



COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council

FROM: Nick Tarbet, Public Policy Analyst

DATE: November 5, 2015 1:24 PM

RE: Assisted Living and Other Similar Facilities
Zoning Text Amendment

PROJECT TIMELINE:

Briefing: 11/10/2015

SetDate: 10/20/2015

Public Hearing: 11/17/ 2015

**Potential Action: 12/1/2015,
Clearline**

Legislative Sponsor: **Not Required - Council Initiated**

ISSUE AT-A-GLANCE

The Council will be briefed on a proposal that would amend definitions for assisted living and other **similar facilities and amend the City's land use tables to allow assisted living facilities in more zoning districts**. These changes will align City zoning definitions with state law and will remove duplicate information. The amendment will also address the temporary land use regulation, adopted on June 16, 2015, pertaining to facilities that provide end of life care and respite care.

ADDITIONAL INFORMATION

The petition before the Council has two main parts:

1. PLNPCM2014-00388 - **proposed changes that would amend the City's assisted living facilities definitions to be consistent with Utah State Code and amend the City's land use tables to allow assisted living facilities in the Downtown and Gateway zoning districts.**
2. Temporary land use regulations - related to end of life care and respite care.

Last year, in June of 2014, the Planning Division began analyzing the **City's current zoning to determine if there were other zones in the City where it would appropriate to locate assisted living facilities. The analysis was part of the City's "Aging in Place" initiative, which seeks to make Salt Lake City accessible for people of all ages and mobility levels. The analysis was also part of a needed update to the City's assisted living facility definitions to make them consistent with Utah Code.**

In June of this year, the City Council approved a temporary land use regulation amending Subsections 21A.33.070 and 21A.62.040 of the City Code (Salt Lake City Ordinance No. 26 of 2015). The temporary land use regulations:

CITY COUNCIL OF SALT LAKE CITY

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- Added definition of “end of life care,”
- Included “end of life care” and “respite care” in the assisted living facility definition to ensure these kinds of care facilities would be licensed by the State,
- Clarified that assisted living facilities and end of life care or respite care are not allowed in eleemosynary facilities, and
- Included a maximum occupancy cap of 25 for assisted living facilities in the Institutional Zone.

These temporary land use regulations expire on December 16, 2015.

The Council has the option to adopt, reject or modify the petitions forwarded by the Planning Commission.

Since the Assisted Living Facility Petition (PLNPCM2014-00388) addresses the same sections of City Code (21A.33 Land Use Tables and 21A.62 Definitions) as the Temporary Land Use regulations, these proposed changes may be considered part of that petition.

Council staff has worked with Planning staff to review the zoning ordinance regarding concerns, raised by the Council, with the temporary land use regulations. During the analysis it became apparent that other definitions of facilities that are similar to assisted living facilities need updating to be consistent with Utah Code. Additionally, some definitions are proposed to be deleted in order to remove duplication and inconsistencies.

In order to minimize confusion and the potential need for administrative interpretations, it is important to have zoning definitions that are mutually exclusive and clearly describe each land use. By cleaning up the definitions and eliminating some vague terms, the City will increase the predictability and transparency of the zoning ordinance and general understanding of what is allowed will be enhanced.

If a group or individual is interested in pursuing a land use that is not expressly allowed in the zoning ordinance, they would need to request a text amendment. It would then go through the entire **review process and the Council, as the City’s legislative authority, would make the final decision** about whether or not a proposed use is compatible.

In the temporary zoning ordinance the Council stated the following concerns that the regulations were intended to address:

- Avoid regulatory gaps that can compromise the health and safety of seriously ill persons in group living situations, and
- Require facilities that provide end of life care and respite care be subject to regulations of licensed facilities.

The following proposed changes are a result of the analysis. Staff proposes that the Council conduct a series of straw polls so that the Council can clearly express its support or opposition to the proposed changes.

(The numbers below correlate with the proposed straw poll order)

Below is a brief summary of the proposed changes. See pages 5 - 10 of the Administration’s Transmittal letter for the details of the proposed changes.

Summary of Proposed Changes

(The following numbers correspond to the order in which the Council may consider the changes during the proposed straw polls)

1. Group Home Definition

- Amended to ensure consistency with State law
- **Incorporates definition of “Residential Substance Abuse Treatment Facility”**
- Eliminates qualifying provisions for spacing and above ground level requirements due to inconsistency with state and federal law

2. Residential Support Definition

- Revised “Transitional Victim Home” definition

3. Assisted Living Definitions

- Amended to ensure consistency with State definitions
- Includes limited capacity, small, and large facilities
- Added to Downtown and Gateway Land Use Tables

4. Deleted Duplicative and Outdated Definitions

- Congregate Care Facility
- Resident Healthcare Facility
- Boarding House - (duplicative of Dwelling, Room (boarding) House)
- Nursing Care Facility-Sanatorium
- Sanatorium

5. Added Definitions

- Hospice (from state law)
- End of Life Care

6. Other Changes

- **Amended definition of “convent” to clarify it is exclusively for residential use**
- Amended the following definitions to maintain consistency with the proposed code changes:
 - Eleemosynary - clarified limitations that are associated with proposed changes
 - Family - updated to be consistent with facility related changes
 - Nursing Care Facility

Additional Amendments Recommended by Council Staff

Many of the City’s Institutional zones are located in areas surrounded by existing single family neighborhoods. Due to the larger size of many lots and existing buildings in Institutional zones, a new use of these properties can have a significant impact on the surrounding neighborhood.

In order to minimize the potential impact on neighborhoods, the Council may wish to consider limiting the size of assisted living facilities in the Institutional Zone.

Additionally, the Council may wish to consider limiting the ability for a petitioner to pursue an administrative interpretation for residential uses in the Institutional Zone.

7. Based on feedback from Council Members, Council staff proposes the Council consider including the following additional changes:
 - a. Add two footnotes to land use table for Assisted Living Facilities in the Institutional Zone (Section 21A.33.070) to:
 - i. Require that facilities with more than 25 occupants be approved thorough the conditional use process
 - ii. Prohibit administrative interpretations for residential uses in the I-Institutional Zone

Possible Legislative Action

8. The Council may wish to consider a legislative action that would initiate a review of the City's administrative interpretation review process.

While working on the code amendments for assisted living and other related facilities, a question arose about whether authority for administrative interpretations should be amended or removed from City code (Chapter 21A.12, Salt Lake City Code).

At times, this process has been perceived as having inadequate standards that have the potential of allowing incompatible land uses to be established.

Deciding what land uses are allowed in the City's zones is a policy decision for the Council. Restricting administrative interpretations will avoid allowing land uses not expressly identified in the zoning ordinance and will ensure policy making authority is maintained by the Council.

If the Council is supportive of this legislative action, staff will prepare the legislative action and motion sheet to be considered for adoption during the next Council meeting.

Potential Straw Polls for Assisted Living and Other Similar Facilities

Petition No. PLNPCM2014-00388

Temporary Land Use Regulations - Salt Lake City Ordinance No. 26 of 2015

(The following numbers correspond to the order in which the Staff Report outlined the proposed changes. For more details on the items below, please see the related number in the staff report)

1. Group Home Definition

- a. Amend Group Home definition to ensure consistency with State definition
- b. Consolidate residential substance abuse treatment facility into Group Home
- c. Eliminate qualifying provisions for spacing about ground level

2. Residential Support Definition:

a. Revised "Transitional Victim Home" Definition

3. Assisted Living Definition

- a. Amend to ensure consistency with State definitions
- b. Include limited capacity, small and large facilities
- c. Add to downtown and Gateway land use table

4. Delete Duplicative and Outdated Definitions

- a. Congregate Care Facility
- b. Resident Healthcare Facility
- c. Boarding House (duplicative of Dwelling, Room (boarding) House)
- d. Nursing Care Facility-Sanatorium
- e. Sanatorium

5. Add Definitions

- a. Hospice
- b. End of Life Care

Yeas	Nays

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6. Other Changes amended to maintain consistency with the proposed code changes
- a. Amend definition of convent to clarify it is exclusively a residential use
 - b. Eleemosynary
 - c. Family
 - d. Nursing Care facility

7. Council Staff Recommendations
- a. Add footnote requiring Assisted Living Facilities in Institutional Zone with more than 25 occupants to go through conditional use process
 - b. Prohibit administrative interpretations for residential uses in the Institutional zone

8. Initiate legislative action requesting review of Administrative Interpretation review process

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ATTACHMENTS:

- Additional Administrative Transmittal - Zoning Text Amendment for Assisted Living Facilities (10.30.2015) (PDF)
- Original Administrative Transmittal - Assisted Living and Other Similar Facilities Rezone (9.28.2015) (PDF)
- Admin - Transmittal PLNPCM2014-00388 Zoning Text Amendment for Assisted Living Facilities (PDF)
- Admin - Table of Contents (PDF)
- Admin - 1 Chronology (PDF)
- Admin - 2 Ordinance (PDF)
- Admin - 3 Strike & Bold (PDF)
- Admin - 4 Utah Code Definitions (PDF)
- Admin - 5 Notice of City Council Hearing (PDF)
- Admin - 6 Mailing Labels (PDF)
- Admin - 7 Open House Agenda (PDF)
- Admin - 8 Planning Commission Agenda & Newspaper Notice (PDF)
- Admin - 9 Planning Commission Staff Report (PDF)
- Admin - 10 Planning Commission Meeting Minutes (PDF)
- Admin - 11 Original Petition (PDF)

Ordinance No.

SALT LAKE CITY ORDINANCE

No. ____ of 2015

(Amending provisions related to assisted living and similar facilities)

An ordinance amending Sections 21A.27.050, 21A.33.020, 21A.33.030, 21A.33.050, 21A.33.060, 21A.33.070, 21A.44.030, 21A.60.020, and 21A.60.040, ***Salt Lake City Code***, and repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100, Salt Lake City Code, to modify provisions related to assisted living and similar facilities.

WHEREAS, the Salt Lake City Planning Commission held a duly noticed public hearing on November 12, 2014 on an application submitted by Mayor Ralph Becker to consider amendments to Title 21A - Zoning, Salt Lake City Code, related to assisted living and similar facilities pursuant to Petition No. PLNPCM2014-00388; and

WHEREAS, at its November 12, 2014 meeting the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after holding a duly noticed public hearing the Salt Lake City Council has **determined 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 Table 21A.27.050N of the ***Salt Lake City Code***. Table 21A.27.050N in Subsection 21A.27.050N of the ***Salt Lake City Code*** (Zoning: Form Based

Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses) shall be, and hereby is, amended to delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to modify the use “Assisted living facility (small)” to omit that use as permitted in the FB-UN1 zoning district (as signified by a “P” in the use table), and to add the use categories: “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

TABLE 21A.27.050N
PERMITTED USES

Use	FB-UN1	FB-UN2
Dwelling		
Assisted living facility (small)		P
Assisted living facility (limited capacity)	P	P
Residential support (large)		P
Residential support (small)		P

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 2. Amending Section 21A.33.020 of the *Salt Lake City Code*. Section 21A.33.020 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be, amended to delete the use categories: “Dwelling, residential substance abuse treatment home (small)”, “Dwelling, transitional victim home (large)”, and “Dwelling, transitional victim home (small)”. Said table is further amended to modify the use “Dwelling, assisted living facility (large)” to omit that use as permitted in the RO zoning district (as signified by a “P” in the use table); to modify the use “Dwelling, assisted living facility (small)” to omit that use as conditional in any residential zoning district (as

signified by a “C” in the use table) and as a permitted use in the RB and RO zoning districts (as signified by a “P” in the use table); and to add the use categories: “Dwelling, assisted living facility (limited capacity)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)” as shown below:

Use	Permitted and Conditional Uses By District														
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB
Dwelling, assisted living facility (large)												C	P	P	
Dwelling, assisted living facility (small)												P	P	P	
Dwelling, assisted living facility (limited capacity)	C	C	C	C	C	C	C			C	C	P	P	P	P
Dwelling, residential support (large)													C	C	
Dwelling, residential support (small)												C	C	P	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 3. Amending Section 21A.33.030 of the *Salt Lake City Code*. 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 delete the use

categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to modify the use “Assisted living facility (small)” to omit that use as permitted in the SNB zoning district (as signified by a “P” in the use table), and to add the use categories: “Residential support (large)”, and “Residential support (small)” as shown below:

Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling								
Assisted living facility (small)		P		P	P	P	P	
Residential support (large)				C		C	C	
Residential support (small)				C		C	C	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 4. Amending Section 21A.33.050 of the *Salt Lake City Code*. 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 delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		Permitted And Conditional Uses By District			
		D-1	D-2	D-3	D-4
Dwelling:					
	Assisted living facility (large)	P	P	P	P
	Assisted living facility (small)	P	P	P	P
	Assisted living facility (limited capacity)		P	P	P
	Residential support (large)		C	C	
	Residential support (small)		C	C	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 5. Amending Section 21A.33.060 of the *Salt Lake City Code*. Section 21A.33.060 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be, and hereby is, amended to delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		G-MU
Dwelling:		
	Assisted living facility (large)	P
	Assisted living facility (small)	P
	Assisted living facility (limited capacity)	P
	Residential support (large)	C
	Residential support (small)	C

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 6. Amending Section 21A.33.070 of the *Salt Lake City Code*. Section 21A.33.070 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be, and hereby is, amended to delete the use categories: “Assisted living facility”, “Congregate care facility”, “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”; and to delete Qualifying Provision number 16 in its entirety. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		Permitted And Conditional Uses By District												
		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I
Dwelling:														
	Assisted living facility (large)													P
	Assisted living facility (small)													P
	Assisted living facility (limited capacity)													P
	Residential support (large)													
	Residential support (small)													

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 7. Amending the text of Chapter 21A.36. Chapter 21A.36 of the *Salt Lake City Code* (Zoning: General Provisions) shall be, and hereby is, amended by repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100. Said sections shall be deleted in their entirety.

SECTION 8. Amending Table 21A.44.030 of the *Salt Lake City Code*. Table 21A.44.030 in Subsection 21A.44.050 of the *Salt Lake City Code* (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required) shall be, and hereby is, amended to delete the text and associated parking requirements for the uses: “Congregate care facility” and “Sanatorium, nursing care facility”.

The codifier is instructed to only modify the parking requirements as described in this section and to make no other revisions to said table as part of this ordinance.

SECTION 9. Amending text of Section 21A.60.020. Section 21A.60.020 of the *Salt Lake City Code* shall be, and hereby is, amended to delete the following terms from the list of defined terms: “Dwelling, assisted living facility”, “Dwelling, assisted living facility (large)”, “Dwelling, assisted living facility (small)”, “Dwelling, congregate care facility”, “Dwelling, resident healthcare facility”, “Dwelling, residential substance abuse treatment home (large)”, “Dwelling, residential substance abuse treatment home (small)”, “Dwelling, transitional victim home (large)”, “Dwelling, transitional victim home (small)”, “Nursing care facility, sanatorium”, and “Sanatorium”. Said list of defined terms shall further be amended to add the following terms to be inserted in alphabetical order: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Dwelling, residential support (large)”, “Dwelling, residential support (small)”, “End of Life Care”, and “Hospice”.

The codifier is instructed to only modify the defined terms as described in this section and shown above and to make no other revisions to said section as part of this ordinance.

SECTION 10. Amending text of Section 21A.62.040. Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

a. Deleting the definitions of the terms: “DWELLING, ASSISTED LIVING FACILITY”, “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, “DWELLING, ASSISTED LIVING FACILITY (SMALL)”, “DWELLING, CONGREGATE CARE FACILITY”, “DWELLING, RESIDENT HEALTH CARE FACILITY”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE)”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL)”, and “NURSING CARE FACILITY, SANATORIUM” and “SANATORIUM”.

b. Modifying the definitions of the terms: “BOARDING HOUSE”, “CONVENT/MONASTERY”, “DWELLING, GROUP HOME (LARGE)”, “DWELLING, GROUP HOME (SMALL)”, “DWELLING, TRANSITIONAL VICTIM HOME (LARGE)”, “DWELLING, TRANSITIONAL VICTIM HOME (SMALL)”, “ELEMOSYNARY FACILITY”, “FAMILY”, and “NURSING CARE FACILITY” to read as follows:

BOARDING HOUSE: See DWELLING, ROOMING (BOARDING) HOUSE.

CONVENT/MONASTERY: The dwelling place for a community of persons bound by vows to a religious order or congregation.

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized

treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

DWELLING, GROUP HOME (SMALL): A residential treatment facility, occupied by two (2) to six (6) individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

DWELLING, RESIDENTIAL SUPPORT (LARGE): A residential facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

DWELLING, RESIDENTIAL SUPPORT (SMALL): A residential facility, occupied by up to six (6) unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, assisted living facilities, facilities providing end of life care or respite care, facilities exempt from licensing by the state of Utah under Utah Code Section 26-21-7 or its successor, and other similar facilities.

FAMILY:

A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, residential support dwelling, a lodge or a fraternity/sorority house.

NURSING CARE FACILITY: A health care facility licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, twenty-four (24) hour staff availability, and at least two (2) of the following patient services:

A. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;

B. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or

C. A supervised living environment that provides support, training, or assistance with individual activities of daily living.

c. Adding the following terms, to be inserted in alphabetical order: "DWELLING, ASSISTED LIVING FACILITY (LARGE)", "DWELLING, ASSISTED LIVING FACILITY (SMALL)", "DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY)", "END OF LIFE CARE", and "HOSPICE", which added definitions shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) to twenty-five (25) individuals, licensed by the state of Utah under Title

26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

END OF LIFE CARE: Care given to the terminally ill which includes medical, palliative, psychosocial, spiritual, bereavement and supportive care, and treatment.

HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.

The codifier is instructed to only modify the definitions as described in this section and listed above and make no other revisions to said subsection as part of this ordinance.

SECTION 11. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2015.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR_____
CITY RECORDER

(SEAL)

Bill No. _____ of 2015.

Published: _____

HB_ATT-#49133-v2-Ordinance_amending_assisted_living_facilities.DOCX

SALT LAKE CITY COUNCIL**ATTEST:****APPROVED AS TO FORM:**



SALT LAKE CITY CORPORATION
City Council Transmittal

A handwritten signature in blue ink, appearing to read "D. Everitt".

David Everitt, Chief of Staff

10/30/2015

Date Received: 10/30/2015
Date Sent to Council:

TO: City Council
Luke Garrott - Chair

FROM: Jill Love
Director

SUBJECT: PLNPCM2014-00388: Zoning Text Amendment for Assisted Living Facilities

STAFF CONTACT: Katia Pace, Principal Planner
Katia.Pace@slcgov.com

COUNCIL SPONSOR: Not Required - Council Initiated

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the ordinance as unanimously recommended by the Planning Commission and additional changes proposed by the City Council Staff.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Issue Origin: On June 3, 2014 the Planning Division received a request by the Mayor to analyze the current zoning ordinance and zoning map and determine what types of changes were appropriate to accommodate "Dwelling, Assisted Living Facility" (referred to in this letter as Assisted Living Facility) land use as part of the City's "Aging in Place" initiatives and to update the Assisted Living Facility definition to be more consistent with Utah Code's definition.

The text amendment changing the land use tables to allow Assisted Living Facilities in more zoning districts and to change references and definition of Assisted Living Facility in the zoning ordinance was transmitted to the City Council on April 28, 2015.

Attachment: Additional Administrative Transmittal - Zoning Text Amendment for Assisted Living Facilities (10.30.2015) (1413 : Assisted Living

TEMPORARY ORDINANCE

This Assisted Living Facility text amendment coincided with the City Council's adoption of the "Temporary Land Use Regulation - End of Life Care and Respite Care" that produced additional changes to the definition of Assisted Living Facility.

As a result of analyzing various definitions related to Assisted Living Facility, the City Council Staff and Planning identified other definitions that need to be updated. These land use definitions are related to each other in the sense that they provide a living environment to unrelated individuals and families.

On June 19, 2015 the City Council adopted an ordinance enacting a temporary land use regulation pertaining to facilities providing access to end of life care and respite care (amending Subsections 21A.33.070 and 21A.62.040, Title 21A, Salt Lake City Code.) These regulations will remain in effect for a period of 6 months from the effective date of the ordinance, or June 19, 2015.

The intent of the temporary regulation is to address a recently discovered regulatory gap in the City code that could inadvertently compromise the health and safety of seriously ill persons in certain group living situations and who may have limited mobility due to such illness. It is proposed that facilities which independently provide end of life care and respite care for persons, who cannot provide for themselves due to serious illness, be subject to the same regulations as other licensed facilities that provide a safe living environment for individuals who need at least basic assistance. Various facilities and health care providers are licensed to offer end of life care and respite care among the services for which they are licensed. Unlicensed facilities that provide end of life care and respite care independently from a licensed facility, as explained above, must be subject to similar regulations to assure the health and safety of persons served by such unlicensed facilities.

The temporary amendments to Title 21A (Zoning Ordinance) included:

- Adding End of Life Care and Respite Care to the Assisted Living Facility definition.
- Adding a definition for End of Life Care to the City's list of definitions.
- Excluding Assisted Living Facilities, and facilities providing end of life care and respite care from the Eleemosynary Facility definition.
- Adding a maximum occupancy of 25 persons for Assisted Living Facilities in the Institutional zoning district.

FURTHER PROPOSED CHANGES

Further analysis found definitions similar to Assisted Living Facility that needed updating, clarification, consistency with Utah Code, and compliance with the Fair Housing Act. The City Council Staff and Planning worked together to come up with changes to additional definitions.

GOALS TO BE ACHIEVED WITH DEFINITION CHANGES

A list of goals to be achieved from changing the definitions is provided below:

Goal 1: Align Zoning Ordinance with Utah Code

Align the zoning ordinance with State regulations and require State licensing to provide a safe living environment to the residents of these facilities (please see attachment 4 “Utah Code Definitions”).

Goal 2: Making Land Use Definitions Mutually Exclusive

The land use definitions being reviewed are related to each other in the sense that they provide a living environment to unrelated individuals and families. The land use definitions should be clarified and made mutually exclusive. They were created over time and, in many cases, overlap their purpose making it confusing to manage them.

Goal 3: Salt Lake City Efforts to Affirmatively Further Fair Housing

According to the Salt Lake City’s 5-Year Consolidated Housing Plan:

“Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City’s changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments.”

Goal 4: The Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of disability among other things.

A major goal of this text amendment is to make changes that are necessary to bring the Salt Lake City’s Zoning Ordinance compliant with the Fair Housing Act. The following measures are required to achieve this goal:

1. The Dwelling, Residential Substantial Abuse Treatment Home is a land use that currently does not comply with the Fair Housing Act and is proposed to be incorporated with the Dwelling, Group Home land use definition.
2. Change the definition of Dwelling, Group Home to include language allowing room or board and specialized treatment for individuals with chemical dependencies.
3. Remove the requirements, found on Chapter 21A.36 - General Provisions that prohibits Group Homes from being located within 800 feet from each other, and prohibits Transitional Victim Homes (proposed to be changed to a Residential Support Dwellings) from being located within 800 feet from each other.

This last measure may cause some concern since it could result in possible concentration of services such as Group Homes in a neighborhood. However, the City has no legal basis in continuing to restrict the location of such services.

Goal 5: “Aging in Place”

Update the land use tables and allow Assisted Living Facilities in appropriate zoning districts such as the Downtown and Gateway zoning districts, which currently do not allow such use. To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

Goal 6: Remove Land Uses and References that are Duplicated or Obsolete

1. Remove the Dwelling, Congregate Care Facility land use definition because it is similar to the definition for Dwelling, Multi-Family, the two land use types are not necessary.
2. Remove the Dwelling, Resident Healthcare Facility land use definition because it is similar to the definition for Assisted Living Facility, the two land use types are not necessary.
3. Remove the Dwelling, Residential Substance Abuse Treatment Home land use definition because it does not comply with the Fair Housing Act. The definition for Dwelling, Group Home is proposed to include language allowing room or board and specialized treatment for individuals with chemical dependencies.
4. Remove the Nursing Care Facility, Sanatorium and Sanatorium land use definitions because the terminology is outdated and the land uses are not listed in any zoning district.
5. Remove the Boarding House land use definition because it is duplicated by the definition of Dwelling, Rooming (Boarding) House.
6. Remove references listed below that are now located on Chapter 21A.36 - General Provisions. The information would be moved to Chapter 21A.33 - Land Use Tables and Chapter 21A.27- Form Based Districts and would be listed as qualifying provisions, or be removed because it is duplicated on Chapters 21A.62 - Definitions and 21A.33 - Land Use Tables or because it is discriminatory:
 - 21A.36.050 - Assisted Living Facilities
 - 21A.36.060 - Nursing Care Facilities
 - 21A.36.070 - Group Homes
 - 21A.36.080 - Transitional Victim Homes

The following references would be removed from Chapter 21A.36 - General Provisions because the land uses are being proposed to be terminated:

- 21A.36.040 - Resident Healthcare Facilities
- 21A.36.100 - Residential Substance Abuse Treatment Homes

ATTACHMENTS:

- Admin - Transmittal PLNPCM2014-00388 Zoning Text Amendment for Assisted Living Facilities (PDF)
- Admin - Table of Contents (PDF)
- Admin - 1 Chronology (PDF)
- Admin - 2 Ordinance (PDF)
- Admin - 3 Strike & Bold (PDF)
- Admin - 4 Utah Code Definitions (PDF)
- Admin - 5 Notice of City Council Hearing (PDF)

- Admin - 6 Mailing Labels (PDF)
- Admin - 7 Open House Agenda (PDF)
- Admin - 8 Planning Commission Agenda & Newspaper Notice (PDF)
- Admin - 9 Planning Commission Staff Report (PDF)
- Admin - 10 Planning Commission Meeting Minutes (PDF)
- Admin - 11 Original Petition(PDF)

Ordinance No.

SALT LAKE CITY ORDINANCE

No. ____ of 2015

(Amending provisions related to assisted living and similar facilities)

An ordinance amending Sections 21A.27.050, 21A.33.020, 21A.33.030, 21A.33.050, 21A.33.060, 21A.33.070, 21A.44.030, 21A.60.020, and 21A.60.040, ***Salt Lake City Code***, and repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100, Salt Lake City Code, to modify provisions related to assisted living and similar facilities.

