

Chapter 21A.50 Amendments

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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.

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.

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.~~

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-Petition Required: An application petition shall be made to the zoning administrator on a form or forms provided by the 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~~ Contact information, including address, phone, and email of the property owners or the property owner's authorized representative;
2. ~~Street address and legal description of the property~~ Legal description, address, and property tax identification number of the properties that are the subject of the proposed petition;

3. ~~A complete description of the proposed use of the property where appropriate~~ Property owner signature or signed acknowledgment authorizing a designee to submit the petition.;
4. ~~Site plans drawn to scale (where applicable); and~~ A description of the proposed modification to the zoning map and justification for the proposal. Any proposed amendment to the text of this code shall include the exact text and citation of the proposed location within the zoning ordinance. Text that is proposed to be added shall be underlined and text that is proposed to be deleted shall be shown with a strikethrough line.
5. ~~Related materials or data supporting the application as may be determined by the applicant and the zoning administrator~~ Maps that show the current use of the subject property and adjacent properties.
6. For residential properties, the following information must be provided:
 - a. The current or prior number of dwellings;
 - b. Square footage and number of bedrooms for each dwelling unit;
 - c. The current cost of rent and the cost of rent for the previous 36 months;
 - d. The total number of people residing on the property.
7. For nonresidential properties, the following information must be provided:
 - a. Details on the nature of the existing and prior use;
 - b. Square footage of the leasable area;
 - c. Detailed list of current or prior occupants;
 - d. The current cost to lease and the cost to lease for the previous 36 months.
8. A written general description of any future development that is planned for the property including the anticipated use, density, scale of development, timing of development, the anticipated impact to existing land uses and occupants of the land subject to the proposal, and any additional land use petitions that may be anticipated to develop the site. Visual renderings and basic site plans may be provided by the applicant.
9. A written description regarding any proposed community benefits, 21A.50.050.C. The description shall adequately describe the necessary details to demonstrate that the proposed community benefit is roughly proportionate to the potential increase in development right if the proposed amendment were to be adopted.

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.~~

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~~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. After the petition is submitted and fees are paid, the Planning Director shall review the materials submitted with the petition to determine if all materials have been submitted. If a required item is missing or deficient, the petitioner shall be notified of the deficiency and be given 30 days to submit the missing information or correct the deficient material. If not submitted within 30 days, the petition may be considered withdrawn and closed. A refund of any required fees will be provided minus the cost to review the petition for completeness.~~

D. Public notice and process shall follow the requirements of 21A.10 and as required in Utah Code Section 10-9a.

E. 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.

F. 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. The following provisions apply for petitions to amend the zoning map that are requesting to applying the Homeless Resource Center Overlay District:

1. The planning commission may hold a public hearing during the required 45-day public notification period required in Section 2.60.050 of the Salt Lake City Code for zoning map amendments to apply the Homeless Resource Center Overlay District. No recommendation shall be made by the planning commission during the 45-day notification period.
2. During the 45-day public notification period, the petitioner shall arrange an opportunity for people who are experiencing homelessness to provide input on the proposed location of the Homeless Resource Center Overlay District.
3. Notice of the public hearing shall be sent via first class mail to property owners and tenants within 450 feet of the proposed boundaries of the petition to map the Homeless Resource Center Overlay District.
4. The petition shall be scheduled for a recommendation from the planning commission at the first regularly scheduled commission meeting following the end of the 45-day notification period.

G. 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.

H. 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 within 90 days of receipt of the administration's transmittal.

I. City Council Decision: Following the hearing, the city council within a reasonable time frame 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, ~~without new notice and hearing~~ than was contained in the public notice.

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~~ applicable 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.
5. The impact that the proposed text amendment may have on city resources necessary to carry out the provisions and processes required by this title.
6. The impact that the proposed text amendment may have on other properties that would be subject to the proposal and properties adjacent to subject properties.
7. The community benefits that would result from the proposed text amendment, 21A.50.050.C.

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 and helps implement 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~~ applicable purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect adjacent and nearby properties due to the change in development potential and allowed uses that do not currently apply to the property;
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 potential impacts on the City to provide safe drinking water, storm water, and sewer to the property and other properties based on the additional development potential of future development including any impact that may result in exceeding existing or planned capacities that may be located further away from the subject property.

