments received prior to the preparation of this report will be included as an attachment. Any other comments will be forwarded to the Planning Commission.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 2/25/23, posted on the City's website and the Utah Public Meeting website on 2/27/23, and noticed in a quarter page ad on 2/23/23.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, no comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to the Public Zones clarify the purpose of the zone and enable the placement of a facility serving the homeless population or those seeking crisis services for behavioral and/or mental health.
5. No public comment has been received regarding the proposed amendments.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.