WHEREAS, the Salt Lake City Planning Commission held a duly noticed public hearing on November 12, 2014 on an application submitted by Mayor Ralph Becker to consider amendments to Title 21A - Zoning, Salt Lake City Code, related to assisted living and similar facilities pursuant to Petition No. PLNPCM2014-00388; and

WHEREAS, at its November 12, 2014 meeting the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after holding a duly noticed public hearing the Salt Lake City Council has **determined 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 Table 21A.27.050N of the ***Salt Lake City Code***. Table 21A.27.050N in Subsection 21A.27.050N of the ***Salt Lake City Code*** (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land

Uses) shall be, and hereby is, amended to delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to modify the use “Assisted living facility (small)” to omit that use as permitted in the FB-UN1 zoning district (as signified by a “P” in the use table), and to add the use categories: “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

TABLE 21A.27.050N
PERMITTED USES

Use	FB-UN1	FB-UN2
Dwelling		
Assisted living facility (small)		P
Assisted living facility (limited capacity)	P	P
Residential support (large)		P
Residential support (small)		P

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 2. Amending Section 21A.33.020 of the *Salt Lake City Code*. Section 21A.33.020 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be, amended to delete the use categories: “Dwelling, residential substance abuse treatment home (small)”, “Dwelling, transitional victim home (large)”, and “Dwelling, transitional victim home (small)”. Said table is further amended to modify the use “Dwelling, assisted living facility (large)” to omit that use as permitted in the RO zoning district (as signified by a “P” in the use table); to modify the use “Dwelling, assisted living facility (small)” to omit that use as conditional in any residential zoning district (as signified by a “C” in the use table) and as a permitted use in the RB and RO zoning districts (as

signified by a “P” in the use table); and to add the use categories: “Dwelling, assisted living facility (limited capacity)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)” as shown below:

Use	Permitted and Conditional Uses By District														RB
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	
Dwelling, assisted living facility (large)												C	P	P	
Dwelling, assisted living facility (small)												P	P	P	
Dwelling, assisted living facility (limited capacity)	C	C	C	C	C	C	C			C	C	P	P	P	
Dwelling, residential support (large)													C	C	
Dwelling, residential support (small)												C	C	P	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 3. Amending Section 21A.33.030 of the *Salt Lake City Code*. 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 delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse

treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to modify the use “Assisted living facility (small)” to omit that use as permitted in the SNB zoning district (as signified by a “P” in the use table), and to add the use categories: “Residential support (large)”, and “Residential support (small)” as shown below:

Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling								
Assisted living facility (small)		P		P	P	P	P	
Residential support (large)				C		C	C	
Residential support (small)				C		C	C	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 4. Amending Section 21A.33.050 of the *Salt Lake City Code*. 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 delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		Permitted And Conditional Uses By District			
		D-1	D-2	D-3	D-4
Dwelling:					
	Assisted living facility (large)	P	P	P	P
	Assisted living facility (small)	P	P	P	P
	Assisted living facility (limited capacity)		P	P	P
	Residential support (large)		C	C	
	Residential support (small)		C	C	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 5. Amending Section 21A.33.060 of the *Salt Lake City Code*. Section 21A.33.060 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be, and hereby is, amended to delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		G-MU
Dwelling:		
	Assisted living facility (large)	P
	Assisted living facility (small)	P
	Assisted living facility (limited capacity)	P
	Residential support (large)	C
	Residential support (small)	C

The codifier is instructed to only modify the uses as described in this section and as shown in the

selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 6. Amending Section 21A.33.070 of the *Salt Lake City Code*. Section 21A.33.070 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be, and hereby is, amended to delete the use categories: “Assisted living facility”, “Congregate care facility”, “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”; and to delete Qualifying Provision number 16 in its entirety. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use	Permitted And Conditional Uses By District											
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL
Dwelling:												
Assisted living facility (large)												
Assisted living facility (small)												
Assisted living facility (limited capacity)												
Residential support (large)												
Residential support (small)												

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 7. Amending the text of Chapter 21A.36. Chapter 21A.36 of the *Salt Lake City*

Code (Zoning: General Provisions) shall be, and hereby is, amended by repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100. Said sections shall be deleted in their entirety.

SECTION 8. Amending Table 21A.44.030 of the *Salt Lake City Code*. Table 21A.44.030 in Subsection 21A.44.050 of the *Salt Lake City Code* (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required) shall be, and hereby is, amended to delete the text and associated parking requirements for the uses: “Congregate care facility” and “Sanatorium, nursing care facility”.

The codifier is instructed to only modify the parking requirements as described in this section and to make no other revisions to said table as part of this ordinance.

SECTION 9. Amending text of Section 21A.60.020. Section 21A.60.020 of the *Salt Lake City Code* shall be, and hereby is, amended to delete the following terms from the list of defined terms: “Dwelling, assisted living facility”, “Dwelling, assisted living facility (large)”, “Dwelling, assisted living facility (small)”, “Dwelling, congregate care facility”, “Dwelling, resident healthcare facility”, “Dwelling, residential substance abuse treatment home (large)”, “Dwelling, residential substance abuse treatment home (small)”, “Dwelling, transitional victim home (large)”, “Dwelling, transitional victim home (small)”, “Nursing care facility, sanatorium”, and “Sanatorium”. Said list of defined terms shall further be amended to add the following terms to be inserted in alphabetical order: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Dwelling, residential support (large)”, “Dwelling, residential support (small)”, “End of Life Care”, and “Hospice”.

The codifier is instructed to only modify the defined terms as described in this section

and shown above and to make no other revisions to said section as part of this ordinance.

SECTION 10. Amending text of Section 21A.62.040. Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

a. Deleting the definitions of the terms: “DWELLING, ASSISTED LIVING FACILITY”, “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, “DWELLING, ASSISTED LIVING FACILITY (SMALL)”, “DWELLING, CONGREGATE CARE FACILITY”, “DWELLING, RESIDENT HEALTH CARE FACILITY”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE)”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL)”, and “NURSING CARE FACILITY, SANATORIUM” and “SANATORIUM”.

b. Modifying the definitions of the terms: “BOARDING HOUSE”, “CONVENT/MONASTERY”, “DWELLING, GROUP HOME (LARGE)”, “DWELLING, GROUP HOME (SMALL)”, “DWELLING, TRANSITIONAL VICTIM HOME (LARGE)”, “DWELLING, TRANSITIONAL VICTIM HOME (SMALL)”, “ELEMOSYNARY FACILITY”, “FAMILY”, and “NURSING CARE FACILITY” to read as follows:

BOARDING HOUSE: See DWELLING, ROOMING (BOARDING) HOUSE.

CONVENT/MONASTERY: The dwelling place for a community of persons bound by vows to a religious order or congregation.

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or

behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

DWELLING, GROUP HOME (SMALL): A residential treatment facility, occupied by two (2) to six (6) individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

DWELLING, RESIDENTIAL SUPPORT (LARGE): A residential facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

DWELLING, RESIDENTIAL SUPPORT (SMALL): A residential facility, occupied by up to six (6) unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, assisted living facilities, facilities providing end of life care or respite care, facilities exempt from licensing by the state of Utah under Utah Code Section 26-21-7 or its successor, and other similar facilities.

FAMILY:

A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, residential support dwelling, a lodge or a fraternity/sorority house.

NURSING CARE FACILITY: A health care facility licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, twenty-four (24) hour staff availability, and at least two (2) of the following patient services:

A. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;

B. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or

C. A supervised living environment that provides support, training, or assistance with individual activities of daily living.

c. Adding the following terms, to be inserted in alphabetical order: "DWELLING, ASSISTED LIVING FACILITY (LARGE)", "DWELLING, ASSISTED LIVING FACILITY (SMALL)", "DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY)", "END OF LIFE CARE", and "HOSPICE", which added definitions shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) to twenty-five (25) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance

with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

END OF LIFE CARE: Care given to the terminally ill which includes medical, palliative, psychosocial, spiritual, bereavement and supportive care, and treatment.

HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.

The codifier is instructed to only modify the definitions as described in this section and listed above and make no other revisions to said subsection as part of this ordinance.

SECTION 11. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2015.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2015.

Published: _____

HB_ATT-#49133-v2-Ordinance_amending_assisted_living_facilities.DOCX

SALT LAKE CITY COUNCIL

ATTEST:

APPROVED AS TO FORM:



SALT LAKE CITY CORPORATION
City Council Transmittal

A handwritten signature in blue ink, appearing to read "David Everitt".

David Everitt, Chief of Staff

9/28/2015

Date Received: 9/28/2015
Date Sent to Council: 9/28/2015

TO: City Council
Luke Garrott - Chair

FROM: Jill Love
Director

SUBJECT: Assisted Living and Other Similar Facilities Zoning Text Amendment

STAFF CONTACT: Katia Pace, Principal Planner
Katia.Pace@slcgov.com

COUNCIL SPONSOR: Not Required - Petition from Mayor

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the ordinance as unanimously recommended by the Planning Commission.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Issue Origin: In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts.

However, as a result of analyzing that project, the City identified issues regarding how these types of uses are defined and are allowed. The Planning Division requested that the Mayor initiate a petition to analyze the current zoning ordinance and zoning map to determine what types of changes were

Attachment: Original Administrative Transmittal - Assisted Living and Other Similar Facilities Rezoning (9.28.2015) (1413 : Assisted Living and

appropriate to accommodate these types of land uses as part of the City's "Aging in Place" initiatives and to update the "Assisted Living Facilities" definitions to better align with the State's definition.

Analysis: Multigenerational planning is essential to smart growth, sustainable design and the development of a city. Successful multigenerational planning expands choices for families, increase the independence of people of all ages, and create stronger communities. This zoning amendment addresses important issues that are needed to advance the cause of "Aging in Place" in the City.

The ordinance specifically expands Assisted Living Facilities in more zoning districts and changes the definitions to better reflect the State's definitions:

- Align the zoning ordinance with State regulations to make it easier to process these facilities.
- Eliminate the "Resident Healthcare Facility" land use definition because it is similar to the definition for "Assisted Living Facility", two land use types are not necessary.
- Update the land use tables and allow "Assisted Living Facilities" in appropriate zoning districts such as the Downtown and Gateway zoning districts, which currently do not allow such use.
- Remove duplicative information. Delete Sections 21A.36.040 Residential Healthcare Facilities, 21A.36.050 Assisted Living Facilities, and 21A.36.060 Nursing Care Facilities. These sections of the Zoning Ordinance are found in the General Provisions chapter and this information is duplicated in other sections of the zoning ordinance.

The key issues listed below have been identified as supportive arguments to implement the proposed zoning amendment:

Issue 1: The Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Assisted Living Facilities fall under the FHAA because they would be home to a certain number of handicapped elderly persons who would reside there. Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of disability among other things.

Issue 2: Salt Lake City Efforts to Affirmatively Further Fair Housing According to the Salt Lake City's 5-Year Consolidated Housing Plan: "Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City's changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments."

Issue 3: Expanding Housing Choices for Older Adults

To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life

and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

In recent years, in response to rising demand, the number and variety of alternatives to nursing facilities have grown. Many of these alternatives fall under the umbrella term “supportive housing” which describes residential settings that provide an array of supportive services for older adults on site. A common supportive housing model is the “assisted living” residence which generally provides older adults with apartment-style accommodations.

Master Plan Considerations: The following is a list of Salt Lake City master plans and policy documents that support expanding housing choices.

Plan Salt Lake (Draft)

- *Housing Guiding Principle* - Access to a wide variety of housing types for all income levels, providing the basic human need for safety and responding to changing demographics.
- Initiative 3: Encourage housing options that accommodate aging in place.

Downtown Master Plan (Draft)

- *Principle:* Provides housing choice.
 - Goal: A downtown that is a model for sustainable, urban living that accommodates all life stages, including families, enabling them to choose downtown living, if they desire.
 - *Principle:* Is Vibrant and active.
 - Goal: Create unique places for different age groups, interests, and needs within each downtown district that are active 7 days a week.
 - *Principle:* Fosters equity and opportunity.
 - Goal: A downtown diverse in age, gender, ethnicity, ability, household size, and socioeconomic background.
- Action: Enable aging-in-place through housing and service programs.

City Council Philosophy Statements, 2012

- *Neighborhood Quality Of Life* - We value a balance of residential types in the City including housing for all income levels, ages and accessibility needs.
- *Comprehensive Housing Policy* - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;
 - Policy Statements #5 – Zoning: The City should evolve its zoning regulations to effectively address the City’s changing housing needs.
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- Promote diverse and balanced communities by offering wide range of housing throughout city

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- Emphasize TOD, transit accessibility and proximity to services in housing

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- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.

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- Assisted housing should be spread throughout city.
- Assisted housing project should be required to have compatibly designed buildings which fit with the character of the surrounding neighborhood.

East Bench Master Plan, 1987

- Create chances for elderly assisted housing.

PUBLIC PROCESS: The following Salt Lake City and Utah State departments were asked to review and make comments for the drafting of this text amendment:

- Building Services
- Transportation
- Attorney's Office
- Housing & Neighborhood Development
- Business Licenses
- Utah State Licensing

The following is a list of public meetings held on the proposed text amendment:

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- Salt Lake City Planning Commission on November 12, 2014. The Planning Commission voted unanimously to pass a motion to forward a favorable recommendation to the City Council.

RELEVANT ORDINANCES: Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "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." Amendment criteria and findings are outlined on pages 11-13 of the staff report which is included in the transmittal packet.

ATTACHMENTS:

- Administrative Transmittal- Zoning Text Amendment to allow Assisted Living Facilities in more zoning districts (PDF)
- Admin Attachment_Clean Ordinance (PDF)
- Admin Attachment_Legislative Ordinance (PDF)
- Admin Attachment_Chronology (PDF)
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Ordinance No.

See attachments - could not add tables

SALT LAKE CITY COUNCIL

ATTEST:

APPROVED AS TO FORM:

Attachment: Original Administrative Transmittal - Assisted Living and Other Similar Facilities Rezoning (9.28.2015) (1413 : Assisted Living and



SALT LAKE CITY CORPORATION
City Council Transmittal

A handwritten signature in blue ink, appearing to read "D. Everitt", written over a horizontal line.

David Everitt, Chief of Staff

9/28/2015

Date Received: 9/28/2015
Date Sent to Council: 9/28/2015

TO: City Council
Luke Garrott - Chair

FROM: Jill Love
Director

SUBJECT: Zoning Text Amendmen to allow Assisted Living Facilities in more
zoning districts (PLNPCM2014-00388)

STAFF CONTACT: Katia Pace, Principal Planner
Katia.Pace@slcgov.com

COUNCIL SPONSOR: Not Required - Petition from Mayor

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the ordinance as unanimously recommended by the
Planning Commission.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Issue Origin: In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts.

However, as a result of analyzing that project, the City identified issues regarding how these types of uses are defined and are allowed. The Planning Division requested that the Mayor initiate a petition to analyze the current zoning ordinance and zoning map to determine what types of changes were

Attachment: Original Administrative Transmittal - Assisted Living and Other Similar Facilities Rezone (9.28.2015) (1413 : Assisted Living and

appropriate to accommodate these types of land uses as part of the City's "Aging in Place" initiatives and to update the "Assisted Living Facilities" definitions to better align with the State's definition.

Analysis: Multigenerational planning is essential to smart growth, sustainable design and the development of a city. Successful multigenerational planning expands choices for families, increase the independence of people of all ages, and create stronger communities. This zoning amendment addresses important issues that are needed to advance the cause of "Aging in Place" in the City.

The ordinance specifically expands Assisted Living Facilities in more zoning districts and changes the definitions to better reflect the State's definitions:

- Align the zoning ordinance with State regulations to make it easier to process these facilities.
- Eliminate the "Resident Healthcare Facility" land use definition because it is similar to the definition for "Assisted Living Facility", two land use types are not necessary.
- Update the land use tables and allow "Assisted Living Facilities" in appropriate zoning districts such as the Downtown and Gateway zoning districts, which currently do not allow such use.
- Remove duplicative information. Delete Sections 21A.36.040 Residential Healthcare Facilities, 21A.36.050 Assisted Living Facilities, and 21A.36.060 Nursing Care Facilities. These sections of the Zoning Ordinance are found in the General Provisions chapter and this information is duplicated in other sections of the zoning ordinance.

The key issues listed below have been identified as supportive arguments to implement the proposed zoning amendment:

Issue 1: The Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Assisted Living Facilities fall under the FHAA because they would be home to a certain number of handicapped elderly persons who would reside there. Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of disability among other things.

Issue 2: Salt Lake City Efforts to Affirmatively Further Fair Housing According to the Salt Lake City's 5-Year Consolidated Housing Plan: "Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City's changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments."

Issue 3: Expanding Housing Choices for Older Adults

To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life

and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

In recent years, in response to rising demand, the number and variety of alternatives to nursing facilities have grown. Many of these alternatives fall under the umbrella term “supportive housing” which describes residential settings that provide an array of supportive services for older adults on site. A common supportive housing model is the “assisted living” residence which generally provides older adults with apartment-style accommodations.

Master Plan Considerations: The following is a list of Salt Lake City master plans and policy documents that support expanding housing choices.

Plan Salt Lake (Draft)

- *Housing Guiding Principle* - Access to a wide variety of housing types for all income levels, providing the basic human need for safety and responding to changing demographics.
- Initiative 3: Encourage housing options that accommodate aging in place.

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SALT LAKE CITY COUNCIL

ATTEST:

APPROVED AS TO FORM:

Attachment: Original Administrative Transmittal - Assisted Living and Other Similar Facilities Rezoning (9.28.2015) (1413 : Assisted Living and

SALT LAKE CITY ORDINANCE
No. ____ of 2015
(An ordinance amending various sections of Title 21A
of the *Salt Lake City Code* pertaining to assisted living facilities)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2014-00388 to modify regulations pertaining to assisted living facilities.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on November 12, 2014 to consider a petition submitted by Salt Lake City Mayor Ralph Becker (Petition No. PLNPCM2014-00388) to amend Sections 21A.27.050.N (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses), 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), 21A.33.030 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts), 21A.33.050 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts), 21A.33.060 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District), 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), 21A.36.040 (Zoning: General Provisions: Resident Healthcare Facilities), 21A.36.050 (Zoning: General Provisions: Assisted Living Facilities), 21A.36.060 (Zoning: General Provisions: Nursing Care Facilities), 21A.60.020 (Zoning: List of Terms: List of Defined Terms), and 21A.62.040 (Zoning: Definitions: Definitions of Terms) to modify regulations concerning assisted living facilities; and

WHEREAS, at its November 12, 2014 hearing, the planning commission voted in favor of transmitting a positive recommendation to the Salt Lake City Council on said petition; and

WHEREAS, after a public hearing on this matter the city council has determined 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 Section 21A.27.050.N. That Section 21A.27.050.N of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses), shall be, and hereby is, amended to read as follows:

N. Permitted Land Uses:

1. Applicability: The table of permitted uses applies to all properties in the FB-UN zoning district:
 - a. Permitted Uses: A use that contains a P in the specific subdistrict is permitted in that subdistrict. A use that is left blank in the specific subdistrict is not permitted.
 - b. Uses Not Listed: Uses not listed are prohibited unless the zoning administrator has made an administrative interpretation that a proposed use is more similar to a listed permitted use than any other defined use.
 - c. Other Uses: A use specifically listed in any other land use table in this title that is not listed in this section is prohibited.
 - d. Building Form: Uses that are included in the description of each building form are permitted in the subdistrict where the building form is permitted.

TABLE 21A.27.050N
PERMITTED USES

Use	FB-UN1	FB-UN2
Accessory use, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P
Alcohol:		
<input type="checkbox"/> Liquor store		P
<input type="checkbox"/> Microbrewery		P
<input type="checkbox"/> Social club		P
<input type="checkbox"/> Tavern or brewpub, 2,500 square feet or less in floor area		P
Animal, veterinary office		P

Antenna, communication tower		P
Art gallery		P
Bed and breakfast	P	P
Bed and breakfast inn	P	P
Bed and breakfast manor	P	P
Clinic (medical, dental)		P
Community garden	P	P
Community recreation center		P
Daycare center, adult		P
Daycare center, child		P
Dwelling:		
Assisted living facility (large)		P
Assisted living facility (small)		P
Assisted living facility (limited facility)	P	P
Group home (large)		P
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P
Multi-family		P
Residential substance abuse treatment home (large)		P
Residential substance abuse treatment home (small)		P
Rooming (boarding) house		P
Single-family attached	P	P
Single-family detached	P	P (If part of cottage development)
Single room occupancy		P
Transitional victim home (large)		P
Transitional victim home (small)		P
Two-family	P	
Eleemosynary facility		P
Farmers' market		P
Financial institution		P

Food processing		P
Funeral home		P
Health and fitness facility		P
Hotel/motel		P
House museum in landmark site	P	P
Laboratory (medical, dental, optical)		P
Library		P
Mixed use developments including residential and other uses allowed in the zoning district		P
Museum		P
Nursing care facility		P
Office		P
Office and/or reception center in landmark site		P
Open space	P	P
Park	P	P
Parking, off site	P ¹	P ¹
Place of worship		P
Plazas	P	P
Recreation (indoor)		P
Research and development facility		P
Research facility (medical/dental)		P
Restaurant		P
Retail goods establishment		P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P
Retail service establishment		P
Sales and display (outdoor)		P
School:		
College or university		P
Music conservatory		P
Professional and vocational		P
Seminary and religious institute		P
Seasonal farm stand		P

Solar array		P
Store, specialty		P
Studio, art		P
Theater, movie		P
Urban farm	P	P
Utility, building or structure	P	P
Utility, transmission wire, line, pipe, or pole	P	P
Vending cart, private property		P
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)		P

Note:

1. Parking, off site is only permitted on parcels that contain a principal building and shall comply with the parking requirements identified in the building form standards section of this chapter. No principal building shall be demolished to accommodate off site parking.

SECTION 2. Amending the text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), shall be, and hereby is, amended to read as follows:

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R- 2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R-MU	RO
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸		C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	P	P	P	P	P ⁶
Alcohol, brewpub (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, dining club (2,500 square feet or less in floor area)															C ^{9,10}	C ⁹	C ⁹	C ⁹	
Alcohol, social club (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, tavern (2,500 square feet or less in floor area)																		C ⁹	
Animal, veterinary office															C	C	C	P	P ⁶
Art gallery															P	P	P	P	P
Bed and breakfast inn															P		P	P	P
Bed and breakfast manor																		P	

Clinic (medical, dental)															P	P	P	P	P ⁶
Community garden	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Crematorium																C	C	C	
Daycare center, adult														P	P	P	P	P	P
Daycare center, child														P	P	P	P	P	P
Dwelling, accessory guest and servant's quarter	P ¹¹	P ¹¹	P ¹¹																
Dwelling, accessory unit	P	P	P	P	P	P	P		P	P	P	P	P	P					
Dwelling, assisted living facility (large)												C	P	P		C	P	P	
Dwelling, assisted living facility (small)												P	P	P		P	P	P	
Dwelling, assisted living facility (limited facility)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dwelling; dormitory, fraternity, sorority						P ¹²													
Dwelling, group home (large)											C	C	C	C	C	C	C	C	C
Dwelling, group home (small)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Dwelling, multi-family											P	P	P	P	P	P	P	P	P
Dwelling, residential substance abuse treatment home (small)														P		P	P	P	P

Dwelling, rooming (boarding) house													C	P	C	C	C	P	P
Dwelling, single-family (attached)									P		P	P	P	P	P	P	P	P	P
Dwelling, single-family (detached)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, transitional victim home (large)													C	C			C	C	C
Dwelling, transitional victim home (small)												C	C	P		C	C	P	P
Dwelling, twin home and two-family							P		P	P ²	P	P			P	P	P	P	P
Eleemosynary facility	C	C	C	C	C	C	C		C	C	C	C	P	P		C	P	P	P
Financial institution																P	P	P	P ⁶
Funeral home																P	P	P	P
Governmental facility	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ⁶
Laboratory (medical, dental, optical)															P	P	P	P	P
Library															C	C	C	C	C
Mixed use development															P ¹	P	P	P	P
Mobile food business (operation on private property)																P	P	P	
Municipal service use, including city utility use and police and fire station	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C

Museum															P	C	P	P	P
Nursing care facility													P	P			P	P	
Office, excluding medical and dental clinic and office															P	P	P	P	P ⁶
Open space on lots less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)															C	C	C	C	C
Parking, park and ride lot shared with existing use				P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Place of worship on lots less than 4 acres in size	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Reception center																P	P	P	
Recreation (indoor)															P	P	P	P	P
Restaurant															P	P	P	P	P
Restaurant with drive-through facility																			
Retail goods establishment															P	P	P	P	
Retail goods establishment, plant and garden shop with outdoor retail sales area															P	P	P	P	
Retail service establishment															P	P	P	P	
School, music conservatory															P	C	C	P	

School, professional and vocational															P	C	C	P	P ⁶
School, seminary and religious institute	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Seasonal farm stand															P	P	P	P	P
Studio, art															P	P	P	P	P
Theater, live performance															C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Theater, movie															C	C	C	C	C
Urban farm	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Utility, building or structure	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5,7}
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)																			

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.

10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.