6. The status of existing transportation facilities, any planned changes to the transportation facilities, and the impact that the proposed amendment may have on the city's ability, need, and timing of future transportation improvements.

7. The proximity of necessary amenities such as parks, open space, schools, fresh food, entertainment, cultural facilities, and the ability of current and future residents to access these amenities without having to rely on a personal vehicle.

8. The potential impacts to public safety resources created by the increase in development potential that may result from the proposed amendment.

9. The potential for displacement of people who reside in any housing that is within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.

10. The potential for displacement of any business that is located within the boundary of the proposed amendment and the plan offered by the petitioner to mitigate displacement.

11. The community benefits that would result from the proposed map amendment, 21A.50.050.C.

C. Community Benefit. Each petition for a zoning amendment that is initiated by a private property owner shall identify a community benefit(s) provided by the proposal that would not otherwise be provided without the amendment as provided for in this section.

1. The proposed community benefit(s) shall be within any of the following categories:

a. Providing housing that aligns with the current or future needs of the community as determined by the General Plan. Needs could include the level of affordability in excess of the number of dwellings that exist on the site, size in terms of number of bedrooms, or availability of housing for purchase;

b. Providing commercial space for local businesses;

c. Providing a dedication of public open space;

d. Providing a dedication or other legal form of protection from future development of land that is adjacent to a river, creek, wetland, floodplain, wildlife habitat, or natural lands;

e. Preserving historic structures;

f. Expanding public infrastructure that expands capacity for future development.

2. The proposed community benefit may be evaluated based on the following, if applicable:

a. For proposals that are intended to increase the housing supply, the level of affordability of the additional density that may be allowed if the proposal were to be adopted;

b. The percentage of space allocated to commercial use compared to the total ground floor area that could be developed on the site;

c. The size of the public open space compared to the total developable area of the lot, exclusive of setbacks, required landscaped yards, and any open space requirement of the proposed zoning district;

d. The relative size and environmental value of any land that is to be dedicated;

e. The historic significance of the structures proposed to be preserved;

f. The amount of development that could be accommodated due to the increase in public infrastructure capacity compared to the general need for the area;

g. The input received related to the community benefit during the 45-day engagement period;

h. Policies in the general plan that support the proposed community benefit.

3. The community benefit shall be subject to public input as part of the required 45-day public input period.

4. The planning commission may make a recommendation to the city council regarding accepting the proposed public benefit.

5. The city council has final authority regarding requiring a public benefit. The city council may accept the proposed public benefit, modify the benefit, require a different public benefit, or waive the public benefit based on the merits of the proposal.

6. Any future development where a public benefit is required shall be subject to a development agreement to ensure that the agreed upon public benefit is provided prior to a certificate of occupancy being issued for any building within the future development.

7. A violation of the development agreement that includes not providing the agreed to public benefit shall require the property owner to pay a fine that is equal to the fair market value of the public benefit in the development agreement plus the fines identified in 21A.20.040.

D. Displaced Tenants Resulting from Demolition of Housing: If a proposed amendment submitted by a property owner includes the likely demolition of any dwelling, the city council may require the petitioner to provide relocation assistance for the current tenant(s), or a replacement dwelling as required by this section for each demolished dwelling within a future development.

1. This subsection may be applied by the city council when a proposal for a property owner initiated zoning map amendment is likely to result in an existing housing unit being demolished due to the increase in development rights that may result from the proposed amendment.

2. For the purpose of this section, any term that is used in the singular shall be interpreted to include the plural of the term.

3. A petitioner may not terminate a lease or evict a tenant for the purpose of evading the obligation to provide tenant relocation assistance and other requirements set forth in this section.

4. Tenant Relocation Assistance:

When a petition is likely to result in the demolition of a dwelling unit, the property owner may be required to provide the tenant with relocation assistance to supplement the costs of leasing a comparable replacement dwelling. The rental relocation assistance includes the following:

- a. Moving expenses based on a reasonable estimate provided by the tenant, up to a maximum of \$1,500.
- b. Application fees for the replacement housing.
- c. The deposit that the displaced tenant would have to pay to secure replacement housing.
- d. Monthly Rental Assistance Payment. The rental assistance payment is based on the difference, if any, between the cost of the monthly rent of the demolished housing and a comparable unit. The rental payment total amount paid shall not be more than \$7,200.
- e. If the property owner relocates the displaced tenant into an existing unit that is owned by the applicant at the same rental rate the displaced tenant was paying and without an additional applicant fee or deposit, then paragraphs b, c, and d do not apply.
- f. Any and all payments should be received by the tenant 24 hours in advance of leaving the unit to be demolished.
- g. Tenant Relocation Assistance Exemptions: If the project is receiving identified federal funds and subject to the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, 42. U.S.C 4601-4655. The relocation assistance rules for the developer/tenant under that act will govern and the Tenant Relocation Assistance outlined in this section will not apply. The developer shall inform the city if they are subject to URA and details of assistance to be provided. Tenants who receive tenant relocation assistance from this section are not eligible to receive relocation benefits from the City.

E. Demolished Units to be Replaced. The future development shall be required to replace the demolished housing unit within the new development. The replacement housing unit shall have the same number of bedrooms, rented at the same amount as the demolished unit with no more than a 3% annual increase on the rental rate for 20 years.

F. If a housing unit demolished at any time during the five years prior to the petition for a plan amendment being submitted or is placed on the city's boarded building inventory, the city council may require this section to apply to tenants that were displaced by the demolition.

21A.50.055: 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 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 District.

1. Development plans meeting the requirements of Chapter 21A.58 and the following additional detail:

a. The plans 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 Section 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. 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 provides 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 homeless resource centers.

6. Data provided by the State Homeless Management Information System and the SL Valley Coalition to end homelessness regarding similar uses in Salt Lake County, 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 to the extent that the information is available.

7. Data regarding the total number of beds available to people experiencing homelessness and the estimated number of people currently experiencing homelessness to the extent that the information is available.

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 Chapter 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 County.
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 is at least a mile from other homeless resource centers.
6. The effectiveness of the security and operations plan provided by the petitioner to address impacts created by the homeless resource center.
7. Equity between different neighborhoods in providing homeless resource centers 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 are located by a government entity or authorized by a government entity and that are not subject to the land use regulations of the city.
8. Demonstrated compliance with the requirements of Section 21A.36.350.

21A.50.060: LIMITATION ON AMENDMENTS:

A. ~~No application petition~~ 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 except as provided in this section. 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.

~~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.~~

B. If the petitioner chooses to modify a petition after the planning commission has made a recommendation, the petitioner may withdraw the application and submit a new application, including the required fee, and start a new process as required by this chapter.

C. A modification to a petition that increases the density or development potential in relationship to the original proposal prior to the planning commission recommendation shall start the public engagement process over.

D. A petition that is denied by the city council may not be resubmitted for a period of one year from the date of the decision to deny the petition unless the petition proposes a more restrictive zoning district.

E. A petition for a text amendment that is denied by the city council shall not be resubmitted for a period of three years from the date of denial if the petition is substantially the same as the petition that was denied.

F. A petition that is withdrawn for reasons other than those listed in this section and before the first public hearing is held shall be closed with no action. Once a petition is closed after it is withdrawn, it cannot be reopened, and a new application will be required.

~~CG. 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.50.065: DEVELOPMENT AGREEMENTS.

- A. The city council may consider applying requirements through an appropriate legal agreement with a petition for a zoning amendment when the city 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. Agreements that constrain the development potential or land uses of the subject property compared to what is authorized in the proposed zoning district are not required to be reviewed by the planning commission prior to consideration of the agreement.
- B. The petitioner shall enter into a development agreement with the city if the city council requires any or all of the following: community benefit(s), tenant relocation assistance. The development agreement shall include the following information.
 1. The details of the public benefit, relocation assistance or any other requirement of the city council in sufficient detail to ensure that the requirements of the development agreement can be administered and enforced for the life of the agreement.
 2. Direction regarding how the development agreement will be enforced, including necessary notice of any violation, a timeframe for curing the violation, penalties for any violation that may be assessed if the violation is not cured, and any other necessary provisions to ensure that the agreement is followed.
- C. The timeframe that the development agreement shall be effective and a provision that automatically terminates the development agreement after the timeframe expires.
- D. The development agreement shall be recorded on the title of the property with the Salt Lake County Recorder as well as on the title of any other property that is part of the property community benefit, tenant relocation assistance, or other requirement imposed by the city council.

21A.50.070: 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.