SECTION 3. 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 read as follows:

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

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P	P	P	P ⁸	
Alcohol:								
Brewpub (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Brewpub (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Dining club (2,500 square feet or less in floor area)	C ^{12,13}	C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Dining club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Distillery						P ¹⁹		
Microbrewery						P		
Social club (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Social club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Tavern (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Tavern (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Ambulance service (indoor)			P	P	P	P	P	
Ambulance service (outdoor)			P ⁷	P ⁷	P ⁷	P		
Amusement park			P			P		
Animal:								
Cremation service				P		P		

Kennel						P		
Pet cemetery						P ⁴		
Veterinary office	C	P	P	P	P	P	C	
Antenna, communication tower		P	P	P	P	P	P	
Antenna, communication tower, exceeding the maximum building height in the zone		C	C	C	C	C	C	
Art gallery	P	P	P	P	P	P	P	P
Auction (outdoor)				P		P		
Auditorium			P	P	P	P	P	
Bakery, commercial						P		
Bed and breakfast	P	P	P	P	P	P	P	P ¹⁷
Bed and breakfast inn	P	P	P	P	P	P	P	
Bed and breakfast manor	C ³	C ³		P	P	P	P	
Blacksmith shop						P		
Blood donation center				C		P		
Bus line station/terminal				P		P	C	
Bus line yard and repair facility						P		
Car wash			P	P		P	C	
Car wash as accessory use to gas station or convenience store that sells gas			P	P	P	P	C	
Check cashing/payday loan business				P ¹⁰		P ¹⁰		
Clinic (medical, dental)	P	P	P	P	P	P	P	
Community correctional facility, large								
Community correctional facility, small						C ^{9,14}		
Community garden	P	P	P	P	P	P	P	P
Contractor's yard/office				C		P		
Crematorium			C	C	C	C	C	
Daycare center, adult	P	P	P	P	P	P	P	
Daycare center, child	P	P	P	P	P	P	P	
Daycare, registered home daycare or preschool								P
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	

Assisted living facility (small)		P		P	P	P	P	P
Group home (large)		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage	P	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	
Manufactured home								P
Multi-family		P	P	P	P	P	P	P
Residential substance abuse treatment home (large)				C		C	C	
Residential substance abuse treatment home (small)				C		C	C	
Rooming (boarding) house		P	P	P	P	P	P	
Single-family attached								P
Single-family detached								P
Single room occupancy							P ⁶	
Transitional victim home (large)				C		C	C	
Transitional victim home (small)				C		C	C	
Twin home								P
Two-family								P
Eleemosynary facility		P					P	
Equipment rental (indoor and/or outdoor)				P		P		
Farmers' market			C	C	P	P	C	
Financial institution	P	P	P	P	P	P	P	
Financial institution with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Flea market (indoor)			P	P	P	P	C	
Flea market (outdoor)						P		
Funeral home			P	P	P	P	C	
Gas station		C	P	P	P	P		
Government facility		C	C	C	C	C	C	C
Government facility requiring special design features for security purposes	P	P	P	P	P	P	P	
Homeless shelter						C		
Hotel/motel		C		P	P	P	C	
House museum in landmark sites (see subsection								C

21A.24.010T of this title)								
Impound lot						C ¹⁴		
Industrial assembly						P		
Intermodal transit passenger hub						P		
Laboratory (medical, dental, optical)			P	P		P		
Laboratory, testing			P	P		P	P	
Large wind energy system		P		P		P	P	
Laundry, commercial						P		
Library	P	P	P	P	P	P	P	C
Limousine service (large)						P		
Limousine service (small)		C		C		P		
Manufactured/mobile home sales and service						P		
Mixed use development	P	P	P	P	P	P	P	P ¹⁵
Mobile food business (operation on private property)	P	P	P	P	P	P	P	
Municipal service uses, including city utility uses and police and fire stations		C	C	C	C	C	C	C
Museum	P	P	P	P	P	P	P	P
Nursing care facility		P		P		P	P	
Office	P	P	P	P	P	P	P	P ¹⁸
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)								C
Open space	P	P	P	P	P	P	P	
Open space on lots less than 4 acres in size								P
Park	P	P	P	P	P	P	P	
Parking:								
Commercial				C	P	P	C	
Off site	C	P	P	P	P	P	C	
Park and ride lot		C	C	P		P	C	
Park and ride lot shared with existing use		P	P	P	P	P	P	
Place of worship on lot less than 4 acres in size	P	P	P	P	P	P	P	C
Radio, television station			P	P	P	P	P	
Reception center		P	P	P	P	P		
Recreation (indoor)	P	P	P	P	P	P	P	P

Recreation (outdoor)			C	C		P	C	
Recreational vehicle park (minimum 1 acre)				C				
Recycling collection station	P	P	P	P	P	P		
Research and development facility							P	
Restaurant	P	P	P	P	P	P	P	
Restaurant with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail goods establishment	P	P	P	P	P	P	P	P ¹⁶
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P	P
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail service establishment	P	P	P	P	P	P	P	P ¹⁶
Furniture repair shop	C	P	P	P	P	P	P	
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Reverse vending machine	P	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	C	
School:								
College or university		P	P	P	P	P	P	
Music conservatory		P	P	P	P	P	P	
Professional and vocational		P	P	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	P	
Sexually oriented business						P ⁵		
Sign painting/fabrication						P		
Solar array						P		
Storage (outdoor)				C		P		
Storage, public (outdoor)				C		P		
Storage, self				P		P	C	
Store:								
Department			P		P			
Mass merchandising			P		P	P		
Pawnshop						P		
Specialty			P	P	P	P		
Superstore and hypermarket			P			P		

Warehouse club						P		
Studio, art	P	P	P	P	P	P	P	P
Studio, motion picture						P		
Taxicab facility						P		
Theater, live performance		P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	
Theater, movie		C	P	P	P	P	P	
Urban farm	P	P	P	P	P	P	P	
Utility, building or structure	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Utility, transmission wire, line, pipe, or pole	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Vehicle:								
Auction						P		
Automobile repair (major)				P		P	C	
Automobile repair (minor)	C	P	P	P	P	P	P	
Automobile sales/rental and service				P		P		
Automobile salvage and recycling (indoor)						P		
Boat/recreational vehicle sales and service				P		P		
Truck repair (large)						P		
Truck sales and rental (large)				P		P		
Vending cart, private property					P			
Warehouse				P		P		
Welding shop						P		
Wholesale distribution				P		P		
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)								C
Woodworking mill						P		

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.

8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.

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 read as follows:

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

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P ⁴
Alcohol:				
Brewpub (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Brewpub (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶

	Dining club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Dining club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Microbrewery	C ⁶	C ⁶	C ⁶	C ⁶
	Social club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Social club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Tavern (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Tavern (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Animal, veterinary office		P	P	
	Antenna, communication tower	P	P	P	P
	Antenna, communication tower, exceeding the maximum building height	C	C	C	C
	Art gallery	P	P	P	P
	Bed and breakfast	P	P	P	P
	Bed and breakfast inn	P	P	P	P
	Bed and breakfast manor	P	P	P	P
	Blood donation center		P		
	Bus line station/terminal	P ⁷	P ⁷	P ⁷	P ⁷
	Bus line yard and repair facility		P		
	Car wash		P ³		
	Check cashing/payday loan business	P ⁵			
	Clinic (medical, dental)	P	P	P	P
	Community garden	P	P	P	P
	Convention center				P
	Crematorium	P	P	P	
	Daycare center, adult	P	P	P	P
	Daycare center, child	P	P	P	P
	Dwelling:				
	Artists' loft/studio	P	P	P	P
	Group home (large)		C	C	
	Assisted living facility (large)	P	P	P	P
	Assisted living facility (small)	P	P	P	P
	Assisted living facility (limited facility)		P	P	P
	Group home (small)	P	P	P	P

	Multi-family	P	P	P	P
	Residential substance abuse treatment home (large)		C	C	
	Residential substance abuse treatment home (small)		C	C	
	Transitional victim home (large)		C	C	
	Transitional victim home (small)		C	C	
	Eleemosynary facility	P	P	P	P
	Exhibition hall				P
	Farmers' market			P	
	Financial institution	P	P	P	P
	Financial institution with drive-through facility		P ⁸		P ⁸
	Funeral home	P	P	P	
	Gas station		P	P ⁷	P ⁷
	Government facility	C	C	C	C
	Government facility requiring special design features for security purposes			P ⁷	P ⁷
	Heliport, accessory	C	C		C
	Homeless shelter		C	C	
	Hotel/motel	P	P	P	P
	Industrial assembly		C	C	
	Laboratory (medical, dental, optical)	P	P	P	P
	Laundry, commercial		P		
	Library	P	P	P	P
	Limousine service		P		
	Manufacturing and processing, food		P		
	Mixed use development	P	P	P	P
	Mobile food business (operation in the public right of way)	P	P	P	P
	Mobile food business (operation on private property)	P	P	P	P
	Mobile food court	P	P	P	P
	Museum	P	P	P	P
	Office	P	P	P	P
	Office, publishing company	P	P	P	P
	Open space on lots less than 4 acres in size	P ⁷	P ⁷	P ⁷	P ⁷
	Park	P	P	P	P

Parking, commercial	C	P	C	C
Parking, off site	P	P	P	P
Performing arts production facility	P	P	P	P
Place of worship	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Radio, television station	P	P		P
Railroad, passenger station	P	P	P	P
Reception center	P	P	P	P
Recreation (indoor)	P	P	P	P
Recreation (outdoor)		P		
Restaurant	P	P	P	P
Restaurant with drive-through facility		P ⁸		
Retail goods establishment	P	P	P	P
Retail service establishment	P	P	P	P
Retail service establishment, upholstery shop		P	P	
Sales and display (outdoor)	P	P	P	P
School:				
College or university	P	P	P	P
K - 12 private			P	P
K - 12 public			P	P
Music conservatory	P	P	P	P
Professional and vocational	P	P	P	P
Seminary and religious institute	P	P	P	P
Social service mission and charity dining hall		C	C	
Stadium	C	C		C
Storage, self		P	P	
Store:				
Department	P	P		P
Fashion oriented department	P ²			
Mass merchandising	P	P		P
Pawnshop		P		
Specialty	P	P		P
Superstore and hypermarket		P		

Studio, art	P	P	P	P
Theater, live performance	P ⁹	P ⁹	P ⁹	P ⁹
Theater, movie	P	P	P	P
Utility, buildings or structure	P ¹	P ¹	P ¹	P ¹
Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹
Vehicle:				
Automobile repair (major)		P	P ⁷	P ⁷
Automobile repair (minor)		P	P ⁷	P ⁷
Automobile sales/rental and service	P ¹⁰	P	P ¹⁰	
Vending cart, private property	P	P	P	P
Vending cart, public property				
Warehouse		P		
Warehouse, accessory		P	P	
Wholesale distribution		P		
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)				

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, brewpub or microbrewery, the place of worship must submit a written waiver of spacing requirement as a condition of approval.

SECTION 5. Amending the text of Salt Lake City Code Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District), shall be, and hereby is, amended to read as follows:

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Legend:	C =	Conditional	P =	Permitted
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Use	G-MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P
Adaptive reuse of a landmark site	P
Alcohol:	
Brewpub (indoor)	P ²
Brewpub (outdoor)	P ^{2,5}
Dining club (indoor)	P ²
Dining club (outdoor)	P ^{2,5}
Social club (indoor)	P ²
Social club (outdoor)	P ^{2,5}
Tavern (indoor)	P ²
Tavern (outdoor)	P ^{2,5}
Ambulance service (indoor)	C
Amphitheater	P
Animal, veterinary office	P
Antenna, communication tower	P
Antenna, communication towers, exceeding the maximum building height	C
Art gallery	P
Artists' loft/studio	P
Auction (indoor)	P

Auditorium	P
Bed and breakfast	P
Bed and breakfast inn	P
Bed and breakfast manor	P
Botanical garden	P
Bus line station/terminal	P ³
Clinic (medical, dental)	P
Community garden	P
Crematorium	P
Daycare center, adult	P
Daycare center, child	P
Dwelling:	
Assisted living facility (small)	P
Assisted living facility (small)	P
Assisted living facility (limited facility)	P
Group home (large)	C
Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage	P
Living quarters for caretaker or security guard	P
Multi-family	P
Residential substance abuse treatment home (large)	C
Residential substance abuse treatment home (small)	C
Single-family (attached)	P
Transitional victim home (large)	C
Transitional victim home (small)	C
Eleemosynary facility	P
Equipment rental (indoor and/outdoor)	P
Farmers' market	P
Financial institution	P
Flea market (indoor)	P
Funeral home	P
Government facility	C

Government facility requiring special design features for security purposes	P ³
Heliport, accessory	C
Hotel/motel	P
Industrial assembly	C
Laboratory (medical, dental, optical)	P
Large wind energy system	P
Library	P
Mixed use development	P
Mobile food business (operation in the public right of way)	P
Mobile food business (operation on private property)	P
Mobile food court	P
Museum	P
Office	P
Open space	P
Park	P
Parking:	
Commercial	C
Off site	P
Park and ride lot	C
Park and ride lot shared with existing use	P
Performing arts production facility	P
Photo finishing lab	P
Place of worship	P
Radio, television station	C
Reception center	P
Recreation (indoor)	P
Recreation (outdoor)	C
Restaurant	P
Retail goods establishment	P
Retail goods establishment, plant and garden shop, with outdoor retail sales area	P
Retail service establishment	P

Retail service establishment, upholstery shop	C
School:	
College and university	P
K - 12 private	P
K - 12 public	P
Music conservatory	P
Professional and vocational	P
Seminary and religious institute	P
Seasonal farm stand	P
Social service mission and charity dining hall	C
Solar array	P
Stadium	C
Storage, self	P ³
Store:	
Department	P
Mass merchandising	P
Specialty	P
Superstore and hypermarket	P
Studio, art	P
Studio, motion picture	C
Theater, live performance	P ⁴
Theater, movie	P
Urban farm	P
Utility, building or structure	P ¹
Utility, transmission wire, line, pipe or pole	C
Vehicle:	
Automobile repair (minor)	P
Automobile sales/rental and service (indoor)	P
Boat/recreational vehicle sales and service (indoor)	P
Vending cart, private property	P
Vending cart, public property	P

Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)	
Zoological park	C

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
4. Prohibited within 1,000 feet of a single- or two-family zoning district.
5. Subject to the requirements set forth in section 21A.40.065, "Outdoor Dining", of this title.

No conditional use permit shall be granted for any property which abuts a residential zoning district, except for places of worship, public/private utilities and related facilities, residential facilities for persons with a disability and educational facilities.

SECTION 6. Amending the text of *Salt Lake City Code* Section 21A.33.070. That

Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), shall be, and hereby is, amended to read as follows:

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site																	P ²
Agricultural use		C		P	P	P	P			P							
Air cargo terminals and package delivery facility		P								P							
Airport										P							
Alcohol:																	
Brewpub (2,500 square feet or less in floor area)																	C ¹²
Dining club (2,500 square feet or less in floor area)																	C ¹²
Social club (2,500 square feet or less in floor area)																	C ¹²
Tavern (2,500 square feet or less in floor area)																	C ¹²
Ambulance service (indoor)	P	P															
Ambulance service (outdoor)	P ¹⁰	P ¹⁰															
Amphitheater												C					

Animal:																	
Kennel on lots of 5 acres or larger		C		P ⁸	P ⁸	P ⁸	P ⁸										
Pet cemetery				P ⁴	P ⁴	P ⁴	P ⁴	P ^{4,5}									
Stable (private)				P	P	P	P										
Stable (public)				P	P	P	P										
Veterinary office		P															P
Antenna, communication tower	P	P	C	P	P	P	P			P	P	C	P	P		P	
Antenna, communication tower, exceeding the maximum building height in the zone	C	C								P		P ¹¹	C	C		C	
Art gallery											P	P	P	P			P
Bed and breakfast													P ²	P			P
Bed and breakfast inn													P ²	P			P
Bed and breakfast manor													P ²	P			P
Botanical garden	P										P	P					
Cemetery								P									
Clinic (medical, dental)	P	P											P	P			P
Community garden	P	P	P	P	P	P	P	P			P	P	P	P	P		P
Convent/monastery													P	P			
Daycare center, adult	P	P									P	P	P	P			P
Daycare center, child	P	P								P	P	P	P	P			P
Dental laboratory/research facility	P	P											C	C			P
Dwelling:																	
Assisted living facility (large)													P	P			P

Assisted living facility (small)														P	P			P
Assisted living facility (limited facility)														P	P			P
Congregate care facility														P	P			P
Group home (large)																		C
Group home (small)			P	P	P	P												P
Living quarters for caretaker or security guard	P	P										P		P	P			P
Manufactured home				P	P	P												P
Mobile home																P		
Multi-family															P			P
Residential substance abuse treatment home (large)															P			C
Residential substance abuse treatment home (small)															P			P
Rooming (boarding) house																		P
Single-family (attached)																		P
Single-family (detached)			P	P	P	P												P
Transitional victim home (large)																		C
Transitional victim home (small)																		P
Twin home and two-family																		P
Eleemosynary facilities												P	P	P	P			P
Exhibition hall												C	P	C	P			
Extractive industry																	P	
Fairground												C						

Farm stand, seasonal				P	P	P	P										P
Financial institution	P	P															P
Financial institution with drive-through facility	P ¹⁴	P ¹⁴															
Gas station		P ⁷															
Government facility	C	C								P	C	C	C ¹³	C		P	C
Government facility requiring special design features for security purposes																	C
Government office	P	P								P	P	P	P	P			P
Heliport	C	C								P		P	C	C			
Hospital, including accessory lodging facility	C												P	P			
Hotel/motel	C	C								P							P
Industrial assembly		P								P							
Jail											C						
Jewelry fabrication		P															
Large wind energy system	C	C		C	C	C	C			C			P	P			
Library											P	P	P	P			P
Light manufacturing		C								P							
Manufacturing, concrete or asphalt																P ¹⁵	
Meeting hall of membership organization		P										P	P	P			P
Mixed use development																	P
Mobile food business (operation on private property)	P	P												P	P		P

Municipal service uses, including city utility uses and police and fire stations	C	C								P	C	C	C ¹⁴	C		P	C
Museum	C							P			P	P	P	P			P
Nursing care facility													P	P			P
Office	P	P								P	P	P	P	P			P
Open space	P	P	P	P	P	P	P	P	P ⁹	P	P	P	P	P	P	P	P
Park	C							P			P	P		P			P
Parking:																	
Commercial		C															
Off site										P	P	P	P	P			C
Park and ride lot										P	C						
Park and ride lot shared with existing use	P	P								P	P		P	P		P	P
Performing arts production facility		P															P
Philanthropic use												P	P	P			P
Place of worship	P	P											P	P			P
Radio, television station		P ⁶										P					
Reception center											C	P	P	P			P
Recreation (indoor)		C						P			P	P	P	P			P
Recreation (outdoor)								P		P	P						
Research and development facility	P	P									P	P					C
Research facility (medical)	P												P	P			P
Restaurant		P ⁷															P
Restaurant with drive-through facility		P ^{7,14}															P ³

Retail goods establishment		P ⁷										P					P
Retail, sales and service accessory use when located within a principal building												P					
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P	P								P	P	P	P	P			P
School:																	
College or university												P	P	P			
K - 12 private											P	P	P	P			
K - 12 public											P	P	P	P			
Music conservatory													P	P			P
Professional and vocational	P	P								P			P	P			
Seminary and religious institute													P	P			C
Solar array	P	P		P						P	P		P				
Stadium											C		C	C			
Storage, accessory (outdoor)		P								P						P	
Studio, art																	P
Theater, live performance	C ¹⁵	C ¹⁵									C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵			C ¹⁵
Theater, movie												C					C
Transportation terminal, including bus, rail and trucking										P							
Urban farm	P	P	P	P	P	P	P	P			P	P	P	P			
Utility, building or structure	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹

Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Vehicle, automobile rental agency		P								P							
Vending cart, private property	P	P															
Vending cart, public property								P									
Warehouse		P								P							
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P
Wholesale distribution		P								P							
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)																	
Zoological park								P									

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.

SECTION 7. Amending the text of Salt Lake City Code Section 21A.36.040. That Section 21A.36.040 of the *Salt Lake City Code* (Zoning: General Provisions: Resident Healthcare Facilities), shall be, and hereby is, amended to read as follows:

21A.36.040: Reserved

SECTION 8. Amending the text of Salt Lake City Code Section 21A.36.050. That Section 21A.36.050 of the *Salt Lake City Code* (Zoning: General Provisions: Assisted Living Facilities), shall be, and hereby is, amended to read as follows:

21A.36.050: Reserved

SECTION 9. Amending the text of Salt Lake City Code Section 21A.36.060. That Section 21A.36.060 of the *Salt Lake City Code* (Zoning: General Provisions: Nursing Care Facilities), shall be, and hereby is, amended to read as follows:

21A.36.060: Reserved

SECTION 10. Amending the text of Salt Lake City Code Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: Defined Terms), shall be, and hereby is, amended as follows:

- a. That the term “Dwelling, assisted living facility” is hereby deleted;
- b. That the term “Dwelling, resident healthcare facility” is hereby deleted; and
- c. That the term, “Dwelling, assisted living facility (limited facility)” is hereby added and inserted alphabetically in the List of Terms.

The codifier is instructed to make only these specific changes to the List of Terms comprising Section 21A.60.020 and make no other revisions to that section as part of this ordinance.

SECTION 11. Amending the text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

- a. That the definition of the term “DWELLING, ASSISTED LIVING FACILITY” is deleted.

- b. That the definition of the term “DWELLING, ASSISTED LIVING FACILITY (LARGE)” is amended to read as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility that houses 17 or more residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

- c. That the definition of the term, “DWELLING, ASSISTED LIVING FACILITY (SMALL)” is amended to read as follows:

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility that houses 6 to 16 residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

- d. That the definition of the term, “DWELLING, RESIDENT HEALTHCARE-FACILITY” is deleted.

- e. That the definition of the term, “DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY)” is hereby added to the definitions and shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses up to five residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

The codifier is instructed to make only these specific changes to the Definitions of Terms comprising Section 21A.62.040 and make no other revisions to that section as part of this ordinance.

SECTION 12. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2015.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2015.
Published: _____.

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: <u>April 7, 2015</u></p> <p>By: <u>Paul C. Nielson</u> Paul C. Nielson, Senior City Attorney</p>
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HB_ATTYY-#43447-v2-Ordinance_amending_assisted_living_facilities_regulations.DOCX

SALT LAKE CITY ORDINANCE
No. ____ of 2015
(An ordinance amending various sections of Title 21A
of the *Salt Lake City Code* pertaining to assisted living facilities)

An ordinance amending various sections of Title 21A of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2014-00388 to modify regulations pertaining to assisted living facilities.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on November 12, 2014 to consider a petition submitted by Salt Lake City Mayor Ralph Becker (Petition No. PLNPCM2014-00388) to amend Sections 21A.27.050.N (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses), 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), 21A.33.030 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts), 21A.33.050 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts), 21A.33.060 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District), 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), 21A.36.040 (Zoning: General Provisions: Resident Healthcare Facilities), 21A.36.050 (Zoning: General Provisions: Assisted Living Facilities), 21A.36.060 (Zoning: General Provisions: Nursing Care Facilities), 21A.60.020 (Zoning: List of Terms: List of Defined Terms), and 21A.62.040 (Zoning: Definitions: Definitions of Terms) to modify regulations concerning assisted living facilities; and

WHEREAS, at its November 12, 2014 hearing, the planning commission voted in favor of transmitting a positive recommendation to the Salt Lake City Council on said petition; and

WHEREAS, after a public hearing on this matter the city council has determined 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 Section 21A.27.050.N. That Section 21A.27.050.N of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses), shall be, and hereby is, amended to read as follows:

N. Permitted Land Uses:

1. Applicability: The table of permitted uses applies to all properties in the FB-UN zoning district:
 - a. Permitted Uses: A use that contains a P in the specific subdistrict is permitted in that subdistrict. A use that is left blank in the specific subdistrict is not permitted.
 - b. Uses Not Listed: Uses not listed are prohibited unless the zoning administrator has made an administrative interpretation that a proposed use is more similar to a listed permitted use than any other defined use.
 - c. Other Uses: A use specifically listed in any other land use table in this title that is not listed in this section is prohibited.
 - d. Building Form: Uses that are included in the description of each building form are permitted in the subdistrict where the building form is permitted.

TABLE 21A.27.050N
PERMITTED USES

Use	FB-UN1	FB-UN2
Accessory use, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P
Alcohol:		
<input type="checkbox"/> Liquor store		P
<input type="checkbox"/> Microbrewery		P
<input type="checkbox"/> Social club		P
<input type="checkbox"/> Tavern or brewpub, 2,500 square feet or less in floor area		P
Animal, veterinary office		P

Antenna, communication tower		P
Art gallery		P
Bed and breakfast	P	P
Bed and breakfast inn	P	P
Bed and breakfast manor	P	P
Clinic (medical, dental)		P
Community garden	P	P
Community recreation center		P
Daycare center, adult		P
Daycare center, child		P
Dwelling:		
Assisted living facility (large)		P
Assisted living facility (small)	P	P
Assisted living facility (limited facility)	P	P
Group home (large)		P
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P
Multi-family		P
Residential substance abuse treatment home (large)		P
Residential substance abuse treatment home (small)		P
Rooming (boarding) house		P
Single-family attached	P	P
Single-family detached	P	P (If part of cottage development)
Single room occupancy		P
Transitional victim home (large)		P
Transitional victim home (small)		P
Two-family	P	
Eleemosynary facility		P
Farmers' market		P
Financial institution		P

Food processing		P
Funeral home		P
Health and fitness facility		P
Hotel/motel		P
House museum in landmark site	P	P
Laboratory (medical, dental, optical)		P
Library		P
Mixed use developments including residential and other uses allowed in the zoning district		P
Museum		P
Nursing care facility		P
Office		P
Office and/or reception center in landmark site		P
Open space	P	P
Park	P	P
Parking, off site	P ¹	P ¹
Place of worship		P
Plazas	P	P
Recreation (indoor)		P
Research and development facility		P
Research facility (medical/dental)		P
Restaurant		P
Retail goods establishment		P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P
Retail service establishment		P
Sales and display (outdoor)		P
School:		
College or university		P
Music conservatory		P
Professional and vocational		P
Seminary and religious institute		P

Seasonal farm stand		P
Solar array		P
Store, specialty		P
Studio, art		P
Theater, movie		P
Urban farm	P	P
Utility, building or structure	P	P
Utility, transmission wire, line, pipe, or pole	P	P
Vending cart, private property		P
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)		P

Note:

1. Parking, off site is only permitted on parcels that contain a principal building and shall comply with the parking requirements identified in the building form standards section of this chapter. No principal building shall be demolished to accommodate off site parking.

SECTION 2. Amending the text of Salt Lake City Code Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), shall be, and hereby is, amended to read as follows:

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R- 2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R-MU	RO
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸		C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	P	P	P	P	P ⁶
Alcohol, brewpub (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, dining club (2,500 square feet or less in floor area)															C ^{9,10}	C ⁹	C ⁹	C ⁹	
Alcohol, social club (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, tavern (2,500 square feet or less in floor area)																		C ⁹	
Animal, veterinary office																C	C	C	P ⁶
Art gallery																P	P	P	P
Bed and breakfast inn																P		P	P
Bed and breakfast manor																		P	

Clinic (medical, dental)															P	P	P	P	P ⁶
Community garden	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Crematorium																C	C	C	
Daycare center, adult														P	P	P	P	P	P
Daycare center, child														P	P	P	P	P	P
Dwelling, accessory guest and servant's quarter	P ¹¹	P ¹¹	P ¹¹																
Dwelling, accessory unit	P	P	P	P	P	P	P		P	P	P	P	P	P					
Dwelling, assisted living facility (large)												C	P	P		C	P	P	P
Dwelling, assisted living facility (small)	€	€	€	€	€	€	€		€	€	P	P	P	P	P	P	P	P	P
Dwelling, assisted living facility (limited facility)	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Dwelling; dormitory, fraternity, sorority						P ¹²													
Dwelling, group home (large)											C	C	C	C	C	C	C	C	C
Dwelling, group home (small)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Dwelling, multi-family											P	P	P	P	P	P	P	P	P
Dwelling, resident healthcare facility											P	P	P	P	P	P	P	P	P

Dwelling, residential substance abuse treatment home (small)														P		P	P	P	P
Dwelling, rooming (boarding) house													C	P	C	C	C	P	P
Dwelling, single-family (attached)									P		P	P	P	P	P	P	P	P	P
Dwelling, single-family (detached)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, transitional victim home (large)													C	C			C	C	C
Dwelling, transitional victim home (small)												C	C	P		C	C	P	P
Dwelling, twin home and two-family							P		P	P ²	P	P			P	P	P	P	P
Eleemosynary facility	C	C	C	C	C	C	C		C	C	C	C	P	P		C	P	P	P
Financial institution																P	P	P	P ⁶
Funeral home																P	P	P	P
Governmental facility	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ⁶
Laboratory (medical, dental, optical)															P	P	P	P	P
Library															C	C	C	C	C
Mixed use development															P ¹	P	P	P	P
Mobile food business (operation on private property)																P	P	P	

Municipal service use, including city utility use and police and fire station	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Museum															P	C	P	P	P
Nursing care facility													P	P			P	P	
Office, excluding medical and dental clinic and office															P	P	P	P	P ⁶
Open space on lots less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)															C	C	C	C	C
Parking, park and ride lot shared with existing use				P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Place of worship on lots less than 4 acres in size	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Reception center																P	P	P	
Recreation (indoor)															P	P	P	P	P
Restaurant															P	P	P	P	P
Restaurant with drive-through facility																			
Retail goods establishment															P	P	P	P	
Retail goods establishment, plant and garden shop with outdoor retail sales area															P	P	P	P	

Retail service establishment															P	P	P	P	
School, music conservatory															P	C	C	P	
School, professional and vocational															P	C	C	P	P ⁶
School, seminary and religious institute	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Seasonal farm stand															P	P	P	P	P
Studio, art															P	P	P	P	P
Theater, live performance															C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Theater, movie															C	C	C	C	C
Urban farm	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Utility, building or structure	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5,7}
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)																			

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.

6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.

LEGISLATIVE VERSION

SECTION 3. 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 read as follows:

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

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P	P	P	P ⁸	
Alcohol:								
Brewpub (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Brewpub (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Dining club (2,500 square feet or less in floor area)	C ^{12,13}	C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Dining club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Distillery						P ¹⁹		
Microbrewery						P		
Social club (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Social club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Tavern (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Tavern (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Ambulance service (indoor)			P	P	P	P	P	
Ambulance service (outdoor)			P ⁷	P ⁷	P ⁷	P		
Amusement park			P			P		
Animal:								
Cremation service				P		P		

Kennel						P		
Pet cemetery						P ⁴		
Veterinary office	C	P	P	P	P	P	C	
Antenna, communication tower		P	P	P	P	P	P	
Antenna, communication tower, exceeding the maximum building height in the zone		C	C	C	C	C	C	
Art gallery	P	P	P	P	P	P	P	P
Auction (outdoor)				P		P		
Auditorium			P	P	P	P	P	
Bakery, commercial						P		
Bed and breakfast	P	P	P	P	P	P	P	P ¹⁷
Bed and breakfast inn	P	P	P	P	P	P	P	
Bed and breakfast manor	C ³	C ³		P	P	P	P	
Blacksmith shop						P		
Blood donation center				C		P		
Bus line station/terminal				P		P	C	
Bus line yard and repair facility						P		
Car wash			P	P		P	C	
Car wash as accessory use to gas station or convenience store that sells gas			P	P	P	P	C	
Check cashing/payday loan business				P ¹⁰		P ¹⁰		
Clinic (medical, dental)	P	P	P	P	P	P	P	
Community correctional facility, large								
Community correctional facility, small						C ^{9,14}		
Community garden	P	P	P	P	P	P	P	P
Contractor's yard/office				C		P		
Crematorium			C	C	C	C	C	
Daycare center, adult	P	P	P	P	P	P	P	
Daycare center, child	P	P	P	P	P	P	P	
Daycare, registered home daycare or preschool								P
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	

Assisted living facility (small)		P		P	P	P	P	P
Group home (large)		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage	P	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	
Manufactured home								P
Multi-family		P	P	P	P	P	P	P
Residential substance abuse treatment home (large)				C		C	C	
Residential substance abuse treatment home (small)				C		C	C	
Rooming (boarding) house		P	P	P	P	P	P	
Single-family attached								P
Single-family detached								P
Single room occupancy							P ⁶	
Transitional victim home (large)				C		C	C	
Transitional victim home (small)				C		C	C	
Twin home								P
Two-family								P
Eleemosynary facility		P					P	
Equipment rental (indoor and/or outdoor)				P		P		
Farmers' market			C	C	P	P	C	
Financial institution	P	P	P	P	P	P	P	
Financial institution with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Flea market (indoor)			P	P	P	P	C	
Flea market (outdoor)						P		
Funeral home			P	P	P	P	C	
Gas station		C	P	P	P	P		
Government facility		C	C	C	C	C	C	C
Government facility requiring special design features for security purposes	P	P	P	P	P	P	P	
Homeless shelter						C		
Hotel/motel		C		P	P	P	C	
House museum in landmark sites (see subsection								C

21A.24.010T of this title)								
Impound lot						C ¹⁴		
Industrial assembly						P		
Intermodal transit passenger hub						P		
Laboratory (medical, dental, optical)			P	P		P		
Laboratory, testing			P	P		P	P	
Large wind energy system		P		P		P	P	
Laundry, commercial						P		
Library	P	P	P	P	P	P	P	C
Limousine service (large)						P		
Limousine service (small)		C		C		P		
Manufactured/mobile home sales and service						P		
Mixed use development	P	P	P	P	P	P	P	P ¹⁵
Mobile food business (operation on private property)	P	P	P	P	P	P	P	
Municipal service uses, including city utility uses and police and fire stations		C	C	C	C	C	C	C
Museum	P	P	P	P	P	P	P	P
Nursing care facility		P		P		P	P	
Office	P	P	P	P	P	P	P	P ¹⁸
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)								C
Open space	P	P	P	P	P	P	P	
Open space on lots less than 4 acres in size								P
Park	P	P	P	P	P	P	P	
Parking:								
Commercial				C	P	P	C	
Off site	C	P	P	P	P	P	C	
Park and ride lot		C	C	P		P	C	
Park and ride lot shared with existing use		P	P	P	P	P	P	
Place of worship on lot less than 4 acres in size	P	P	P	P	P	P	P	C
Radio, television station			P	P	P	P	P	
Reception center		P	P	P	P	P		
Recreation (indoor)	P	P	P	P	P	P	P	P

Recreation (outdoor)			C	C		P	C	
Recreational vehicle park (minimum 1 acre)				C				
Recycling collection station	P	P	P	P	P	P		
Research and development facility							P	
Restaurant	P	P	P	P	P	P	P	
Restaurant with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail goods establishment	P	P	P	P	P	P	P	P ¹⁶
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P	P
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail service establishment	P	P	P	P	P	P	P	P ¹⁶
Furniture repair shop	C	P	P	P	P	P	P	
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Reverse vending machine	P	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	C	
School:								
College or university		P	P	P	P	P	P	
Music conservatory		P	P	P	P	P	P	
Professional and vocational		P	P	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	P	
Sexually oriented business						P ⁵		
Sign painting/fabrication						P		
Solar array						P		
Storage (outdoor)				C		P		
Storage, public (outdoor)				C		P		
Storage, self				P		P	C	
Store:								
Department			P		P			
Mass merchandising			P		P	P		
Pawnshop						P		
Specialty			P	P	P	P		
Superstore and hypermarket			P			P		

Warehouse club						P		
Studio, art	P	P	P	P	P	P	P	P
Studio, motion picture						P		
Taxicab facility						P		
Theater, live performance		P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	
Theater, movie		C	P	P	P	P	P	
Urban farm	P	P	P	P	P	P	P	
Utility, building or structure	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Utility, transmission wire, line, pipe, or pole	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Vehicle:								
Auction						P		
Automobile repair (major)				P		P	C	
Automobile repair (minor)	C	P	P	P	P	P	P	
Automobile sales/rental and service				P		P		
Automobile salvage and recycling (indoor)						P		
Boat/recreational vehicle sales and service				P		P		
Truck repair (large)						P		
Truck sales and rental (large)				P		P		
Vending cart, private property					P			
Warehouse				P		P		
Welding shop						P		
Wholesale distribution				P		P		
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)								C
Woodworking mill						P		

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.

7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.

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 read as follows:

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

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P ⁴
Alcohol:				
Brewpub (indoor)	P ⁶	C ⁶	C ⁶	P ⁶

	Brewpub (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Dining club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Dining club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Microbrewery	C ⁶	C ⁶	C ⁶	C ⁶
	Social club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Social club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Tavern (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Tavern (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
	Animal, veterinary office		P	P	
	Antenna, communication tower	P	P	P	P
	Antenna, communication tower, exceeding the maximum building height	C	C	C	C
	Art gallery	P	P	P	P
	Bed and breakfast	P	P	P	P
	Bed and breakfast inn	P	P	P	P
	Bed and breakfast manor	P	P	P	P
	Blood donation center		P		
	Bus line station/terminal	P ⁷	P ⁷	P ⁷	P ⁷
	Bus line yard and repair facility		P		
	Car wash		P ³		
	Check cashing/payday loan business	P ⁵			
	Clinic (medical, dental)	P	P	P	P
	Community garden	P	P	P	P
	Convention center				P
	Crematorium	P	P	P	
	Daycare center, adult	P	P	P	P
	Daycare center, child	P	P	P	P
	Dwelling:				
	Artists' loft/studio	P	P	P	P
	Group home (large)		C	C	
	Assisted living facility (large)	P	P	P	P
	Assisted living facility (small)	P	P	P	P
	Assisted living facility (limited facility)		P	P	P

Group home (small)	P	P	P	P
Multi-family	P	P	P	P
Residential substance abuse treatment home (large)		C	C	
Residential substance abuse treatment home (small)		C	C	
Transitional victim home (large)		C	C	
Transitional victim home (small)		C	C	
Eleemosynary facility	P	P	P	P
Exhibition hall				P
Farmers' market			P	
Financial institution	P	P	P	P
Financial institution with drive-through facility		P ⁸		P ⁸
Funeral home	P	P	P	
Gas station		P	P ⁷	P ⁷
Government facility	C	C	C	C
Government facility requiring special design features for security purposes			P ⁷	P ⁷
Heliport, accessory	C	C		C
Homeless shelter		C	C	
Hotel/motel	P	P	P	P
Industrial assembly		C	C	
Laboratory (medical, dental, optical)	P	P	P	P
Laundry, commercial		P		
Library	P	P	P	P
Limousine service		P		
Manufacturing and processing, food		P		
Mixed use development	P	P	P	P
Mobile food business (operation in the public right of way)	P	P	P	P
Mobile food business (operation on private property)	P	P	P	P
Mobile food court	P	P	P	P
Museum	P	P	P	P
Office	P	P	P	P
Office, publishing company	P	P	P	P
Open space on lots less than 4 acres in size	P ⁷	P ⁷	P ⁷	P ⁷

Park	P	P	P	P
Parking, commercial	C	P	C	C
Parking, off site	P	P	P	P
Performing arts production facility	P	P	P	P
Place of worship	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Radio, television station	P	P		P
Railroad, passenger station	P	P	P	P
Reception center	P	P	P	P
Recreation (indoor)	P	P	P	P
Recreation (outdoor)		P		
Restaurant	P	P	P	P
Restaurant with drive-through facility		P ⁸		
Retail goods establishment	P	P	P	P
Retail service establishment	P	P	P	P
Retail service establishment, upholstery shop		P	P	
Sales and display (outdoor)	P	P	P	P
School:				
College or university	P	P	P	P
K - 12 private			P	P
K - 12 public			P	P
Music conservatory	P	P	P	P
Professional and vocational	P	P	P	P
Seminary and religious institute	P	P	P	P
Social service mission and charity dining hall		C	C	
Stadium	C	C		C
Storage, self		P	P	
Store:				
Department	P	P		P
Fashion oriented department	P ²			
Mass merchandising	P	P		P
Pawnshop		P		
Specialty	P	P		P

	Superstore and hypermarket		P		
	Studio, art	P	P	P	P
	Theater, live performance	P ⁹	P ⁹	P ⁹	P ⁹
	Theater, movie	P	P	P	P
	Utility, buildings or structure	P ¹	P ¹	P ¹	P ¹
	Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹
	Vehicle:				
	Automobile repair (major)		P	P ⁷	P ⁷
	Automobile repair (minor)		P	P ⁷	P ⁷
	Automobile sales/rental and service	P ¹⁰	P	P ¹⁰	
	Vending cart, private property	P	P	P	P
	Vending cart, public property				
	Warehouse		P		
	Warehouse, accessory		P	P	
	Wholesale distribution		P		
	Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)				

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, brewpub or microbrewery, the place of worship must submit a written waiver of spacing requirement as a condition of approval.

SECTION 5. Amending the text of Salt Lake City Code Section 21A.33.060. That

Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted

and Conditional Uses in the Gateway District), shall be, and hereby is, amended to read as follows:

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Legend:	C =	Conditional	P =	Permitted
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Use	G-MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P
Adaptive reuse of a landmark site	P
Alcohol:	
Brewpub (indoor)	P ²
Brewpub (outdoor)	P ^{2,5}
Dining club (indoor)	P ²
Dining club (outdoor)	P ^{2,5}
Social club (indoor)	P ²
Social club (outdoor)	P ^{2,5}
Tavern (indoor)	P ²
Tavern (outdoor)	P ^{2,5}
Ambulance service (indoor)	C
Amphitheater	P
Animal, veterinary office	P
Antenna, communication tower	P
Antenna, communication towers, exceeding the maximum building height	C
Art gallery	P
Artists' loft/studio	P
Auction (indoor)	P
Auditorium	P
Bed and breakfast	P
Bed and breakfast inn	P

Bed and breakfast manor	P
Botanical garden	P
Bus line station/terminal	P ³
Clinic (medical, dental)	P
Community garden	P
Crematorium	P
Daycare center, adult	P
Daycare center, child	P
Dwelling:	
<input type="checkbox"/> Assisted living facility (small)	P
<input type="checkbox"/> Assisted living facility (small)	P
<input type="checkbox"/> Assisted living facility (limited facility)	P
<input type="checkbox"/> Group home (large)	C
<input type="checkbox"/> Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage	P
<input type="checkbox"/> Living quarters for caretaker or security guard	P
<input type="checkbox"/> Multi-family	P
<input type="checkbox"/> Residential substance abuse treatment home (large)	C
<input type="checkbox"/> Residential substance abuse treatment home (small)	C
<input type="checkbox"/> Single-family (attached)	P
<input type="checkbox"/> Transitional victim home (large)	C
<input type="checkbox"/> Transitional victim home (small)	C
Eleemosynary facility	P
Equipment rental (indoor and/outdoor)	P
Farmers' market	P
Financial institution	P
Flea market (indoor)	P
Funeral home	P
Government facility	C
Government facility requiring special design features for security purposes	P ³
Heliport, accessory	C
Hotel/motel	P

Industrial assembly	C
Laboratory (medical, dental, optical)	P
Large wind energy system	P
Library	P
Mixed use development	P
Mobile food business (operation in the public right of way)	P
Mobile food business (operation on private property)	P
Mobile food court	P
Museum	P
Office	P
Open space	P
Park	P
Parking:	
<input type="checkbox"/> Commercial	C
<input type="checkbox"/> Off site	P
<input type="checkbox"/> Park and ride lot	C
<input type="checkbox"/> Park and ride lot shared with existing use	P
Performing arts production facility	P
Photo finishing lab	P
Place of worship	P
Radio, television station	C
Reception center	P
Recreation (indoor)	P
Recreation (outdoor)	C
Restaurant	P
Retail goods establishment	P
Retail goods establishment, plant and garden shop, with outdoor retail sales area	P
Retail service establishment	P
Retail service establishment, upholstery shop	C
School:	
<input type="checkbox"/> College and university	P

	K - 12 private	P
	K - 12 public	P
	Music conservatory	P
	Professional and vocational	P
	Seminary and religious institute	P
	Seasonal farm stand	P
	Social service mission and charity dining hall	C
	Solar array	P
	Stadium	C
	Storage, self	P ³
	Store:	
	Department	P
	Mass merchandising	P
	Specialty	P
	Superstore and hypermarket	P
	Studio, art	P
	Studio, motion picture	C
	Theater, live performance	P ⁴
	Theater, movie	P
	Urban farm	P
	Utility, building or structure	P ¹
	Utility, transmission wire, line, pipe or pole	C
	Vehicle:	
	Automobile repair (minor)	P
	Automobile sales/rental and service (indoor)	P
	Boat/recreational vehicle sales and service (indoor)	P
	Vending cart, private property	P
	Vending cart, public property	P
	Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)	
	Zoological park	C

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
4. Prohibited within 1,000 feet of a single- or two-family zoning district.
5. Subject to the requirements set forth in section 21A.40.065, "Outdoor Dining", of this title.

No conditional use permit shall be granted for any property which abuts a residential zoning district, except for places of worship, public/private utilities and related facilities, residential facilities for persons with a disability and educational facilities.

SECTION 6. Amending the text of Salt Lake City Code Section 21A.33.070. That

Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), shall be, and hereby is, amended to read as follows:

LEGISLATIVE VERSION

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site																	P ²
Agricultural use		C		P	P	P	P			P							
Air cargo terminals and package delivery facility		P								P							
Airport										P							
Alcohol:																	
Brewpub (2,500 square feet or less in floor area)																	C ¹²
Dining club (2,500 square feet or less in floor area)																	C ¹²
Social club (2,500 square feet or less in floor area)																	C ¹²
Tavern (2,500 square feet or less in floor area)																	C ¹²
Ambulance service (indoor)	P	P															
Ambulance service (outdoor)	P ¹⁰	P ¹⁰															
Amphitheater												C					

Animal:																	
Kennel on lots of 5 acres or larger		C		P ⁸	P ⁸	P ⁸	P ⁸										
Pet cemetery				P ⁴	P ⁴	P ⁴	P ⁴	P ^{4,5}									
Stable (private)				P	P	P	P										
Stable (public)				P	P	P	P										
Veterinary office		P															P
Antenna, communication tower	P	P	C	P	P	P	P			P	P	C	P	P		P	
Antenna, communication tower, exceeding the maximum building height in the zone	C	C								P		P ¹¹	C	C		C	
Art gallery											P	P	P	P			P
Bed and breakfast													P ²	P			P
Bed and breakfast inn													P ²	P			P
Bed and breakfast manor													P ²	P			P
Botanical garden	P										P	P					
Cemetery								P									
Clinic (medical, dental)	P	P											P	P			P
Community garden	P	P	P	P	P	P	P	P			P	P	P	P	P		P
Convent/monastery													P	P			
Daycare center, adult	P	P									P	P	P	P			P
Daycare center, child	P	P								P	P	P	P	P			P
Dental laboratory/research facility	P	P											C	C			P
Dwelling:																	
Assisted living facility													P	P			P

Assisted living facility (large)														P	P			P
Assisted living facility (small)														P	P			P
Assisted living facility (limited facility)														P	P			P
Congregate care facility														P	P			P
Group home (large)																		C
Group home (small)			P	P	P	P												P
Living quarters for caretaker or security guard	P	P										P		P	P			P
Manufactured home				P	P	P												P
Mobile home																P		
Multi-family															P			P
Resident healthcare facility														P	P			P
Residential substance abuse treatment home (large)															P			C
Residential substance abuse treatment home (small)															P			P
Rooming (boarding) house																		P
Single-family (attached)																		P
Single-family (detached)			P	P	P	P												P
Transitional victim home (large)																		C
Transitional victim home (small)																		P
Twin home and two-family																		P
Eleemosynary facilities												P	P	P	P			P
Exhibition hall												C	P	C	P			

Extractive industry																	P	
Fairground											C							
Farm stand, seasonal				P	P	P	P											P
Financial institution	P	P																P
Financial institution with drive-through facility	P ¹⁴	P ¹⁴																
Gas station		P ⁷																
Government facility	C	C								P	C	C	C ¹³	C		P	C	
Government facility requiring special design features for security purposes																		C
Government office	P	P								P	P	P	P	P				P
Heliport	C	C								P		P	C	C				
Hospital, including accessory lodging facility	C												P	P				
Hotel/motel	C	C								P								P
Industrial assembly		P								P								
Jail											C							
Jewelry fabrication		P																
Large wind energy system	C	C		C	C	C	C			C			P	P				
Library											P	P	P	P				P
Light manufacturing		C								P								
Manufacturing, concrete or asphalt																	P ¹⁵	
Meeting hall of membership organization		P										P	P	P				P
Mixed use development																		P

Mobile food business (operation on private property)	P	P												P	P		P
Municipal service uses, including city utility uses and police and fire stations	C	C								P	C	C	C ¹⁴	C		P	C
Museum	C							P			P	P	P	P			P
Nursing care facility													P	P			P
Office	P	P								P	P	P	P	P			P
Open space	P	P	P	P	P	P	P	P	P ⁹	P	P	P	P	P	P	P	P
Park	C							P			P	P		P			P
Parking:																	
Commercial		C															
Off site										P	P	P	P	P			C
Park and ride lot										P	C						
Park and ride lot shared with existing use	P	P								P	P		P	P		P	P
Performing arts production facility		P															P
Philanthropic use												P	P	P			P
Place of worship	P	P											P	P			P
Radio, television station		P ⁶										P					
Reception center											C	P	P	P			P
Recreation (indoor)		C						P			P	P	P	P			P
Recreation (outdoor)								P		P	P						
Research and development facility	P	P									P	P					C
Research facility (medical)	P												P	P			P

Restaurant		P ⁷															P
Restaurant with drive-through facility		P ^{7,14}															P ³
Retail goods establishment		P ⁷									P						P
Retail, sales and service accessory use when located within a principal building											P						
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P	P								P	P	P	P	P			P
School:																	
College or university												P	P	P			
K - 12 private										P	P	P	P				
K - 12 public										P	P	P	P				
Music conservatory													P	P			P
Professional and vocational	P	P								P			P	P			
Seminary and religious institute													P	P			C
Solar array	P	P		P						P	P		P				
Stadium											C		C	C			
Storage, accessory (outdoor)		P								P						P	
Studio, art																	P
Theater, live performance	C ¹⁵	C ¹⁵									C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵			C ¹⁵
Theater, movie												C					C
Transportation terminal, including bus, rail and trucking										P							

Urban farm	P	P	P	P	P	P	P	P			P	P	P	P			
Utility, building or structure	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Vehicle, automobile rental agency		P								P							
Vending cart, private property	P	P															
Vending cart, public property								P									
Warehouse		P								P							
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P
Wholesale distribution		P								P							
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)																	
Zoological park								P									

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.

12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.

LEGISLATIVE VERSION

SECTION 7. Amending the text of Salt Lake City Code Section 21A.36.040. That Section 21A.36.040 of the *Salt Lake City Code* (Zoning: General Provisions: Resident Healthcare Facilities), shall be, and hereby is, amended to read as follows:

21A.36.040: RESIDENT HEALTHCARE FACILITIES: Reserved

A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF 30, RMF 35, RMF 45, RMF 75, RB, R MU 35, R MU 45, R MU, RO, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements.

SECTION 8. Amending the text of Salt Lake City Code Section 21A.36.050. That Section 21A.36.050 of the *Salt Lake City Code* (Zoning: General Provisions: Assisted Living Facilities), shall be, and hereby is, amended to read as follows:

21A.36.050: ASSISTED LIVING FACILITIES: Reserved

An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF 35, RMF 45, RMF 75, R MU 35, R MU 45, R MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit.

SECTION 9. Amending the text of Salt Lake City Code Section 21A.36.060. That Section 21A.36.060 of the *Salt Lake City Code* (Zoning: General Provisions: Nursing Care Facilities), shall be, and hereby is, amended to read as follows:

21A.36.060: NURSING CARE FACILITIES: Reserved

A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF 45, RMF 75, R MU 35, R MU 45, R MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title.

SECTION 10. Amending the text of Salt Lake City Code Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: Defined Terms), shall be, and hereby is, amended as follows:

- a. That the term “Dwelling, assisted living facility” is hereby deleted;
- b. That the term “Dwelling, resident healthcare facility” is hereby deleted; and
- c. That the term, “Dwelling, assisted living facility (limited facility)” is hereby added and inserted alphabetically in the List of Terms.

The codifier is instructed to make only these specific changes to the List of Terms comprising Section 21A.60.020 and make no other revisions to that section as part of this ordinance.

SECTION 11. Amending the text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

- a. That the definition of the term “DWELLING, ASSISTED LIVING FACILITY” is amended to read as follows:

~~DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~

- b. That the definition of the term “DWELLING, ASSISTED LIVING FACILITY (LARGE)” is amended to read as follows:

~~DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal~~

~~grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 17 or more residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

- c. That the definition of the term, “DWELLING, ASSISTED LIVING FACILITY (SMALL)” is amended to read as follows:

~~DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 6 to 16 residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

- d. That the definition of the term, “DWELLING, RESIDENT HEALTHCARE-FACILITY”

is amended to read as follows:

~~DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.~~

- e. That the definition of the term, “DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY)” is hereby added to the definitions and shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses up to five residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

The codifier is instructed to make only these specific changes to the Definitions of Terms comprising Section 21A.62.040 and make no other revisions to that section as part of this ordinance.

SECTION 12. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2015.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2015.

Published: _____.

HB_ATTYY-#43447-v1-Ordinance_amending_assisted_living_facilities_regulations.DOCX

PROJECT CHRONOLOGY

June 3, 2014	Application received assigned project number PLNPCM2014-00388
September 3, 2014	Met with the Utah Housing Coalition
October 16, 2014	Held communitywide Open House at the City and County Building
October 27, 2014	Routed application to departments for comments
November 1, 2014	Newspaper notice published for Planning Commission public hearing
November 7, 2014	Staff report published and posted on City website
November 12, 2014	Held Planning Commission Public Hearing
November 13, 2014	Posted Planning Commission Record of Decision
December 10, 2014	Ratified Planning Commission minutes
January 23, 2014	Requested ordinance from City Attorney
February 20, 2014	Received ordinance from City Attorney

NOTICE OF PUBLIC HEARING

PLNPCM2014-00388 Assisted Living Facilities Text Amendment – A request by Salt Lake City's Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.27 Form Based Districts, 21A.33 Land Use Tables, 21A.36 General Provisions, 21A.60 List of Terms and 21A.62 Definitions.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:**TIME:** 7:00 p.m.**PLACE:** Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions or comments relating to this proposal, please call Katia Pace at 801-535-6354 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at katia.pace@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

JD Smith
21st & 21st Business District
2157 East 2100 South, Ste. A
Salt Lake City, UT 84109

Eric Jergensen
Capitol Hill Community Council
53 East 200 North
Salt Lake City, UT 84103

Kim Peterson
East Bench Community Council
3069 Carrigan Canyon Dr.
Salt Lake City, UT 84109

Laurel H Young
Foothill/Sunnyside Neighborhood Ass.
2049 Herbert Ave
Salt Lake City, UT 84108

Jo Ann Anderson
Jordan Meadows Community Council
1590 Spring St.
Salt Lake City, UT 84116

Andrew Johnston
Poplar Grove Community Council
716 Glendale St.
Salt Lake City, UT 84104

Amy Barry
Sugar House Community Council
1178 Ramona Ave.
Salt Lake City, UT 84105

Michael Dodd
Wasatch Hollow Community Council
1577 East 1700 South
Salt Lake City, UT 84105

Katia Pace
SLC Planning
PO Box 145480
Salt Lake City, UT 84114-5480

Barbara Stallone
Utah Housing Coalition
230 South 500 West, Suite 260
Salt Lake City, UT 84101

Bill Davis
Ball Park Community Council
335 Hansen Ave.
Salt Lake City, UT 84115

Michael Iverson
Central City Neighborhood Council
210 South 300 East, # 116
Salt Lake City, UT 84111

Esther Hunter
East Central Community Council
606 Trolley Square
Salt Lake City, UT 84102

Steve Johnson
Fairpark Community Council
861 West 300 North
Salt Lake City, UT 84116

Randy Sorenson
Glendale Community Council
1184 S Redwood Drive
Salt Lake City, UT 84104-3325

Jeff Bair
Liberty Wells Community Council
PO Box 520442
Salt Lake City, UT 84152-0442

Blake Perez
Rose Park Community Council
768 N Oakley St.
Salt Lake City, UT 84116

Mike Ely
Sunnyside East Neighborhood Council
2345 East 900 South
Salt Lake City, UT 84108

Erin Youngberg
Westpointe Community Council
1910 Bridge Crest Circle
Salt Lake City, UT 84116

Janice Kimball
Housing Authority of Salt Lake County
3595 South Main Street
Salt Lake City, UT 84115

Ellen Reddick
Bonneville Hills Neighborhood Council
1338 S Foothill Drive, Suite 205
Salt Lake City, UT 84108

D. Christian Harrison
Downtown Community Council
336 W Broadway, #308
Salt Lake City, UT 84101

Michael Cohn
East Liberty Park Community Organizati
PO Box 520123
Salt Lake City, UT 84125

Gene Fitzgerald
Federal Heights Neighborhood Associat
1385 Butler Ave.
Salt lake City, UT 84102-1803

Dianne Leonard
Greater Avenues Community Council
183 K Street
Salt Lake City, UT 84103

Polly Hart
Millcreek FIDOS
355 N. Quince St.
Salt Lake City, UT 84103

Virginia Hylton, Polly Hart, Esther Hunter
Salt Lake Community Network
606 Trolley Square
Salt Lake City, UT 84102

Esther Hunter
University Gardens Neighborhood &
Business District
606 Trolley Square
Salt Lake City, UT 84102

Lynn Kennard Pershing, PhD
Yalecrest Neighborhood Council
1715 Laird Ave
Salt Lake City, UT 84108

Tara Rollins
Utah Housing Coalition
230 South 500 West, Suite 260
Salt Lake City, UT 84101

Utah Department of Human Services,
Division of Aging & Adult Services
120 North 200 West
Salt Lake City, UT 84103

Aging Services Administrative Office
195 North 1950 West
Salt Lake City, UT 84116

Joel Hoffman
Bureau of Health Facility Licensing &
Certification
P.O. Box 144103
Salt Lake City, UT 84114-4103

Aging & Adult Services
2001 South State Street S1-600
Salt Lake City, UT 84190-4575

George Chapman
1186 South 1100 East
Salt Lake City, UT 84105

SALT LAKE CITY PLANNING DIVISION

OPEN HOUSE

October 16, 2014 at 4:30 p.m. to 6:00 p.m.

City & County Building

451 South State Street, 1st Floor Hallway

Salt Lake City, Utah 84111

**HAVE YOUR VOICE
HEARD**

Your input is important to us and can help shape the decisions related to these projects.

**GET YOUR QUESTIONS
ANSWERED**

This is an opportunity for you to learn about proposed development projects as well as new regulations and planning policies that the Planning Division and other City Departments are working on.

**CAN'T MAKE IT TO
THE OPEN HOUSE?**

If you have questions about any of the items on the agenda but can not make it to the Open House, feel free to contact our staff.

Church of Scientology at 709 E South Temple Street is requesting Conditional Use Approval to operate a place of worship within an existing office building. Staff contact is Maryann Pickering at 801-535-7660 or maryann.pickering@slcgov.com.

Kingfisher at 1226 S 1100 East is requesting Planned Development and Special Exception Approval for a new mixed use building that is 25 feet tall with an additional projection for a stairway accessing the roof. A total of 22 parking spaces will be located on the site. Staff contact is Maryann Pickering at 801-535-7660 or maryann.pickering@slcgov.com.

Ball Park Apartments at 1380 S West Temple Street is requesting Planned Development Approval to construct a 62-unit apartment building. Staff contact is Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com.

GRW Holdings at 705 E 900 South is requesting Planned Development Approval to construct a new two-story commercial office building. Staff Contact is Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com.

Assisted Living Facilities – Salt Lake City Mayor Ralph Becker is requesting to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts, and to change the definition of Assisted Living Facilities to better reflect the State's definition. Staff contact is Katia Pace at 801-535-6354 or katia.pace@slcgov.com.

AT&T at 115 S 1100 East (Arlington Place Apartments) is proposing new unmanned wireless antennas located on the rooftop of the Arlington Place Apartments. All equipment cabinets are proposed to be installed in an existing storage room in the parking garage. Staff contact is Katia Pace at 801-535-6354 or katia.pace@slcgov.com.



Salt Lake City Planning Division
451 S. State Street Room 406
PO Box 145480
Salt Lake City, UT 84114
801-535-7700

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, November 12, 2014, at 5:30 p.m.
(The order of the items may change at the Commission's discretion.)

The field trip is scheduled to leave at 4:00 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR OCTOBER 22, 2014

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

Administrative Matters

1. **Ball Park Apartments Planned Development at approximately 1380 S West Temple** - A request by Rusty Snow, Ball Park Apartments LP, for approval from the City to eliminate the rear yard setback and develop affordable senior housing comprised of 62 dwelling units and 36 parking stalls at the above listed address. Currently the land is vacant and the property is zoned R-MU Residential Mixed Use. This type of project must be reviewed as a Planned Development. The subject property is within Council District 5, represented by Erin Mendenhall. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNSUB2014-00570
2. **Sugar House Townhomes Planned Development and Preliminary Subdivision at approximately 2204 S 800 East** - A request by Wayne Corbridge, representing Sego Homes, for approval from the City to develop a 4-unit attached single-family ("townhome") development at the above listed address. The applicant is requesting to modify the requirement that the proposed lots have street frontage, modifications to setbacks and lot size standards. The purpose of these modifications is to align the homes so that they face the Sugar House Streetcar Greenway. This type of project requires Planned Development and Preliminary Subdivision approval. The property is zoned RMF-35, Moderate Density Multi-family Residential, and is currently occupied by a vacant single-family residence. The subject property is within Council District 7, represented by Lisa Adams. (Staff contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com.) Case numbers PLNSUB2014-00439/00441
3. **Office Building Planned Development at approximately 705 East 900 South** - A request by Rob White, Sugar House Architects, representing the property owner, GRW Holdings, for Planned Development approval to construct a new two story commercial office building located at the above listed address. The subject property is zoned SNB (Small Neighborhood Business). An office building is a permitted use in this zone; however the applicant is seeking a relaxation of development standards related to building setbacks, building height, roof form, and perimeter and parking lot landscaping. The subject property is located in City Council District 4, represented by Luke Garrott. (Staff Contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com.) Case number PLNPCM2014-00644

4. [Ken Garff Planned Development at approximately 525 South State Street](#) - A Request by Curtis Miner for a planned development located at the above listed address. The proposal is to create a unified auto dealership complex with multiple automobile showrooms with cross access easements for the entire site and includes a request for modification to the landscaping and signage requirements of the zoning ordinance. The proposed site is located in the D-2 Downtown District and is located within Council District 4, represented by Luke Garrott. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com.) Case number PLNSUB2014-00522
5. [The Seasons at Library Square Apartments \(phase 2\) Planned Development at approximately 324 and 332 East 500 South](#) - Akbar Matinkhah requests approval from the City to develop phase two of the Seasons at Library Square apartments located at the above address. Specifically, the applicant seeks approval to modify the building setbacks and building coverage limits of phase 2. Currently the land is occupied by a commercial building and requires larger building setbacks because the property is in a different zoning district than phase one. This type of project must be reviewed as a Planned Development. The subject property is within Council District 4 represented by Luke Garrott (Staff contact: Casey Stewart at (801)535-6260 or casey.stewart@slcgov.com.) Case number PLNSUB2014-00596
6. [AT&T Rooftop Antennas at approximately 115 South 1100 East \(Arlington Place Apartments\)](#) - A request by AT&T for new wireless antennas located on the rooftop of the Arlington Place Apartments at the above listed address. All equipment cabinets are proposed to be installed in an existing storage room in the parking garage. This project is located in the RMF-45 (Moderate/High Density Multifamily Residential) zoning district, in the University Historic District and in City Council 4, represented by Luke Garrott. (Staff contact: Katia Pace, (801) 535-6354, or katia.pace@slcgov.com.) Case number PLNPCM2014-00178

Legislative Matters

7. [Assisted Living Facilities Text Amendment](#) - A request by Salt Lake City's Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801) 535-6354 or katia.pace@slcgov.com). Case number PLNPCM2014-00388

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information. Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

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ACCOUNT NAME			
PLANNING DIVISION,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8015357759		0000991964 /	
SCHEDULE			
Start 11/01/2014		End 11/01/2014	
CUST. REF. NO.			
Asst Livg PH 11/12			
CAPTION			
Notice of Public Hearing On Wednesday, November 12, 2014, the Salt Lake City Planning Comm			
SIZE			
52	Lines	1.00	COLUMN
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
		TOTAL COST	
		70.00	

Notice of Public Hearing
On Wednesday, November 12, 2014, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:

1. Assisted Living Facilities Text Amendment - A request by Salt Lake City's Mayor Ralph Becker to amend the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Kalia Pace at (801) 535-6354 or kalia.pace@slcgov.com). Case number PLNFCM2014-00388

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711, 991964 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF Notice of Public Hearing On Wednesday, November 12, 2014, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

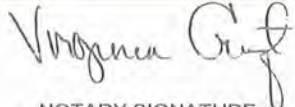
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Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Katia Pace
(801) 535-6354
katia.pace@slcgov.com

Date: November 12, 2014

Re: PLNPCM2014-00388 Assisted Living Facilities Zoning Text Amendment

ZONING TEXT AMENDMENT

REQUEST: This petition was initiated by the Mayor at the request of the Planning Director to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions.

RECOMMENDATION: Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council relating to amend the City Code, Title 21 and to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition. The motion to approve is below:

Based on the findings in the staff report, public input and discussion, I move to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition.

ATTACHMENTS:

- A. Proposed Ordinance
- B. Census Data
- C. Analysis of Standards
- D. Public Process & Comments
- E. Department Review Comments
- F. Motions

PROJECT DESCRIPTION:

In 1995, the City adopted a new zoning ordinance that applied city wide. At that time most land uses were segregated by zoning district. Over time the City has created more mixed use categories which allow a mixture of residential and non-residential uses. In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts. However, as a result of analyzing that project, the City identified an issue regarding how these types of uses were defined and where they were allowed. The Planning Division made a request to the Mayor to initiate a petition to analyze the current zoning ordinance and zoning map to determine what types of changes were appropriate to accommodate these types of land uses as part of the City's Aging in Place initiatives, recognizing that the zoning regulations have not changed as the land uses have changed.

After researching the possibilities of expanding Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition, the Planning Staff came up with the following proposed recommendations:

Recommendation 1 Change the current definitions for Assisted Living Facilities to be similar to the State's definition. The State defines these types of uses because the State licenses certain types of facilities. Aligning the zoning ordinance with the State regulations makes it easier from a land use and business licensing perspective to process proposed facilities.

Current City Definitions (these would be deleted)

DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

State's Definitions

ASSISTED LIVING FACILITY TYPE I is a residential facility that provides assistance with activities of **daily living** and **social care** to two or more **ambulatory residents** who require protected living arrangements.

ASSISTED LIVING FACILITY TYPE II is a residential facility that provides coordinated supportive personal and health care services to two or **more semi-independent residents**.

Semi-independent means a person who is: physically disabled but able to direct his or her own care; or cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone or area of safety, with the physical assistance of one person.

ASSISTED LIVING FACILITIES TYPE I AND TYPE II may be classified as large, small or limited capacity.

- A large assisted living facility houses 17 or more residents.
- A small assisted living facility houses six to 16 residents.
- A limited capacity assisted living facility houses up to five residents.

(Please note that the State's definition of an Assisted Living Facility Type II is equivalent to the City's definition of a Nursing Care Facility which is not being proposed to change at this time. The State's definition of an Assisted Living Facility Type I is equivalent to the Assisted Living Facility that is being addressed in this staff report.)

Proposed Definitions (these would replace the existing zoning definitions)

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility that houses **17 or more** residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility that houses **6 to 16 residents** that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses **up to five residents** that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

Recommendation 2 Eliminate the Resident Healthcare Facility land use because it is similar to the definition for Assisted Living Facility.

Current City Definition (to be eliminated from the zoning ordinance)

DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

Recommendation 3 Redo the land use tables to reflect the changes from recommendation 1 and 2.

Please see **Attachment A** for the proposed land use table. The following is a summary of the changes to the land use tables:

1. The zoning districts allowed in the proposed Assisted Living Facility (limited facility) will be the same residential zoning districts as the current Assisted Living Facility (small)
2. The zoning districts allowed in the current Assisted Living Facility will be the same zoning districts as the proposed Assisted Living Facility (large, small, and limited facility)
3. Assisted Living Facilities will no longer be allowed in the SNB zoning district.
4. Assisted Living Facilities are being proposed to be permitted in the Downtown and the Gateway zoning districts.

Recommendation 4 Remove Sections 21A.36.040 Residential Healthcare Facilities, 21A.36.050 Assisted Living Facilities, and 21A.36.060 Nursing Care Facilities. These sections of the Zoning Ordinance are found in the General Provisions chapter. These specific sections list what zoning districts the uses are allowed in, which duplicates the information found in the land use tables.

- **21A.36.040: Residential Healthcare Facilities** – the reason for removing this section is because this land use is proposed to be replaced with Assisted Living Facilities.
- **21A.36.050: Assisted Living Facilities** – the reason for removing this section is because the land use definition is proposed to cover the information found in the section and the permitted and conditional uses should be located on the on the Land Use Table chapter. The language in this section relating to density requirements for apartments is being deleted and the portion about density on rooming units will be clarified on the new definition.
- **21A.36.060: Nursing Care Facilities** – although this petition is not changing the Nursing Care Facilities, this section should be removed because this information is duplicated on the Land Use Table chapter.

KEY ISSUES:

The US Census has identified that the older population is an important and growing segment of the United States population. In fact, more people were 65 years and over in 2010 than in any previous census. The US Census data provided in **Attachment B** shows the changes in older population for the United States, the West Region and for Utah between 2000 and 2010.

The Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. Title VIII was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Assisted Living Facilities fall under the FHAA because they would be home to a certain number of handicapped elderly persons who would reside there. Therefore, we are recommending these uses be viewed as a type of housing and be permitted in zoning districts that permit similarly scaled multi-family housing.

Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of race, religion, color, sex, national origin, familial status, disability or source of income.

Salt Lake City Efforts to Affirmatively Furthering Fair Housing

According to the Salt Lake City's 5-Year Consolidated Housing Plan:

Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City's changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments.

Modifying the zoning regulations to permit these types of land uses helps the City fulfill this goal.

Expanding Housing Choices for Older Adults

To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

In recent years, in response to rising demand, the number and variety of alternatives to nursing facilities have grown. Many of these alternatives fall under the umbrella term "supportive housing" which describes residential settings that provide an array of supportive services for older adults on site. A common supportive housing model is the assisted living residence which generally provides older adults with apartment-style accommodations. The proposed changes help accommodate this changing housing supply.

NEXT STEPS:

The Planning Commission will review and makes recommendations to the City Council on the proposed amendment to the Zoning Ordinance, which is Title 21A of the City Code. The recommendations from the Planning Commission will be forwarded to the City Council who has the final decision making authority over amendments to the City Code.

ATTACHMENT A: PROPOSED ORDINANCE

21A.36.040: RESIDENT HEALTHCARE FACILITIES:

A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. (Ord. 10-10 § 4, 2010)

21A.36.050: ASSISTED LIVING FACILITIES:

An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit. (Ord. 10-10 § 5, 2010)

21A.36.060: NURSING CARE FACILITIES:

A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title. (Ord. 10-10 § 6, 2010)

21A.60.020: LIST OF DEFINED TERMS:

Dwelling, assisted living facility

Dwelling, assisted living facility (large)

Dwelling, assisted living facility (small)

Dwelling, assisted living facility (limited facility)

~~Dwelling, resident healthcare facility~~

21A.62.040: DEFINITIONS OF TERMS:

~~DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~

~~DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 17 or more residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

~~DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 6 to 16 residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses up to five residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

~~DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.~~

TABLE 21A.27.050N: PERMITTED USES

Use	FB-UN1	FB-UN2
Dwelling:		
Assisted living facility (large)		P
Assisted living facility (small)	P	P
<u>Assisted living facility (limited facility)</u>	P	

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,5 60	FR-2/ 21,7 80	FR-3/ 12,0 00	R-1/ 12,0 00	R-1/ 7,0 00	R-1/ 5,0 00	S R-1	S R-2	S R-3	R - 2	RM F-30	RM F-35	RM F-45	RM F-75	R B	R-M U-35	R-M U-45	R-M U	R O
Dwellin g, assiste d living facility (large)												C	P	P		C	P	P	P
Dwellin g, assiste d living facility (small)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
<u>Dwellin g, assiste d living facility (limited facility)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwellin g, residen t healthc are facility											P	P	P	P	P	P	P	P	P

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

Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	P
Assisted living facility (limited facility)								

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

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Dwelling:				
Assisted living facility (large)	P	P	P	P
Assisted living facility (small)	P	P	P	P
Assisted living facility (limited facility)	P	P	P	P

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Use	G-MU
Dwelling:	
Assisted living facility (small)	P
Assisted living facility (small)	P
Assisted living facility (limited facility)	P

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:\

Use		Permitted And Conditional Uses By District																
		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																		
	<u>Assisted living facility (large)</u>												P	P				P
	<u>Assisted living facility (small)</u>												P	P				P
	<u>Assisted living facility (limited facility)</u>												P	P				P
	<u>Assisted living facility</u>												P	P				P
	<u>Resident healthcare facility</u>												P	P				P

ATTACHMENT B: CENSUS DATA

Population - 65 Years and Older and 85 Years and Older for the United States, Regions, and States: 2000 and 2010					
2000					
Area	Total Population	65 years and over		85 years and over	
		Number	Percent	Number	Percent
United States	281,421,906	34,991,753	12.4	4,239,587	1.5
Region - West	63,197,932	6,922,129	11.0	806,287	1.3
Utah	2,233,169	190,222	8.5	21,751	1.0
2010					
Area	Total Population	65 years and over		85 years and over	
		Number	Percent	Number	Percent
United States	308,745,538	40,267,984	13.0	5,493,433	1.8
Region - West	71,945,553	8,546,832	11.9	1,151,109	1.6
Utah	2,763,885	249,462	9.0	30,991	1.1
Percent Change 2000 – 2010					
Area	Total Population	65 years and over		85 years and over	
United States	9.7	15.1		29.6	
Region - West	13.8	23.5		42.8	
Utah	23.8	31.1		42.5	

ATTACHMENT C: ANALYSIS OF STANDARDS

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.

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;**

Analysis: Salt Lake City policies that support this Assisted Living Facilities text amendment:

Plan Salt Lake (Draft)

- *Housing Guiding Principle* - Access to a wide variety of housing types for all income levels, providing the basic human need for safety and responding to changing demographics.
Initiative 3: Encourage housing options that accommodate aging in place.

Downtown Master Plan (Draft)

- *Principle:* Provides housing choice. "All ages and abilities."
- *Principle:* Provides housing choice.
Goal 2: A downtown that is a model for sustainable, urban living that accommodates all life stages, including families, enabling them to choose downtown living, if they desire.
- *Principle:* Is Vibrant and active.
Goal 2: Create unique places for different age groups, interests, and needs within each downtown district that are active 7 days a week. Action: Create public places for seniors to socialize and recreate.
- *Principle:* Fosters equity and opportunity.
Goal 2: A downtown diverse in age, gender, ethnicity, ability, household size, and socioeconomic background. Action: Enable aging-in-place through housing and service programs.
- *Principle:* Is walkable.
Impact: ...Amenity density is the number of basic services within a defined area –often within a 5- or 10-minute walk. Basic services include, but are not limited to: bank, child-care facility (licensed), community/civic center, convenience store, hair care, hardware store, health club or outdoor recreation facility, laundry/dry cleaner, library, medical/ dental office, park or plaza, pharmacy (stand-alone), place of worship, police/fire station, post office, restaurant, school, **senior-care facility**, supermarket, museum and theater.

City Council Philosophy Statements, 2012

- *Neighborhood Quality Of Life* - We value a balance of residential types in the City including housing for all income levels, ages and accessibility needs.
- *Comprehensive Housing Policy* - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;
 - *Policy Statements #5 – Zoning:* The City should evolve its zoning regulations to effectively address the City's changing housing needs.
 - *Policy Statements #7 - Downtown Housing:* Permanent residences in downtown Salt Lake City are a critical part of creating a vibrant, safe, and sustainable Capital City. The urban core should be considered a neighborhood for purposes of housing planning, and the City should expect housing to be available to all income levels downtown.

Salt Lake City Housing Plan, 2000

- Promote diverse and balanced communities by offering wide range of housing throughout city

Salt Lake City Comprehensive Housing Plan, 2010

- Emphasize TOD, transit accessibility and proximity to services in housing

Sugar House Community Plan, 2005

- Provide a diversity of housing types, sizes, and prices in the community as a whole.
- Provide a mix of housing types, densities and costs for live/work opportunities in same community.

Central Community Master Plan,

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.

Northwest Community Plan, 1990

- Assisted housing should be spread throughout city.
- Assisted housing project should be required to have compatibly designed buildings which fit with the character of the surrounding neighborhood.

East Bench Community Plan,

- Chance for elderly assisted housing

Finding: Generally, the City's master plans support this zoning text amendment. The proposed text amendment is consistent with adopted planning documents.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

Analysis: For the most part the proposed changes to the land use tables will be to allow Assisted Living Facilities in the Downtown and in the Gateway-Mixed Use zoning districts, and that Assisted Living Facilities will no longer be allowed in the RB and SNB zoning districts.

Statement of intent for the Downtown and Gateway-Mixed Use zoning districts:

- The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.
- The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.

Purpose statement for the SNB zoning district:

- The purpose of the small neighborhood business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including mid block. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended

to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development.

Finding: The text amendment to expend assisted living facilities within the Downtown and Gateway-Mixed Use zoning districts furthers the purpose statements of the zoning ordinance. This zoning amendment will encourage a more diversified residential use in these zoning districts and will help implement the above adopted and soon to be adopted plans.

Staff finds that Assisted Living Facilities do not fit with the purpose of the SNB zoning district because of its residential character.

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

Analysis: There are no overlay districts that would be impacted by the modification of the Table of Permitted and Conditional Uses to allow Assisted Living Facilities.

Finding: This standard is not applicable to the proposed text amendment.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Analysis: Multigenerational planning is essential to smart growth, sustainable design and development of a city. Successful multigenerational planning expands choices for families, increase the independence of people of all ages, and create stronger communities.

For additional online resource on the topic of Aging in Place follow this link to the American Planning Association page:

<https://www.planning.org/resources/ontheradar/aging/>

Finding: The proposed text change implements best current, professional practices of urban planning and design. This zoning amendment will address some of the issues that are needed to advance the cause of Aging in Place in the City. By allowing Assisted Living Facilities in the Downtown Zoning Districts, elderly housing will be more integrated with other land uses, it will expand the possibilities of where to build new housing, and it will provide more transportation choices to people who are in much need of it.

ATTACHMENT D: PUBLIC PROCESS & COMMENTS

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on June 3, 2014
- Met with the Utah Housing Coalition on September 3, 2014
- Held an open house on October 16, 2014
- Notices to the newspaper were sent out on October 28, 2014 for the planning commission meeting, and it was published on the newspaper on November 1, 2014.

ATTACHMENT E: DEPARTMENT REVIEW COMMENTS

The proposed text amendment was sent to the departments listed below for review and comment.

- Building Services
- Transportation
- Attorney's Office
- Housing & Neighborhood Development
- Business Licenses
- Utah State Licensing

The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

From: [Joel Hoffman](#)
To: [Pace, Katia](#)
Subject: Re: Text Amendment for Assisted Living Facilities
Date: Tuesday, October 07, 2014 6:00:18 PM

Katia

We do not license congregate care facilities, nor am I aware of anyone that does, so the definition may be whatever you decide. The assisted living and nursing home definitions are still correct. The definition for "Resident Health Care Facility" is no longer in place. That facility type is now assisted living, but with different rules. We no longer have the definition for residential health care facility.

Let me know if you need other answers.

Joel

Sent from my iPhone - Joel

On Oct 6, 2014, at 3:10 PM, Pace, Katia <Katia.Pace@slcgov.com> wrote:

Dear Mr. Hoffman,

I work for the Salt Lake City's Planning Division and have been asked by Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table in the City's Zoning Ordinance to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The City has the following definitions for health facilities. I would like your opinion on how to make our definitions reflect more closely to the State's definition. Also, I didn't find a definition for Congregate Care Facility on the State's website and was wondering if that is a facility that the State recognizes. Your help would be greatly appreciated.

DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, CONGREGATE CARE FACILITY: A housing development designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly or persons with a disability. The direct services that are provided or made available by the management of the congregate housing shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.

DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

NURSING CARE FACILITY: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.

KATIA PACE
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

ATTACHMENT F: MOTIONS

Alternatives

One alternative would be to recommend that the Table of Permitted Uses and Conditional Uses remain unchanged. This option would continue the current level of housing types and limit opportunity for additional housing options.

Another alternative would be to change the text amendment by taking out some of the proposed changes, or adding changes made in this staff report, or a combination of both.

Commission Options

The Planning Commission is a recommending body for the matter, so the City Council can choose to agree with the recommendation, modify the recommendation, or disagree with it. The Planning Commission options are to recommend a favorable or negative recommendation of either the staff's recommendation or a separate Commission's recommendation.

Potential Motions

Consistent with Staff Recommendation: The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis.

Not Consistent with Staff Recommendation: Based on the findings in the staff report, public input and discussion, I move to transmit a negative recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

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.

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 12, 2014

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:31:29 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Clark Ruttinger, Vice Chair Matt Lyon, Commissioners Emily Drown, Michael Gallegos, Michael Fife, James Guilkey and Marie Taylor. Commissioners Angela Dean and Carolynn Hoskins were excused.

Planning Staff members present at the meeting were: Nick Norris, Acting Assistant Planning Director; Michaela Oktay, Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Lex Traugher, Senior Planner; Daniel Echeverria, Principal Planner; Michael Maloy, Senior Planner; Katia Pace, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Emily Drown, James Guilkey, Clark Ruttinger, Matt Lyon and Marie Taylor. Staff members in attendance were Nick Norris, Michaela Oktay, Lex Traugher, Doug Dansie, Casey Stewart, Michael Maloy, Daniel Echeverria and Katia Pace.

The following location was visited:

- **Ball Park Apartments** - Staff gave an overview of the proposal.
- **Sugar House Townhomes** - Staff gave an overview of the proposal. The Commissioners asked about the fencing along the streetcar corridor.
- **900 S Office Building** - Staff gave an overview of the proposal. The Commissioners asked if the walkway could be reduced along the building and parking, how the north setback changed and were there windows on the second level. Staff reviewed the setbacks and there were windows along 900 S and 700 East.
- **Seasons a Library Square** Staff gave an overview of the proposal. The Commission asked if this was a zoning change. Staff stated that was their recommendation.

APPROVAL OF THE MINUTES FROM THE OCTOBER 22, 2014, MEETING [5:31:55 PM](#)
MOTION [5:31:58 PM](#)

- The appeal process for the petition.
- How many cell phone towers and antenna were located in Salt Lake City.
- The noticing process for the petition.

MOTION [9:55:45 PM](#)

Commissioner Gallegos stated regarding petition PLNPCM2014-00178 AT&T Rooftop Antennae at 115 South 1100 East, based on the information in the Staff Report, public testimony, and discussion by the Planning Commission, he moved that the Planning Commission approve application PLNPCM2014-00178, for AT&T Rooftop Antenna at 115 South 1100 East subject to conditions one through four as listed in the Staff Report. Commissioner Lyon seconded the motion. The motion passed unanimously.

[9:58:37 PM](#)

[Assisted Living Facilities Text Amendment](#) - A request by Salt Lake City's Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801) 535-6354 or katia.pace@slcgov.com). Case number PLNPCM2014-00388

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending that the Planning Commission transmit a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The petition was to bring the City Code into line with the State code.
- The definitions that would change regarding the size of a facility.

PUBLIC HEARING [10:02:32 PM](#)

Chairperson Ruttinger opened the Public Hearing.

The following individuals spoke in opposition of the petition: Mr. George Chapman.

The following comments were made:

- Stated older people should not be locked up in dilapidated facilities.

- The petition required further discussion on location and amenities for residents of these facilities.

Chairperson Ruttinger closed the Public Hearing.

The Commission and Staff discussed the following:

- The petition was for a city wide text amendment.
- If it was in the Commissions purview to recommend where these facilities were constructed.
 - Staff stated the City felt the market should determine where these facilities were best constructed.

MOTION [10:06:25 PM](#)

Commissioner Guilkey stated regarding petition PLNPCM2014-000388 Assisted Living Facilities Zoning Text Amendment, based on the findings in the Staff Report, public input and discussion, he moved to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition. Commissioner Gallegos seconded the motion. The motion passed unanimously.

The meeting adjourned at [10:07:45 PM](#)



Petition Initiation Request

Planning Division

Community & Economic Development
Department

To: Mayor Becker

From: Wilf Sommerkorn, Planning Director *WS*

Date: June 3, 2014

CC: David Everitt, Chief of Staff; Eric Shaw, Community and Economic Development Director; Mary De La Mare-Schaefer, Community & Economic Development Department Deputy Director; Cheri Coffey, Assistant Planning Director; file

Re: Amending the Zoning Ordinance relating to in which zoning districts Assisted Living Facilities should be allowed.

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Land Use Tables to allow Assisted Living Facilities in more zoning districts where appropriate.

In 1995, the City adopted a whole new zoning ordinance. At that time most land uses were segregated by zoning district. Over time the City has created more mixed use categories which allow a mixture of residential and non-residential uses. In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts, but the Division is of the opinion that there may be other zoning districts where it may be appropriate to allow Assisted Living Facilities.

In addition, the Planning Division will consult with the Attorney's Office and other City Divisions/ Departments relating to the Federal Fair Housing Act to determine how Assisted Living Facilities may be affected by it and what the City should do to comply with the Federal and State Fair Housing laws.

As part of the process, the Planning Division will follow the City adoption process for amending the City Code and Zoning Ordinance which includes citizen input and public hearings with the Planning Commission and City Council.

SCANNED TO: *Maple*
SCANNED BY: *Fairlie*
DATE: 6/4/14

If you have any questions, please contact me.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.



Ralph Becker, Mayor



Date

CITY COUNCIL TRANSMITTAL

 David Everitt, Chief of Staff

Date Received: _____
Date sent to Council: _____

TO: Salt Lake City Council
 Luke Garrott, Chair

DATE: October 19, 2015

FROM: Jill Love, CED Director _____

SUBJECT: PLNPCM2014-00388: Zoning Text Amendment initiated by the Mayor at the request of the Planning Director to change the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change references and definitions of Assisted Living Facilities in the zoning ordinance. The Amendment also includes additional changes proposed by the City Council.

STAFF CONTACT: Katia Pace, Principal Planner
 (801) 535-6354 or katia.pace@slcgov.com

COUNCIL SPONSOR: Exempt

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the ordinance as unanimously recommended by the Planning Commission and additional changes proposed by the City Council Staff.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Issue Origin: On June 3, 2014 the Planning Division received a request by the Mayor to analyze the current zoning ordinance and zoning map and determine what types of changes were appropriate to accommodate “Dwelling, Assisted Living Facility” (referred to in this letter as Assisted Living Facility) land use as part of the City’s “Aging in Place” initiatives and to update the Assisted Living Facility definition to be more consistent with Utah Code’s definition.

The text amendment changing the land use tables to allow Assisted Living Facilities in more zoning districts and to change references and definition of Assisted Living Facility in the zoning ordinance was transmitted to the City Council on April 28, 2015.

TEMPORARY ORDINANCE

This Assisted Living Facility text amendment coincided with the City Council's adoption of the "Temporary Land Use Regulation – End of Life Care and Respite Care" that produced additional changes to the definition of Assisted Living Facility.

As a result of analyzing various definitions related to Assisted Living Facility, the City Council Staff and Planning identified other definitions that need to be updated. These land use definitions are related to each other in the sense that they provide a living environment to unrelated individuals and families.

On June 19, 2015 the City Council adopted an ordinance enacting a temporary land use regulation pertaining to facilities providing access to end of life care and respite care (amending Subsections 21A.33.070 and 21A.62.040, Title 21A, Salt Lake City Code.) These regulations will remain in effect for a period of 6 months from the effective date of the ordinance, or June 19, 2015.

The intent of the temporary regulation is to address a recently discovered regulatory gap in the City code that could inadvertently compromise the health and safety of seriously ill persons in certain group living situations and who may have limited mobility due to such illness. It is proposed that facilities which independently provide end of life care and respite care for persons, who cannot provide for themselves due to serious illness, be subject to the same regulations as other licensed facilities that provide a safe living environment for individuals who need at least basic assistance. Various facilities and health care providers are licensed to offer end of life care and respite care among the services for which they are licensed. Unlicensed facilities that provide end of life care and respite care independently from a licensed facility, as explained above, must be subject to similar regulations to assure the health and safety of persons served by such unlicensed facilities.

The temporary amendments to Title 21A (Zoning Ordinance) included:

- Adding End of Life Care and Respite Care to the Assisted Living Facility definition.
- Adding a definition for End of Life Care to the City's list of definitions.
- Excluding Assisted Living Facilities, and facilities providing end of life care and respite care from the Eleemosynary Facility definition.
- Adding a maximum occupancy of 25 persons for Assisted Living Facilities in the Institutional zoning district.

FURTHER PROPOSED CHANGES

Further analysis found definitions similar to Assisted Living Facility that needed updating, clarification, consistency with Utah Code, and compliance with the Fair Housing Act. The City Council Staff and Planning worked together to come up with changes to additional definitions.

GOALS TO BE ACHIEVED WITH DEFINITION CHANGES

A list of goals to be achieved from changing the definitions is provided below:

Goal 1: Align Zoning Ordinance with Utah Code

Align the zoning ordinance with State regulations and require State licensing to provide a safe living environment to the residents of these facilities (please see attachment 4 “Utah Code Definitions”).

Goal 2: Making Land Use Definitions Mutually Exclusive

The land use definitions being reviewed are related to each other in the sense that they provide a living environment to unrelated individuals and families. The land use definitions should be clarified and made mutually exclusive. They were created over time and, in many cases, overlap their purpose making it confusing to manage them.

Goal 3: Salt Lake City Efforts to Affirmatively Further Fair Housing

According to the Salt Lake City’s 5-Year Consolidated Housing Plan:

“Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City’s changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments.”

Goal 4: The Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of disability among other things.

A major goal of this text amendment is to make changes that are necessary to bring the Salt Lake City’s Zoning Ordinance compliant with the Fair Housing Act. The following measures are required to achieve this goal:

1. The Dwelling, Residential Substantial Abuse Treatment Home is a land use that currently does not comply with the Fair Housing Act and is proposed to be incorporated with the Dwelling, Group Home land use definition.
2. Change the definition of Dwelling, Group Home to include language allowing room or board and specialized treatment for individuals with chemical dependencies.
3. Remove the requirements, found on Chapter 21A.36 - General Provisions that prohibits Group Homes from being located within 800 feet from each other, and prohibits Transitional Victim Homes (proposed to be changed to a Residential Support Dwellings) from being located within 800 feet from each other.

This last measure may cause some concern since it could result in possible concentration of services such as Group Homes in a neighborhood. However, the City has no legal basis in continuing to restrict the location of such services.

Goal 5: “Aging in Place”

Update the land use tables and allow Assisted Living Facilities in appropriate zoning districts such as the Downtown and Gateway zoning districts, which currently do not allow such use. To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

Goal 6: Remove Land Uses and References that are Duplicated or Obsolete

1. Remove the Dwelling, Congregate Care Facility land use definition because it is similar to the definition for Dwelling, Multi-Family, the two land use types are not necessary.
2. Remove the Dwelling, Resident Healthcare Facility land use definition because it is similar to the definition for Assisted Living Facility, the two land use types are not necessary.
3. Remove the Dwelling, Residential Substance Abuse Treatment Home land use definition because it does not comply with the Fair Housing Act. The definition for Dwelling, Group Home is proposed to include language allowing room or board and specialized treatment for individuals with chemical dependencies.
4. Remove the Nursing Care Facility, Sanatorium and Sanatorium land use definitions because the terminology is outdated and the land uses are not listed in any zoning district.
5. Remove the Boarding House land use definition because it is duplicated by the definition of Dwelling, Rooming (Boarding) House.
6. Remove references listed below that are now located on Chapter 21A.36 - General Provisions. The information would be moved to Chapter 21A.33 - Land Use Tables and Chapter 21A.27- Form Based Districts and would be listed as qualifying provisions, or be removed because it is duplicated on Chapters 21A.62 - Definitions and 21A.33 - Land Use Tables or because it is discriminatory:
 - 21A.36.050 - Assisted Living Facilities
 - 21A.36.060 - Nursing Care Facilities
 - 21A.36.070 - Group Homes
 - 21A.36.080 - Transitional Victim Homes

The following references would be removed from Chapter 21A.36 - General Provisions because the land uses are being proposed to be terminated:

- 21A.36.040 - Resident Healthcare Facilities
- 21A.36.100 - Residential Substance Abuse Treatment Homes

TABLE WITH PROPOSED CHANGES

EXISTING DEFINITIONS	PROPOSED CHANGE
BOARDING HOUSE: A building other than a hotel or motel, with three (3) or more bedrooms where direct or indirect compensation for lodging and/or kitchen facilities, not occupied in guestrooms, or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood. Rentals must be on at least a monthly basis.	Remove the Boarding House land use definition because it is duplicated on the definition for Dwelling, Rooming (Boarding) House.
CONVENT/MONASTERY: The dwelling unit of a religious order or congregation who carry on religious, medical, educational or charitable work.	CONVENT/MONASTERY: The dwelling place for a community of persons bound by vows to a religious order or congregation.
DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.	This general land use definition will be removed and the definition will be listed as Dwelling, Assisted Living Facility Large, Small and Limited Capacity.
DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.	DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.
DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.	DWELLING, ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.

EXISTING DEFINITIONS	PROPOSED CHANGE
	<p>DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.</p>
<p>DWELLING, CONGREGATE CARE FACILITY: A housing development designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly or persons with a disability. The direct services that are provided or made available by the management of the congregate housing shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.</p>	<p>Remove the Dwelling, Congregate Care Facility land use definition because it is similar to the definition for Dwelling, Multi-Family, and the two land use types are not necessary.</p>
<p>DWELLING, GROUP HOME (LARGE): A residential facility set up as a single housekeeping unit and shared by seven (7) or more unrelated persons, exclusive of staff, who require assistance and supervision. A large group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.</p>	<p>DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home includes a recovery residence, but does not include a boarding school or foster home as defined in the Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.</p>

EXISTING DEFINITIONS	PROPOSED CHANGE
<p>DWELLING, GROUP HOME (SMALL): A residential facility set up as a single housekeeping unit and shared by up to six (6) unrelated persons, exclusive of staff, who require assistance and supervision. A small group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A small group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.</p>	<p>DWELLING, GROUP HOME (SMALL): A residential treatment facility, occupied by two (2) to six (6) unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home includes a recovery residence, but does not include a boarding school or foster home as defined in the Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.</p>
<p>DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.</p>	<p>Remove the Dwelling, Resident Healthcare Facility land use definition because it is similar to the definition for Assisted Living Facility, and the two land use types are not necessary.</p>
<p>DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE): A residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A large residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.</p>	<p>Remove the Dwelling, Residential Substance Abuse Treatment Home (Large) land use definition and incorporate it with the land use definition for Dwelling, Group Home.</p>

EXISTING DEFINITIONS	PROPOSED CHANGE
<p>DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL): A residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A small residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.</p>	<p>Remove the Dwelling, Residential Substance Abuse Treatment Home (Small) land use definition and incorporate it with the land use definition for Dwelling, Group Home.</p>
<p>DWELLING, TRANSITIONAL VICTIM HOME (LARGE): A residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah as a residential support facility. A large transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A large transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.</p>	<p>DWELLING, RESIDENTIAL SUPPORT (LARGE): A residential facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.</p>
<p>DWELLING, TRANSITIONAL VICTIM HOME (SMALL): A residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah as a residential support facility. A small transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A small transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.</p>	<p>DWELLING, RESIDENTIAL SUPPORT (SMALL): A residential facility, occupied by up to six (6) unrelated individuals, licensed by the state of Utah under Title 62A Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.</p>

EXISTING DEFINITIONS	PROPOSED CHANGE
<p>ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, transitional victim homes, residential substance abuse treatment homes, assisted living facilities, facilities providing end of life care or respite care, and other similar nonprofit facilities and organizations.</p>	<p>ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, residential support dwellings, assisted living facilities, facilities providing end of life care or respite care, facilities exempt from licensing by the state of Utah under Utah Code 26-21-7 or its successor, and other similar facilities.</p>
<p>FAMILY:</p> <ul style="list-style-type: none"> A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit. <p>The term "family" shall not be construed to mean a club, group home, transitional victim home, substance abuse home, transitional home, a lodge or a fraternity/sorority house.</p>	<p>FAMILY:</p> <ul style="list-style-type: none"> D. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or E. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or F. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit. <p>The term "family" shall not be construed to mean a club, group home, residential support dwelling, a lodge or a fraternity/sorority house.</p>
	<p>HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.</p>

EXISTING DEFINITIONS	PROPOSED CHANGE
<p>NURSING CARE FACILITY: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.</p>	<p>NURSING CARE FACILITY: A health care facility licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two (2) of the following patient services:</p> <ul style="list-style-type: none"> A. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; B. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or C. A supervised living environment that provides support, training, or assistance with individual activities of daily living.
<p>NURSING CARE FACILITY, SANATORIUM: A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.</p>	<p>Remove the Nursing Care Facility, Sanatorium land use definition because the terminology is outdated and the land use is not listed in any zoning district.</p>
<p>SANATORIUM: A health facility or institution for the inpatient treatment and recuperation of persons suffering from physical or mental disorders, providing qualified medical, professional and nursing staff. A sanatorium shall not include facilities for the criminally insane.</p>	<p>Remove the Sanatorium land use definition because the terminology is outdated and the land use is not listed in any zoning district.</p>

LIMITING THE SIZE OF ASSISTED LIVING FACILITIES IN INSTITUTIONAL ZONES

Along with the temporary land use regulation pertaining to facilities providing access to end of life care and respite care, the City Council proposes adding a maximum occupancy of 25 persons for Assisted Living Facilities in the Institutional zoning district. The Planning Division recommends not adding this maximum occupancy. Following are some findings that support this recommendation:

1. The Institutional zone currently allows for other land uses that are equal in impact or more intense than Assisted Living Facilities, such as Congregate Care Facilities, Eleemosynary Facilities, Hospitals and Nursing Care Facilities.
2. There are existing Assisted Living Facilities and similar institutions, as mentioned above, in the Institutional zone that exceed the proposed cap:

- St. Joseph's Villa (48 beds)
 - Sarah Daft Home (39 beds)
 - Hillside Rehabilitation Center (121 beds)
 - Shriners Hospital (45 beds)
 - Children's Hospital (289 beds)
 - University of Utah Hospital (592 beds)
 - University of Utah Neuropsychiatric Hospital (178 beds)
3. Higher residential zones such as RMF-35, RMF-45, RMF-75, RMU-35, RMU-45 and RMU either allow large Assisted Living Facilities or allow it through a conditional use process. By limiting Assisted Living Facilities to have 25 beds in the Institutional zone would mean that the more intensive residential zones could have larger Assisted Living Facilities than the Institutional zone.
 4. If this maximum occupation is added to the Institutional zone, some of these facilities would become "legal nonconforming".

RELEVANT ORDINANCES AFFECTED BY THE PROPOSED CHANGES

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "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."

Additional detail can be found on attachment 3 "Strike & Bold" including zoning ordinance references that will be affected by the proposed changes. Planning will continue to search the ordinance and identify any reference that may cause any text collisions or mistakes.

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1. CHRONOLOGY

PROJECT CHRONOLOGY

June 3, 2014	Application received assigned project number PLNPCM2014-00388
September 3, 2014	Met with the Utah Housing Coalition
October 16, 2014	Held communitywide Open House at the City and County Building
October 27, 2014	Routed application to departments for comments
November 1, 2014	Newspaper notice published for Planning Commission public hearing
November 7, 2014	Staff report published and posted on City website
November 12, 2014	Held Planning Commission Public Hearing
November 13, 2014	Posted Planning Commission Record of Decision
December 10, 2014	Ratified Planning Commission minutes
January 23, 2014	Requested ordinance from City Attorney
February 20, 2014	Received ordinance from City Attorney
April 28, 2015	Transmitted Assisted Living Facility Text Amendment to City Council
June 19, 2015	City Council adopted the “Temporary Land Use Regulation – End of Life Care and Respite Care” that produced additional changes to the definition of Assisted Living Facility

2. ORDINANCE

SALT LAKE CITY ORDINANCE
No. ____ of 2015

(Amending provisions related to assisted living and similar facilities)

An ordinance amending Sections 21A.27.050, 21A.33.020, 21A.33.030, 21A.33.050, 21A.33.060, 21A.33.070, 21A.44.030, 21A.60.020, AND 21A.60.040, *Salt Lake City Code*, and repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100, Salt Lake City Code, to modify provisions related to assisted living and similar facilities.

WHEREAS, the Salt Lake City Planning Commission held a duly noticed public hearing on November 12, 2014 on an application submitted by Mayor Ralph Becker to consider amendments to Title 21A – Zoning, Salt Lake City Code, related to assisted living and similar facilities pursuant to Petition No. PLNPCM2014-00388; and

WHEREAS, at its November 12, 2014 meeting the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after holding a duly noticed public hearing the Salt Lake City Council has determined 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 Table 21A.27.050N of the *Salt Lake City Code*. Table 21A.27.050N in Subsection 21A.27.050N of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses) shall be, and hereby is, amended to add and delete land uses as shown below:

TABLE 21A.27.050N
PERMITTED USES

Use	FB-UN1	FB-UN2
Dwelling		
Assisted living facility (small)	P	P
Assisted living facility (limited capacity)	P	P
Residential substance abuse treatment home (large)		P
Residential substance abuse treatment home (small)		P
Residential support (large)		P
Residential support (small)		P
Transitional victim home (large)		P
Transitional victim home (small)		P

The codifier is instructed to only modify the uses as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 2. Amending Section 21A.33.020 of the Salt Lake City Code. Section 21A.33.020 of the Salt Lake City Code (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be, and hereby is, amended to add and delete land uses as shown below:

Use	Permitted and Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R- 2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU- 35	R-MU- 45	R-MU	RO
Dwelling, assisted living facility (large)												C	P	P		C	P	P	P
Dwelling, assisted living facility (small)	€	€	€	€	€	€	€			€	€	P	P	P	P	P	P	P	P
<u>Dwelling, assisted living facility (limited capacity)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwelling, residential substance abuse treatment home (small)														P		P	P	P	P
<u>Dwelling, residential support (large)</u>													<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>
<u>Dwelling, residential support (small)</u>												<u>C</u>	<u>C</u>	<u>P</u>		<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
Dwelling, transitional victim home (large)													€	€			€	€	€
Dwelling, transitional victim home (small)												€	€	P		€	€	P	P

The codifier is instructed to only modify the uses as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 3. Amending Section 21A.33.030 of the Salt Lake City Code. 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 add and delete land uses as shown below:

Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling								
Assisted living facility (small)		P		P	P	P	P	P
Residential substance abuse treatment home (large)				€		€	€	
Residential substance abuse treatment home (small)				€		€	€	
Residential support (large)				C		C	C	
Residential support (small)				C		C	C	
Transitional victim home (large)				€		€	€	
Transitional victim home (small)				€		€	€	

The codifier is instructed to only modify the uses as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 4. Amending Section 21A.33.050 of the Salt Lake City Code. 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 add and delete land uses as shown below:

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Dwelling:				
<u>Assisted living facility (large)</u>	P	P	P	P
<u>Assisted living facility (small)</u>	P	P	P	P
<u>Assisted living facility (limited capacity)</u>		P	P	P
<u>Residential substance abuse treatment home (large)</u>		€	€	
<u>Residential substance abuse treatment home (small)</u>		€	€	
<u>Residential support (large)</u>		C	C	
<u>Residential support (small)</u>		C	C	
<u>Transitional victim home (large)</u>		€	€	
<u>Transitional victim home (small)</u>		€	€	

The codifier is instructed to only modify the uses as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 5. Amending Section 21A.33.060 of the Salt Lake City Code. Section 21A.33.060 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be, and hereby is, amended to add and delete land uses as shown below:

Use	G-MU
Dwelling:	
<u>Assisted living facility (large)</u>	P
<u>Assisted living facility (small)</u>	P
<u>Assisted living facility (limited capacity)</u>	P
<u>Residential substance abuse treatment home (large)</u>	€
<u>Residential substance abuse treatment home (small)</u>	€

	<u>Residential support (large)</u>	<u>C</u>
	<u>Residential support (small)</u>	<u>C</u>
	<u>Transitional victim home (large)</u>	<u>C</u>
	<u>Transitional victim home (small)</u>	<u>C</u>

The codifier is instructed to only modify the uses as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 6. Amending Section 21A.33.070 of the Salt Lake City Code. Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be, and hereby is, amended to add and delete land uses as shown below:

Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																	
<u>Assisted living facility</u>													P ¹⁶	P			P
<u>Assisted living facility (large)</u>													P	P			P
<u>Assisted living facility (small)</u>													P	P			P
<u>Assisted living facility (limited capacity)</u>													P	P			P
<u>Congregate care facility</u>													P	P			P
<u>Residential substance abuse treatment home (large)</u>														P			C
<u>Residential substance abuse treatment home (small)</u>														P			P
<u>Residential support (large)</u>																	C
<u>Residential support (small)</u>																	P
<u>Transitional victim home (large)</u>																	C
<u>Transitional victim home (small)</u>																	P

Qualifying Provisions

16. Occupancy shall be limited to 25 persons in a facility providing end of life care and/or respite care. A facility which was legally established prior to June 12, 2015, shall be deemed a legal conforming use and shall not be subject to this occupancy limit.

The codifier is instructed to only modify the uses as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 7. Amending the text of Chapter 21A.36. Chapter 21A.36 of the *Salt Lake City Code* (Zoning: General Provisions) shall be, and hereby is, amended by repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100. The repealed sections are as follows:

~~21A.36.040: RESIDENT HEALTHCARE FACILITIES:~~

~~A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF 30, RMF 35, RMF 45, RMF 75, RB, R MU 35, R MU 45, R MU, RO, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements.~~

~~21A.36.050: ASSISTED LIVING FACILITIES:~~

~~An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF 35, RMF 45, RMF 75, R MU 35, R MU 45, R MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit.~~

~~21A.36.060: NURSING CARE FACILITIES:~~

~~A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF 45, RMF 75, R MU 35, R MU 45, R MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title.~~

~~21A.36.070: GROUP HOMES:~~

~~A. Purpose Statement: The purpose of this section is to permit the establishment of group homes for "persons with disabilities" as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.~~

~~B. License Required: No group home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.~~

~~C. Small Group Homes; Authorized As Permitted Uses: Small group homes shall be permitted pursuant to subsection B of this section in the FR 1, FR 2, FR 3, R 1/12,000, R 1/7,000, R 1/5,000, SR 1, SR 3, R 2, RMF 30, RMF 35, RMF 45, RMF 75, RB, R MU 35, R MU 45, R MU, RO, CC, CG, D 2, D 3, AG, AG 2, AG 5, and MU districts provided:~~

- ~~1. No small group home shall be located within eight hundred feet (800') of another group home; and~~
- ~~2. Small group homes established in the RB and RO districts shall be located above the ground floor.~~

~~D. Large Group Homes; Authorized As Conditional Uses: Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF 30, RMF 35, RMF 45, RMF 75, RB, R MU 35, R MU 45, R MU, RO, CC, CG, D 2, D 3, G MU, and MU districts provided:~~

- ~~1. No large group home shall be located within eight hundred feet (800') of another group home; and~~
- ~~2. Large group homes established in the RB and RO districts shall be located above the ground floor.~~

~~21A.36.080: TRANSITIONAL VICTIM HOMES:-~~

~~A. Purpose Statement: The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.~~

~~B. License Required: No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.~~

~~C. Small Transitional Victim Homes Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF 75, R MU, RO, and MU districts provided:~~

- ~~1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home or residential substance abuse treatment home.~~

~~2. Small transitional victim homes established in RO districts shall be located above the ground floor.~~

~~D. Small Transitional Victim Homes Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF 35, RMF 45, R MU 35, R MU 45, CC, CG, D 2, D 3, and G MU districts provided:~~

~~1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home or residential substance abuse treatment home.~~

~~E. Large Transitional Victim Homes Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use,~~

~~pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF 45, RMF 75, R MU 45, R MU, RO, CC, CG, D 2, D 3, G MU, and MU districts provided:~~

~~1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or community correctional facility; and~~

~~2. Large transitional victim homes established in RO districts shall be located above the ground floor.~~

~~21A.36.100: RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOMES:~~

~~A. Purpose Statement: The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.~~

~~B. License Required: No residential substance abuse treatment home shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.~~

~~C. Small Residential Substance Abuse Treatment Homes Authorized As Permitted Uses: Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF 75, R MU 35, R MU 45, R MU, RO, and MU districts provided:~~

~~1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home or transitional victim home; and~~

~~2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.~~

~~D. Small Residential Substance Abuse Treatment Homes Authorized As Conditional Uses: Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF 35, RMF 45, CC, CG, D 2, D 3 and G-MU districts provided:~~

~~1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or community correctional facility.~~

~~E. Large Residential Substance Abuse Treatment Homes Authorized As Conditional Uses: Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF 45, RMF 75, R-MU 45, R-MU, RO, CC, CG, D 2, D 3, G-MU, and MU districts provided:~~

~~1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or community correctional facility; and~~

~~2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.~~

SECTION 8. Amending Table 21A.44.030 of the *Salt Lake City Code*. Table 21A.44.030 in Subsection 21A.44.050 of the *Salt Lake City Code* (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required) shall be, and hereby is, amended to delete the parking requirements as shown below:

TABLE 21A.44.030
SCHEDULE OF MINIMUM
OFF STREET PARKING REQUIREMENTS

Residential:	
--------------	--

Congregate care facility	1 parking space for each living unit containing 2 or more bedrooms $\frac{3}{4}$ parking space for each 1 bedroom living unit
Institutional:	
Sanatorium, nursing care facility	1 parking space for each 6 beds for which accommodations are offered, plus 1 parking space for each 4 employees other than doctors, plus 1 parking space for each 3 dwelling units

The codifier is instructed to only modify the parking requirements as shown in the table above and to make no other revisions to said table as part of this ordinance.

SECTION 9. Amending text of Section 21A.60.020. Section 21A.60.020 of the *Salt Lake City Code* shall be, and hereby is, amended add and delete the list of defined terms as shown below:

21A.60.020: LIST OF DEFINED TERMS:

Assisted living facility (large)
Assisted living facility (small)
Assisted living facility (limited capacity)
~~Dwelling, assisted living facility~~
~~Dwelling, assisted living facility (large)~~
~~Dwelling, assisted living facility (small)~~
~~Dwelling, congregate care facility~~
~~Dwelling, resident healthcare facility~~
~~Dwelling, residential substance abuse treatment home (large)~~
~~Dwelling, residential substance abuse treatment home (small)~~
~~Dwelling, transitional victim home (large)~~
~~Dwelling, transitional victim home (small)~~
Dwelling, residential support (large)
Dwelling, residential support (small)
End of Life Care
Hospice
~~Nursing care facility, sanatorium~~
~~Sanatorium~~

The codifier is instructed to only modify the defined terms as shown above and to make

no other revisions to said section as part of this ordinance.

SECTION 10. Amending text of Section 21A.62.040. Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended to

(i) delete the definitions of the terms “DWELLING, ASSISTED LIVING FACILITY”, “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, “DWELLING, ASSISTED LIVING FACILITY (SMALL)”, “DWELLING, CONGREGATE CARE FACILITY”, “DWELLING, RESIDENT HEALTH CARE FACILITY”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE)”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL)”, and “NURSING CARE FACILITY, SANATORIUM” and “SANATORIUM”.; (ii) modify the definitions of the terms “BOARDING HOUSE”, “CONVENT/MONASTERY”, “DWELLING, GROUP HOME (LARGE)”, “DWELLING, GROUP HOME (SMALL)”, “DWELLING, TRANSITIONAL VICTIM HOME (LARGE)”, “DWELLING, TRANSITIONAL VICTIM HOME (SMALL)”, “ELEEMOSYNARY FACILITY”, “FAMILY”, and “NURSING CARE FACILITY”; and (iii) add the terms “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, “DWELLING, ASSISTED LIVING FACILITY (SMALL)”, “DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY)”, “END OF LIFE CARE”, and “HOSPICE”. The codifier is instructed to only modify the definitions listed below and make no other revisions to said subsection as part of this ordinance. Deleted definitions are as follows:

~~DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each~~

resident.

~~DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~

~~DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~

~~DWELLING, CONGREGATE CARE FACILITY: A housing development designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly or persons with a disability. The direct services that are provided or made available by the management of the congregate housing shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.~~

~~DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.~~

~~DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE): A residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A large residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.~~

~~DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL): A residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A small residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.~~

~~NURSING CARE FACILITY, SANATORIUM: A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.~~

~~SANATORIUM: A health facility or institution for the inpatient treatment and recuperation of persons suffering from physical or mental disorders, providing qualified medical, professional and nursing staff. A sanatorium shall not include facilities for the criminally insane.~~

Modified definitions are as follows:

~~BOARDING HOUSE: A building other than a hotel or motel, with three (3) or more bedrooms where direct or indirect compensation for lodging and/or kitchen facilities, not occupied in guestrooms, or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood. Rentals must be on at least a monthly basis. See DWELLING, ROOMING (BOARDING) HOUSE.~~

~~CONVENT/MONASTERY: The dwelling unit of place for a community of persons bound by vows to a religious order or congregation who carry on religious, medical, educational or charitable work.~~

~~DWELLING, GROUP HOME (LARGE): A residential treatment facility set up as a single housekeeping unit and shared, occupied by seven (7) or more unrelated persons, exclusive of staff, who require assistance and supervision. A large group home is individuals, licensed by the state of Utah and under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides counseling, therapy and specialized treatment, along with habilitation a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for physically or mentally disabled persons. A large group home shall persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code, or its successor, or a residential support dwelling as defined in this chapter.~~

DWELLING, GROUP HOME (SMALL): A residential treatment facility ~~set up as a single housekeeping unit and shared, occupied by up to two (2) to six (6) unrelated persons, exclusive of staff, who require assistance and supervision. A small group home is individuals,~~ licensed by the state of Utah ~~and under Title 62A, Chapter 2 of the Utah Code, or its successor, that~~ provides ~~counseling, therapy~~ a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, ~~along with behavior modification, rehabilitation, discipline, emotional growth, or habilitation or rehabilitation services for physically or mentally disabled persons. A small group home shall~~ persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include persons who are diagnosed with a substance abuse problem or who are staying in the home a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as a result of criminal offenses defined in this chapter.

DWELLING, ~~TRANSITIONAL VICTIM HOME~~ RESIDENTIAL SUPPORT (LARGE): A residential facility ~~for, occupied by~~ seven (7) or more unrelated persons, ~~exclusive of staff, and individuals,~~ licensed by the state of Utah ~~as a residential support facility. A large transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse under Title 62A, Chapter 2 of the Utah Code or crime. A large transitional victim home arranges for or its successor which~~ provides the necessities of life ~~and as a protective service~~ service to individuals or families who ~~are experiencing~~ have a ~~temporary disability or who are experiencing a~~ dislocation or emergency ~~which that~~ prevents them from providing these services for themselves or ~~for~~ their families.

~~Treatment is not a necessary component of residential support services, however, care shall be made available on request.~~

DWELLING, ~~TRANSITIONAL VICTIM HOME~~ RESIDENTIAL SUPPORT (SMALL): A residential facility ~~for, occupied by~~ up to six (6) unrelated persons, ~~exclusive of staff, and individuals,~~ licensed by the state of Utah ~~under Title 62A, Chapter 2 of the Utah Code or its successor which~~ provides the necessities of life as a ~~residential support facility. A small transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A small transitional victim home arranges for or provides the necessities of life and~~ protective ~~service~~ service to individuals or families who ~~have a disability or who~~ are experiencing a ~~temporary~~ dislocation or emergency ~~which that~~ prevents them from providing these services for themselves or ~~for~~ their families. ~~Treatment is not a necessary component of residential support services, however, care shall be made available on request.~~

ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or

their family members. ~~Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding.~~ The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group ~~homes, transitional victim homes~~ home dwellings, residential ~~substance abuse treatment homes~~ support dwellings, assisted living facilities, facilities providing end of life care or respite care, facilities exempt from licensing by the state of Utah under Utah Code Section 26-21-7 or its successor, and other similar ~~nonprofit facilities and organizations.~~

FAMILY:

A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, ~~transitional victim home, substance abuse home, transitional home,~~ residential support dwelling, a lodge or a fraternity/sorority house.

NURSING CARE FACILITY: A health care facility licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, twenty-four (24) hour staff availability, and at least two (2) of the following patient services: ~~a)~~

A. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; ~~b)~~

B. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or ~~c)~~

C. A supervised living environment that provides support, training, or assistance with individual activities of daily living.

New definitions are as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) to twenty-five (25) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

END OF LIFE CARE: Care given to the terminally ill which includes medical, palliative, psychosocial, spiritual, bereavement and supportive care, and treatment.

HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.

SECTION 11. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2015.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2015.

Published: _____

HB_ATTYY-#49133-v1-Ordinance_amending_assisted_living_facilities.DOCX

LEGISLATIVE VERSION

Attachment: Admin - 2 Ordinance (1413 : Assisted Living and Other Similar Facilities Zoning Text Amendment)

SALT LAKE CITY ORDINANCE
No. ____ of 2015

(Amending provisions related to assisted living and similar facilities)

An ordinance amending Sections 21A.27.050, 21A.33.020, 21A.33.030, 21A.33.050, 21A.33.060, 21A.33.070, 21A.44.030, 21A.60.020, and 21A.60.040, *Salt Lake City Code*, and repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100, Salt Lake City Code, to modify provisions related to assisted living and similar facilities.

WHEREAS, the Salt Lake City Planning Commission held a duly noticed public hearing on November 12, 2014 on an application submitted by Mayor Ralph Becker to consider amendments to Title 21A – Zoning, Salt Lake City Code, related to assisted living and similar facilities pursuant to Petition No. PLNPCM2014-00388; and

WHEREAS, at its November 12, 2014 meeting the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, after holding a duly noticed public hearing the Salt Lake City Council has determined 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 Table 21A.27.050N of the *Salt Lake City Code*. Table 21A.27.050N in Subsection 21A.27.050N of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Permitted Land Uses) shall be, and hereby is, amended to delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to

modify the use “Assisted living facility (small)” to omit that use as permitted in the FB-UN1 zoning district (as signified by a “P” in the use table), and to add the use categories: “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

TABLE 21A.27.050N
PERMITTED USES

Use		FB-UN1	FB-UN2
Dwelling			
	Assisted living facility (small)		P
	Assisted living facility (limited capacity)	P	P
	Residential support (large)		P
	Residential support (small)		P

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 2. Amending Section 21A.33.020 of the *Salt Lake City Code*. Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) shall be, amended to delete the use categories: “Dwelling, residential substance abuse treatment home (small)”, “Dwelling, transitional victim home (large)”, and “Dwelling, transitional victim home (small)”. Said table is further amended to modify the use “Dwelling, assisted living facility (large)” to omit that use as permitted in the RO zoning district (as signified by a “P” in the use table); to modify the use “Dwelling, assisted living facility (small)” to omit that use as conditional in any residential zoning district (as signified by a “C” in the use table) and as a permitted use in the RB and RO zoning districts (as

signified by a “P” in the use table); and to add the use categories: “Dwelling, assisted living facility (limited capacity)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)” as shown below:

Use	Permitted and Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R- 2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU- 35	R-MU- 45	R-MU	RO
Dwelling, assisted living facility (large)												C	P	P		C	P	P	
Dwelling, assisted living facility (small)												P	P	P		P	P	P	
Dwelling, assisted living facility (limited capacity)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dwelling, residential support (large)													C	C			C	C	C
Dwelling, residential support (small)												C	C	P		C	C	P	P

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 3. Amending Section 21A.33.030 of the Salt Lake City Code. 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 delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to modify the use “Assisted living facility (small)” to omit that use as permitted in the SNB zoning district (as signified by a “P” in the use table), and to add the use categories: “Residential support (large)”, and “Residential support (small)” as shown below:

Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling								
Assisted living facility (small)		P		P	P	P	P	
Residential support (large)				C		C	C	
Residential support (small)				C		C	C	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 4. Amending Section 21A.33.050 of the Salt Lake City Code. 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 delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		Permitted And Conditional Uses By District			
		D-1	D-2	D-3	D-4
Dwelling:					
	Assisted living facility (large)	P	P	P	P
	Assisted living facility (small)	P	P	P	P
	Assisted living facility (limited capacity)		P	P	P
	Residential support (large)		C	C	
	Residential support (small)		C	C	

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 5. Amending Section 21A.33.060 of the Salt Lake City Code. Section 21A.33.060 of the Salt *Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) shall be, and hereby is, amended to delete the use categories: “Residential substance abuse treatment home (large)”, “Residential substance abuse

treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		G-MU
Dwelling:		
	Assisted living facility (large)	P
	Assisted living facility (small)	P
	Assisted living facility (limited capacity)	P
	Residential support (large)	C
	Residential support (small)	C

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 6. Amending Section 21A.33.070 of the *Salt Lake City Code*. Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) shall be, and hereby is, amended to delete the use categories: “Assisted living facility”, “Congregate care facility”, “Residential substance abuse treatment home (large)”, “Residential substance abuse treatment home (small)”, “Transitional victim home (large)”, and “Transitional victim home (small)”; and to delete Qualifying Provision number 16 in its entirety. Said table is further amended to add the use categories: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Residential support (large)”, and “Residential support (small)” as shown below:

Use		Permitted And Conditional Uses By District																
		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																		
	Assisted living facility (large)													P	P			P
	Assisted living facility (small)													P	P			P
	Assisted living facility (limited capacity)													P	P			P
	Residential support (large)																	C
	Residential support (small)																	P

The codifier is instructed to only modify the uses as described in this section and as shown in the selected portion of the table above and to make no other revisions to said table as part of this ordinance.

SECTION 7. Amending the text of Chapter 21A.36. Chapter 21A.36 of the *Salt Lake City Code* (Zoning: General Provisions) shall be, and hereby is, amended by repealing Sections 21A.36.040, 21A.36.050, 21A.36.060, 21A.36.070, 21A.36.080, and 21A.36.100. Said sections shall be deleted in their entirety.

SECTION 8. Amending Table 21A.44.030 of the *Salt Lake City Code*. Table 21A.44.030 in Subsection 21A.44.050 of the *Salt Lake City Code* (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required) shall be, and hereby is, amended to delete the text and associated parking requirements for the uses: “Congregate care facility” and “Sanatorium, nursing care facility”.

The codifier is instructed to only modify the parking requirements as described in this section and to make no other revisions to said table as part of this ordinance.

SECTION 9. Amending text of Section 21A.60.020. Section 21A.60.020 of the *Salt Lake City Code* shall be, and hereby is, amended to delete the following terms from the list of defined terms: “Dwelling, assisted living facility”, “Dwelling, assisted living facility (large)”, “Dwelling, assisted living facility (small)”, “Dwelling, congregate care facility”, “Dwelling, resident healthcare facility”, “Dwelling, residential substance abuse treatment home (large)”, “Dwelling, residential substance abuse treatment home (small)”, “Dwelling, transitional victim home (large)”, “Dwelling, transitional victim home (small)”, “Nursing care facility, sanatorium”, and “Sanatorium”. Said list of defined

terms shall further be amended to add the following terms to be inserted in alphabetical order: “Assisted living facility (large)”, “Assisted living facility (small)”, “Assisted living facility (limited capacity)”, “Dwelling, residential support (large)”, “Dwelling, residential support (small)”, “End of Life Care”, and “Hospice”.

The codifier is instructed to only modify the defined terms as described in this section and shown above and to make no other revisions to said section as part of this ordinance.

SECTION 10. Amending text of Section 21A.62.040. Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

a. Deleting the definitions of the terms: “DWELLING, ASSISTED LIVING FACILITY”, “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, “DWELLING, ASSISTED LIVING FACILITY (SMALL)”, “DWELLING, CONGREGATE CARE FACILITY”, “DWELLING, RESIDENT HEALTH CARE FACILITY”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE)”, “DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL)”, and “NURSING CARE FACILITY, SANITORIUM” and “SANATORIUM”.

b. Modifying the definitions of the terms: “BOARDING HOUSE”, “CONVENT/MONASTERY”, “DWELLING, GROUP HOME (LARGE)”, “DWELLING, GROUP HOME (SMALL)”, “DWELLING, TRANSITIONAL VICTIM HOME (LARGE)”, “DWELLING, TRANSITIONAL VICTIM HOME (SMALL)”, “ELEMOSYNARY FACILITY”, “FAMILY”, and “NURSING CARE FACILITY” to read as follows:

BOARDING HOUSE: See DWELLING, ROOMING (BOARDING) HOUSE.

CONVENT/MONASTERY: The dwelling place for a community of persons bound by vows to a religious order or congregation.

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

DWELLING, GROUP HOME (SMALL): A residential treatment facility, occupied by two (2) to six (6) individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home Dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

DWELLING, RESIDENTIAL SUPPORT (LARGE): A residential facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

DWELLING, RESIDENTIAL SUPPORT (SMALL): A residential facility, occupied by up to six (6) unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, assisted living facilities, facilities providing end of life care or respite care, facilities exempt from

licensing by the state of Utah under Utah Code Section 26-21-7 or its successor, and other similar facilities.

FAMILY:

A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, residential support dwelling, a lodge or a fraternity/sorority house.

NURSING CARE FACILITY: A health care facility licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, twenty-four (24) hour staff availability, and at least two (2) of the following patient services:

A. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services;

B. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or

C. A supervised living environment that provides support, training, or assistance with individual activities of daily living.

c. Adding the following terms, to be inserted in alphabetical order: "DWELLING, ASSISTED LIVING FACILITY (LARGE)", "DWELLING, ASSISTED LIVING FACILITY (SMALL)", "DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY)", "END OF LIFE CARE", and "HOSPICE", which added definitions shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) to twenty-five (25) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

END OF LIFE CARE: Care given to the terminally ill which includes medical, palliative, psychosocial, spiritual, bereavement and supportive care, and treatment.

HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.

The codifier is instructed to only modify the definitions as described in this section and listed above and make no other revisions to said subsection as part of this ordinance.

SECTION 11. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2015.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2015.

Published: _____
HB_ATTYY-#49133-v2-Ordinance_amending_assisted_living_facilities.DOCX

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: OCTOBER 29, 2015

By: Paul C. Nielsen
Paul C. Nielsen, Senior City Attorney

Attachment: Admin - 2 Ordinance (1413 : Assisted Living and Other Similar Facilities Zoning Text Amendment)

3. STRIKE & BOLD

TABLE 21A.27.050N
PERMITTED USES

Use		FB-UN1	FB-UN2
Dwelling:			
	Assisted living facility (large)		P
	Assisted living facility (small)	P	P
	<u>Assisted living facility (limited capacity)</u>	<u>P</u>	<u>P</u>
	Group home (large)		P
	Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P
	Multi-family		P
	Residential substance abuse treatment home (large)		P
	Residential substance abuse treatment home (small)		P
	Residential support (large)		P
	Residential support (small)		P
	Rooming (boarding) house		P
	Single-family attached	P	P
	Single-family detached	P	P (If part of cottage development)
	Single room occupancy		P

	Transitional victim home (large)–		P
	Transitional victim home (small)–		P
	Two-family	P	

Note:

1. Parking, off site is only permitted on parcels that contain a principal building and shall comply with the parking requirements identified in the building form standards section of this chapter. No principal building shall be demolished to accommodate off site parking.

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R- 2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R-MU	RO
Dwelling, accessory guest and servant's quarter	P ¹¹	P ¹¹	P ¹¹																
Dwelling, accessory unit	P	P	P	P	P	P	P		P	P	P	P	P	P					
Dwelling, assisted living facility (large)												C	P	P		C	P	P	P
Dwelling, assisted living facility (small)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
<u>Dwelling, assisted living facility (limited capacity)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Dwelling; dormitory, fraternity, sorority						P ¹²													
Dwelling, group home (large)											C	C	C	C	C ¹⁴	C	C	C	C ¹⁴
Dwelling, group home (small)	P	P	P	P	P	P	P		P	P	P	P	P	P	P ¹⁵	P	P	P	P ¹⁵
Dwelling, manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Dwelling, multi-family											P	P	P	P	P	P	P	P	P
Dwelling, residential substance abuse treatment home (small)														P		P	P	P	P
<u>Dwelling, residential support (large)</u>													<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u> ¹⁶
<u>Dwelling, residential support (small)</u>												<u>C</u>	<u>C</u>	<u>P</u>		<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u> ¹⁷
Dwelling, rooming													C	P	C	C	C	P	P

(boarding) house																			
Dwelling, single-family (attached)									P		P	P	P	P	P	P	P	P	P
Dwelling, single-family (detached)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, transitional victim home (large)													€	€			€	€	€
Dwelling, transitional victim home (small)												€	€	P		€	€	P	P
Dwelling, twin home and two-family							P		P	P ²	P	P			P	P	P	P	P

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.

11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.
14. **Large group homes established in the RB and RO districts shall be located above the ground floor.**
15. **Small group homes established in the RB and RO districts shall be located above the ground floor.**
16. **Large residential support established in RO districts shall be located above the ground floor.**
17. **Small residential support established in RO districts shall be located above the ground floor.**

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

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	P
Group home (large)		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage	P	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	
Manufactured home								P
Multi-family		P	P	P	P	P	P	P
Residential substance abuse treatment home (large)				C		C	C	
Residential substance abuse treatment home (small)				C		C	C	
<u>Residential support (large)</u>				<u>C</u>		<u>C</u>	<u>C</u>	

<u>Residential support (small)</u>				<u>C</u>		<u>C</u>	<u>C</u>	
Rooming (boarding) house		P	P	P	P	P	P	
Single-family attached								P
Single-family detached								P
Single room occupancy							P ⁶	
Transitional victim home (large)				€		€	€	
Transitional victim home (small)				€		€	€	
Twin home								P
Two-family								P

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.

16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.

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

Legend:	C =	Conditional	P =	Permitted
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Use		Permitted And Conditional Uses By District			
		D-1	D-2	D-3	D-4
Dwelling:					
	Artists' loft/studio	P	P	P	P
	Group home (large)		C	C	
	<u>Assisted living facility (large)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Assisted living facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Assisted living facility (limited capacity)</u>		<u>P</u>	<u>P</u>	<u>P</u>
	Group home (small)	P	P	P	P
	Multi-family	P	P	P	P
	Residential substance abuse treatment home (large)		C	C	
	Residential substance abuse treatment home (small)		C	C	
	<u>Residential support (large)</u>		<u>C</u>	<u>C</u>	
	<u>Residential support (small)</u>		<u>C</u>	<u>C</u>	
	Transitional victim home (large)		C	C	
	Transitional victim home (small)		C	C	

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, brewpub or microbrewery, the place of worship must submit a written waiver of spacing requirement as a condition of approval.

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Legend:	C =	Conditional	P =	Permitted
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Use		G-MU
Dwelling:		
	<u>Assisted living facility (small)</u>	<u>P</u>
	<u>Assisted living facility (small)</u>	<u>P</u>
	<u>Assisted living facility (limited capacity)</u>	<u>P</u>
	Group home (large)	C
	Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage	P
	Living quarters for caretaker or security guard	P
	Multi-family	P
	Residential substance abuse treatment home (large)	C
	Residential substance abuse treatment home (small)	C
	Residential support (large)	C
	Residential support (small)	C
	Single-family (attached)	P

	Transitional victim home (large)	€
	Transitional victim home (small)	€

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
4. Prohibited within 1,000 feet of a single- or two-family zoning district.
5. Subject to the requirements set forth in section 21A.40.065, "Outdoor Dining", of this title.

No conditional use permit shall be granted for any property which abuts a residential zoning district, except for places of worship, public/private utilities and related facilities, residential facilities for persons with a disability and educational facilities.

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																	
Assisted living facility													P ¹⁶	P			P
<u>Assisted living facility (large)</u>													P	P			P
<u>Assisted living facility (small)</u>													P	P			P
<u>Assisted living facility (limited capacity)</u>													P	P			P
Congregate care facility													P	P			P
Group home (large)																	C
Group home (small)			P	P	P	P											P

Living quarters for caretaker or security guard	P	P									P		P	P			P
Manufactured home				P	P	P											P
Mobile home															P		
Multi-family														P			P
Residential substance abuse treatment home (large)														P			C
Residential substance abuse treatment home (small)														P			P
Residential support (large)																	C
Residential support (small)																	P
Rooming (boarding) house																	P
Single-family (attached)																	P
Single-family (detached)			P	P	P	P											P
Transitional victim home (large)																	C
Transitional victim home (small)																	P

Twin home and two-family																	P
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Qualifying provisions:

- 1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
- 2. When located in a building listed on the Salt Lake City register of cultural resources.
- 3. When located on an arterial street.
- 4. Subject to Salt Lake Valley health department approval.
- 5. In conjunction with, and within the boundaries of, a cemetery for human remains.
- 6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
- 7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
- 8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
- 9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
- 10. Greater than 3 ambulances at location require a conditional use.
- 11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
- 12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
- 13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
- 14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
- 15. Prohibited within 1,000 feet of a single- or two-family zoning district.

21A.36.040: RESIDENT HEALTHCARE FACILITIES:-

A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. (Ord. 10-10 § 4, 2010)

21A.36.050: ASSISTED LIVING FACILITIES:-

An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit. (Ord. 10-10 § 5, 2010)

21A.36.060: NURSING CARE FACILITIES:-

A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title. (Ord. 10-10 § 6, 2010)

21A.36.070: GROUP HOMES:-

A. Purpose Statement: The purpose of this section is to permit the establishment of group homes for "persons with disabilities" as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.

B. License Required: No group home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.

C. Small Group Homes; Authorized As Permitted Uses: Small group homes shall be permitted pursuant to subsection B of this section in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, AG, AG-2, AG-5, and MU districts provided:

1. No small group home shall be located within eight hundred feet (800') of another group home; and
2. Small group homes established in the RB and RO districts shall be located above the ground floor.

D. Large Group Homes; Authorized As Conditional Uses: Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:

1. ~~No large group home shall be located within eight hundred feet (800') of another group home; and~~
2. ~~Large group homes established in the RB and RO districts shall be located above the ground floor. (Ord. 10-10 § 7, 2010; Ord. 20-06 § 1, 2006; Ord. 71-04 §§ 9, 10, 2004; Ord. 14-00 § 6, 2000; Ord. 38-99 § 1, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(18-7), 1995)~~

~~21A.36.080: TRANSITIONAL VICTIM HOMES:-~~

- A. ~~Purpose Statement: The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.~~
- B. ~~License Required: No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.~~
- C. ~~Small Transitional Victim Homes Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU, RO, and MU districts provided:~~
1. ~~No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home or residential substance abuse treatment home.~~
 2. ~~Small transitional victim homes established in RO districts shall be located above the ground floor.~~
- D. ~~Small Transitional Victim Homes Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:~~
1. ~~No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home or residential substance abuse treatment home.~~
- E. ~~Large Transitional Victim Homes Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:~~
1. ~~No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or community correctional facility; and~~
 2. ~~Large transitional victim homes established in RO districts shall be located above the ground floor. (Ord. 66-13, 2013; Ord. 10-10 § 8, 2010; Ord. 2-09 § 8, 2009)~~

~~21A.36.100: RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOMES:-~~

- ~~A. Purpose Statement: The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.~~
- ~~B. License Required: No residential substance abuse treatment home shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.~~
- ~~C. Small Residential Substance Abuse Treatment Homes Authorized As Permitted Uses: Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU, RO, and MU districts provided:~~
- ~~1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home or transitional victim home; and~~
 - ~~2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.~~
- ~~D. Small Residential Substance Abuse Treatment Homes Authorized As Conditional Uses: Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:~~
- ~~1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or community correctional facility.~~
- ~~E. Large Residential Substance Abuse Treatment Homes Authorized As Conditional Uses: Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:~~
- ~~1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or community correctional facility; and~~
 - ~~2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor. (Ord. 66-13, 2013: Ord. 10-10 § 10, 2010: Ord. 2-09 § 10, 2009)~~

21A.44.030: NUMBER OF OFF STREET PARKING SPACES REQUIRED:

TABLE 21A.44.030
SCHEDULE OF MINIMUM
OFF STREET PARKING REQUIREMENTS

Residential:	
Bed and breakfast establishment	1 parking space per room
Congregate care facility	1 parking space for each living unit containing 2 or more bedrooms $\frac{3}{4}$ parking space for each 1 bedroom living unit
Eleemosynary facility	1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift
Fraternity, sorority or dormitory	1 parking space for each 2 residents, plus 1 parking space for each 3 full time employees. Note: The specific college or university may impose additional parking requirements
Group home	2 parking spaces per home and 1 parking space for every 2 support staff present during the busiest shift
Hotel or motel	1 parking space for each 2 separate rooms, plus 1 space for each dwelling unit
Multiple-family dwellings ¹	2 parking spaces for each dwelling unit containing 2 or more bedrooms 1 parking space for 1 bedroom and efficiency dwelling $\frac{1}{2}$ parking space for single room occupancy dwellings (600 square foot maximum)
Rooming house	1 parking space for each 2 persons for whom rooming accommodations are provided
Single-family attached dwellings (row house and townhouse) and single-family detached dwellings ²	2 parking spaces for each dwelling unit
Community correctional facility	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the busiest shift

	Two-family dwellings and twin home dwellings	2 parking spaces for each dwelling unit
	Institutional:	
	Assisted living facility	1 parking space for each 4 employees, plus 1 parking space for each 6 infirmary or nursing home beds, plus 1 parking space for each 4 rooming units, plus 1 parking space for each 3 dwelling units
	Auditorium; accessory to a church, school, university or other institution	1 space for each 5 seats in the main auditorium or assembly hall
	Daycare, child and adult	2 spaces per 1,000 square feet of usable floor area
	Funeral services	1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business
	Homeless shelters	1 parking space for each employee
	Hospital	1.5 parking spaces per hospital bed
	Places of worship	1 parking space per 1,000 square feet of seating or congregation area
	Sanatorium, nursing care facility	1 parking space for each 6 beds for which accommodations are offered, plus 1 parking space for each 4 employees other than doctors, plus 1 parking space for each 3 dwelling units
	Schools:	
	K - 8th grades	1 parking space for each 3 faculty members and other full time employees
	Senior high school	1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students
	College/university, general	1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students
	Vocational/trade school	1 space per 1 employee plus 1 space for each 3 students based on the maximum number of students attending classes on the premises at any time

Recreation, cultural, and entertainment:	
Art gallery/museum/house museum	1 space per 1,000 square feet of usable floor area
Baseball or soccer field	10 spaces per field
Bowling alley	2 spaces per lane plus 1 space for every 2 employees
Club/lodge	3 spaces per 1,000 square feet of usable floor area
Dance/music studio	1 space for every 1 employee
Gym/health club/recreation facilities	3 spaces per 1,000 square feet of usable floor area
Library	1 space per 1,000 square feet of usable floor area
Sports arena/stadium	1 space per 1,000 square feet of seating area
Swimming pool, skating rink or natatorium	1 space per 5 seats and 3 spaces per 1,000 square feet of usable floor area
Tennis court	2 spaces per court
Theater, movie and live	1 space per 4 seats
Commercial/manufacturing:	
Bus facility, intermodal transit passenger hub	1 space per 2 employees plus 1 space per bus
Durable goods, furniture, appliances, etc.	1 space per 500 square feet of usable floor area
General manufacturing	1 space per 3 employees plus 1 space per company vehicle
Radio/TV station	3 spaces per 1,000 square feet of usable floor area
Warehouse	2 spaces per 1,000 square feet of usable floor area for the first 10,000 square feet plus $\frac{1}{2}$ space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
Wholesale distribution	1 space per 1,000 square feet of usable floor area for the first 10,000 square feet, plus $\frac{1}{2}$ space per

		2,000 square feet of floor area for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
Retail goods and services:		
	Auto repair	1 space per service bay plus 3 spaces per 1,000 square feet for office and retail areas
	Car wash	3 stacked spaces per bay or stall, plus 5 stacking spaces for automated facility
	Drive-through facility	5 stacking spaces on site per cashier, teller or similar employee transacting business directly with drive-through customers at any given time in addition to the parking required for that specific land use
	Outdoor display of merchandise for sale	1 parking space per 1,000 square feet of display area
	Restaurants, taverns and social clubs	2 spaces per 1,000 square feet of usable floor area
	Retail goods establishment	2 spaces per 1,000 square feet of usable floor area
	Retail service establishment	2 spaces per 1,000 square feet of sales floor area
	Retail shopping center over 55,000 square feet usable floor area	2 spaces per 1,000 square feet of usable floor area
Office and related uses:		
	Financial establishments	2 spaces per 1,000 square feet of usable floor area
	General office	3 spaces per 1,000 square feet of usable floor area for the main floor plus $1\frac{1}{4}$ spaces per 1,000 square feet of usable floor area for each additional level, including the basement
	Laboratory	2 spaces per 1,000 square feet of usable floor area for the first 10,000 square feet plus $\frac{1}{2}$ space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
	Medical/dental offices	5 spaces per 1,000 square feet of usable floor area

Miscellaneous:	
Kennels or public stables	1 space per 2 employees
All other uses	3 spaces per 1,000 square feet of usable floor area

Notes:

1. Minimum parking requirements for affordable housing and senior housing: Buildings that have 10 or more residential units with at least 25 percent of the units as either affordable or senior housing shall be allowed to have a minimum of $\frac{1}{2}$ of a parking space provided for each dwelling unit.
2. For specific parking requirements for accessory dwelling units, see section [21A.40.200](#) of this title.

21A.60.020: LIST OF DEFINED TERMS:

~~Dwelling, assisted living facility~~

Dwelling, assisted living facility (limited capacity)

~~Dwelling, congregate care facility~~

~~Dwelling, resident healthcare facility~~

~~Dwelling, residential substance abuse treatment home (large)~~

~~Dwelling, residential substance abuse treatment home (small)~~

~~Dwelling, transitional victim home (large)~~

~~Dwelling, transitional victim home (small)~~

Dwelling, residential support (large)

Dwelling, residential support (small)

~~Nursing care facility, sanatorium~~

~~Sanatorium~~

21A.62.040: DEFINITIONS OF TERMS:

- ~~DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~
- ~~DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~
- ~~DWELLING, CONGREGATE CARE FACILITY: A housing development designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly or persons with a disability. The direct services that are provided or made available by the management of the congregate housing shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.~~
- **ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.**
- **ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.**
- **ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.**

- DWELLING, GROUP HOME (LARGE): A residential treatment facility ~~set up as a single housekeeping unit and shared,~~ occupied by seven (7) or more unrelated individuals, persons, exclusive of staff, who require assistance and supervision. A large group home is licensed by the state of Utah and under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides counseling, therapy and specialized treatment, along with habilitation a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for physically or mentally disabled persons. A large group home shall persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home includes a recovery residence, but does not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses a boarding school or foster home as defined in the Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.
- DWELLING, GROUP HOME (SMALL): A residential treatment facility ~~set up as a single housekeeping unit and shared,~~ occupied by up two (2) to six (6) unrelated persons, exclusive of staff, who require assistance and supervision. A small group home is individuals, licensed by the state of Utah and under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides counseling, therapy and specialized treatment, along with habilitation a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for physically or mentally disabled persons. A small group home shall persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A Group Home includes a recovery residence, but does not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses a boarding school or foster home as defined in the Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.
- DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

- ~~DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (LARGE): A residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A large residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.~~
- ~~DWELLING, RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME (SMALL): A residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A small residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.~~
- DWELLING, TRANSITIONAL VICTIM HOME **RESIDENTIAL SUPPORT** (LARGE): A residential facility for, **occupied by** seven (7) or more unrelated persons, exclusive of staff, and **individuals**, licensed by the state of Utah as a residential support facility. A large transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse **under Title 62A Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code** or crime. A large transitional victim home arranges for or **its successor which** provides the necessities of life and **as a protective services service** to individuals or families who **have a disability or who** are experiencing a temporary dislocation or emergency **which that** prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.
- DWELLING, TRANSITIONAL VICTIM HOME **RESIDENTIAL SUPPORT** (SMALL): A residential facility for, **occupied by** up to six (6) unrelated persons, exclusive of staff, and **individuals**, licensed by the state of Utah as a residential support facility. A small transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse **under Title 62A Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code** or crime. A small transitional victim home arranges for or **its successor which** provides the necessities of life and **as a protective services service** to individuals or families who **have a disability or who** are experiencing a temporary dislocation or emergency **which that** prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.

- **ELEEMOSYNARY FACILITY:** A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. ~~Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding.~~ The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, ~~transitional victim homes, residential~~ **support** ~~substance abuse treatment homes,~~ assisted living facilities, facilities providing end of life care or respite care, **facilities exempt from licensing by the state of Utah under Utah Code 26-21-7 or its successor,** and other similar nonprofit facilities and organizations.
- **FAMILY:** A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or
- B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or
- C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, **residential support dwelling** ~~transitional victim home, substance abuse home, transitional home,~~ a lodge or a fraternity/sorority house.

- **HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.**
- **NURSING CARE FACILITY:** A ~~healthcare~~ **health care** facility **licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor,** other than a **general acute or specialty** hospital, constructed, licensed, and operated to provide patient living accommodations, ~~twenty four (24) hour~~ **24-hour** staff availability, and at least two (2) of the following patient services:
 - a **A.** **A** selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services;
 - a **B.** **A** structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or
 - a **C.** **A** supervised living environment that provides support, training or assistance with individual activities of daily living.

- ~~NURSING CARE FACILITY, SANATORIUM: A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.~~
- ~~SANATORIUM: A health facility or institution for the inpatient treatment and recuperation of persons suffering from physical or mental disorders, providing qualified medical, professional and nursing staff. A sanatorium shall not include facilities for the criminally insane.~~

4. UTAH CODE DEFINITIONS

EXISTING DEFINITIONS	PROPOSED CHANGE	UTAH CODE DEFINITION
<p>DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.</p>	<p>DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.</p>	<p>26-21-2.Definitions. (5)"Assisted living facility" means:</p> <ul style="list-style-type: none"> i. a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who: <ul style="list-style-type: none"> (A) require protected living arrangements; and (B) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and ii. a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.
<p>DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care, which may include end of life care and respite care, is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.</p>	<p>DWELLING, ASSISTED LIVING FACILITY (SMALL): A residential facility, occupied by six (6) to sixteen (16) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.</p>	<p>26-21-2.Definitions. (5)"Assisted living facility" means:</p> <ul style="list-style-type: none"> i. a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who: <ul style="list-style-type: none"> (A) require protected living arrangements; and (B) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and ii. a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.

EXISTING DEFINITIONS	PROPOSED CHANGE	UTAH CODE DEFINITION
	<p>DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A residential facility, occupied by two (2) to five (5) individuals, licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides health care and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code 26-21-2 or its successor.</p>	<p>26-21-2.Definitions. (5)"Assisted living facility" means:</p> <ol style="list-style-type: none"> a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who: <ol style="list-style-type: none"> require protected living arrangements; and are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.
<p>DWELLING, GROUP HOME (LARGE): A residential facility set up as a single housekeeping unit and shared by seven (7) or more unrelated persons, exclusive of staff, who require assistance and supervision. A large group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.</p>	<p>DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home includes a recovery residence, but does not include a boarding school or foster home as defined in the Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.</p>	<p>62A-2-101.Definitions. (27)</p> <ol style="list-style-type: none"> "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. "Residential treatment" does not include a: <ol style="list-style-type: none"> boarding school; foster home; or recovery residence.

EXISTING DEFINITIONS	PROPOSED CHANGE	UTAH CODE DEFINITION
<p>DWELLING, GROUP HOME (SMALL): A residential facility set up as a single housekeeping unit and shared by up to six (6) unrelated persons, exclusive of staff, who require assistance and supervision. A small group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A small group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.</p>	<p>DWELLING, GROUP HOME (SMALL): A residential treatment facility, occupied by two (2) to six (6) unrelated individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code, or its successor, that provides a 24-hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home includes a recovery residence, but does not include a boarding school or foster home as defined in the Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.</p>	<p>62A-2-101.Definitions. (27)</p> <ul style="list-style-type: none"> a. "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. b. "Residential treatment" does not include a: <ul style="list-style-type: none"> i. boarding school; ii. foster home; or iii. recovery residence.
<p>DWELLING, TRANSITIONAL VICTIM HOME (LARGE): A residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah as a residential support facility. A large transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A large transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.</p>	<p>DWELLING, RESIDENTIAL SUPPORT (LARGE): A residential facility, occupied by seven (7) or more unrelated individuals, licensed by the state of Utah under Title 62A Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.</p>	<p>62A-2-101.Definitions. (26)</p> <ul style="list-style-type: none"> a. "Residential support" means arranging for or providing the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families. b. "Residential support" includes providing a supervised living environment for persons with dysfunctions or impairments that are: <ul style="list-style-type: none"> i. emotional; ii. psychological; iii. developmental; or iv. behavioral. c. Treatment is not a necessary component of residential support. d. "Residential support" does not include: <ul style="list-style-type: none"> i. a recovery residence; or ii. residential services that are performed: <ul style="list-style-type: none"> (A) exclusively under contract with the Division of Services for People with Disabilities; or (B) in a facility that serves fewer than four individuals.

EXISTING DEFINITIONS	PROPOSED CHANGE	UTAH CODE DEFINITION
<p>DWELLING, TRANSITIONAL VICTIM HOME (SMALL): A residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah as a residential support facility. A small transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A small transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.</p>	<p>DWELLING, RESIDENTIAL SUPPORT (SMALL): A residential facility, occupied by up to six (6) unrelated individuals, licensed by the state of Utah under Title 62A Utah Human Services Code, Title 62A, Chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.</p>	<p>62A-2-101.Definitions. (26)</p> <ol style="list-style-type: none"> "Residential support" means arranging for or providing the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families. "Residential support" includes providing a supervised living environment for persons with dysfunctions or impairments that are: <ol style="list-style-type: none"> emotional; psychological; developmental; or behavioral. Treatment is not a necessary component of residential support. "Residential support" does not include: <ol style="list-style-type: none"> a recovery residence; or residential services that are performed: <ol style="list-style-type: none"> exclusively under contract with the Division of Services for People with Disabilities; or in a facility that serves fewer than four individuals.
	<p>HOSPICE: A program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.</p>	<p>26-21-2.Definitions.</p> <p>(16) "Hospice" means a program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.</p>

EXISTING DEFINITIONS	PROPOSED CHANGE	UTAH CODE DEFINITION
<p>NURSING CARE FACILITY: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.</p>	<p>NURSING CARE FACILITY: A health care facility licensed by the state of Utah under Title 26, Chapter 21 of the Utah Code, or its successor, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two (2) of the following patient services:</p> <ul style="list-style-type: none"> A. A selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; B. A structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or C. A supervised living environment that provides support, training, or assistance with individual activities of daily living. 	<p>26-21-2.Definitions. (17) "Nursing care facility" means a health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services:</p> <ul style="list-style-type: none"> a. a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; b. a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c. a supervised living environment that provides support, training, or assistance with individual activities of daily living.

5. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

PLNPCM2014-00388 Assisted Living Facilities Text Amendment & Additional Changes to Facilities that Provide Living Environments

– A request by Salt Lake City’s Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State’s definition. The Amendment also includes additional changes proposed by the City Council. The proposed changes may affect sections 21A.27 Form Based Districts, 21A.33 Land Use Tables, 21A.36 General Provisions, 21A.60 List of Terms and 21A.62 Definitions.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions or comments relating to this proposal, please call Katia Pace at 801-535-6354 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at katia.pace@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

6. MAILING LABELS

JD Smith
21st & 21st Business District
2157 East 2100 South, Ste. A
Salt Lake City, UT 84109

Eric Jergensen
Capitol Hill Community Council
53 East 200 North
Salt Lake City, UT 84103

Kim Peterson
East Bench Community Council
3069 Carrigan Canyon Dr.
Salt Lake City, UT 84109

Laurel H Young
Foothill/Sunnyside Neighborhood Ass.
2049 Herbert Ave
Salt Lake City, UT 84108

Jo Ann Anderson
Jordan Meadows Community Council
1590 Spring St.
Salt Lake City, UT 84116

Andrew Johnston
Poplar Grove Community Council
716 Glendale St.
Salt Lake City, UT 84104

Amy Barry
Sugar House Community Council
1178 Ramona Ave.
Salt Lake City, UT 84105

Michael Dodd
Wasatch Hollow Community Council
1577 East 1700 South
Salt Lake City, UT 84105

Katia Pace
SLC Planning
PO Box 145480
Salt Lake City, UT 84114-5480

Barbara Stallone
Utah Housing Coalition
230 South 500 West, Suite 260
Salt Lake City, UT 84101

Bill Davis
Ball Park Community Council
335 Hansen Ave.
Salt Lake City, UT 84115

Michael Iverson
Central City Neighborhood Council
210 South 300 East, # 116
Salt Lake City, UT 84111

Esther Hunter
East Central Community Council
606 Trolley Square
Salt Lake City, UT 84102

Steve Johnson
Fairpark Community Council
861 West 300 North
Salt Lake City, UT 84116

Randy Sorenson
Glendale Community Council
1184 S Redwood Drive
Salt Lake City, UT 84104-3325

Jeff Bair
Liberty Wells Community Council
PO Box 520442
Salt Lake City, UT 84152-0442

Blake Perez
Rose Park Community Council
768 N Oakley St.
Salt Lake City, UT 84116

Mike Ely
Sunnyside East Neighborhood Council
2345 East 900 South
Salt Lake City, UT 84108

Erin Youngberg
Westpointe Community Council
1910 Bridge Crest Circle
Salt Lake City, UT 84116

Janice Kimball
Housing Authority of Salt Lake County
3595 South Main Street
Salt Lake City, UT 84115

Ellen Reddick
Bonneville Hills Neighborhood Council
1338 S Foothill Drive, Suite 205
Salt Lake City, UT 84108

D. Christian Harrison
Downtown Community Council
336 W Broadway, #308
Salt Lake City, UT 84101

Michael Cohn
East Liberty Park Community Organizati
PO Box 520123
Salt Lake City, UT 84125

Gene Fitzgerald
Federal Heights Neighborhood Associat
1385 Butler Ave.
Salt lake City, UT 84102-1803

Dianne Leonard
Greater Avenues Community Council
183 K Street
Salt Lake City, UT 84103

Polly Hart
Millcreek FIDOS
355 N. Quince St.
Salt Lake City, UT 84103

Virginia Hylton, Polly Hart, Esther Hunter
Salt Lake Community Network
606 Trolley Square
Salt Lake City, UT 84102

Esther Hunter
University Gardens Neighborhood &
Business District
606 Trolley Square
Salt Lake City, UT 84102

Lynn Kennard Pershing, PhD
Yalecrest Neighborhood Council
1715 Laird Ave
Salt Lake City, UT 84108

Tara Rollins
Utah Housing Coalition
230 South 500 West, Suite 260
Salt Lake City, UT 84101

Utah Department of Human Services,
Division of Aging & Adult Services
120 North 200 West
Salt Lake City, UT 84103

Aging Services Administrative Office
195 North 1950 West
Salt Lake City, UT 84116

Joel Hoffman
Bureau of Health Facility Licensing &
Certification
P.O. Box 144103
Salt Lake City, UT 84114-4103

Aging & Adult Services
2001 South State Street S1-600
Salt Lake City, UT 84190-4575

George Chapman
1186 South 1100 East
Salt Lake City, UT 84105

7. OPEN HOUSE AGENDA

SALT LAKE CITY PLANNING DIVISION

OPEN HOUSE

October 16, 2014 at 4:30 p.m. to 6:00 p.m.

City & County Building

451 South State Street, 1st Floor Hallway

Salt Lake City, Utah 84111

**HAVE YOUR VOICE
HEARD**

Your input is important to us and can help shape the decisions related to these projects.

**GET YOUR QUESTIONS
ANSWERED**

This is an opportunity for you to learn about proposed development projects as well as new regulations and planning policies that the Planning Division and other City Departments are working on.

**CAN'T MAKE IT TO
THE OPEN HOUSE?**

If you have questions about any of the items on the agenda but can not make it to the Open House, feel free to contact our staff.

Church of Scientology at 709 E South Temple Street is requesting Conditional Use Approval to operate a place of worship within an existing office building. Staff contact is Maryann Pickering at 801-535-7660 or maryann.pickering@slcgov.com.

Kingfisher at 1226 S 1100 East is requesting Planned Development and Special Exception Approval for a new mixed use building that is 25 feet tall with an additional projection for a stairway accessing the roof. A total of 22 parking spaces will be located on the site. Staff contact is Maryann Pickering at 801-535-7660 or maryann.pickering@slcgov.com.

Ball Park Apartments at 1380 S West Temple Street is requesting Planned Development Approval to construct a 62-unit apartment building. Staff contact is Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com.

GRW Holdings at 705 E 900 South is requesting Planned Development Approval to construct a new two-story commercial office building. Staff Contact is Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com.

Assisted Living Facilities – Salt Lake City Mayor Ralph Becker is requesting to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts, and to change the definition of Assisted Living Facilities to better reflect the State's definition. Staff contact is Katia Pace at 801-535-6354 or katia.pace@slcgov.com.

AT&T at 115 S 1100 East (Arlington Place Apartments) is proposing new unmanned wireless antennas located on the rooftop of the Arlington Place Apartments. All equipment cabinets are proposed to be installed in an existing storage room in the parking garage. Staff contact is Katia Pace at 801-535-6354 or katia.pace@slcgov.com.



Salt Lake City Planning Division
451 S. State Street Room 406
PO Box 145480
Salt Lake City, UT 84114
801-535-7700

8. PLANNING COMMISSION AGENDA & NEWSPAPER NOTICE

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, November 12, 2014, at 5:30 p.m.
(The order of the items may change at the Commission's discretion.)

The field trip is scheduled to leave at 4:00 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR OCTOBER 22, 2014

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

Administrative Matters

1. **Ball Park Apartments Planned Development at approximately 1380 S West Temple** - A request by Rusty Snow, Ball Park Apartments LP, for approval from the City to eliminate the rear yard setback and develop affordable senior housing comprised of 62 dwelling units and 36 parking stalls at the above listed address. Currently the land is vacant and the property is zoned R-MU Residential Mixed Use. This type of project must be reviewed as a Planned Development. The subject property is within Council District 5, represented by Erin Mendenhall. (Staff contact: Michael Maloy at (801)535-7118 or michael.maloy@slcgov.com.) Case number PLNSUB2014-00570
2. **Sugar House Townhomes Planned Development and Preliminary Subdivision at approximately 2204 S 800 East** - A request by Wayne Corbridge, representing Sego Homes, for approval from the City to develop a 4-unit attached single-family ("townhome") development at the above listed address. The applicant is requesting to modify the requirement that the proposed lots have street frontage, modifications to setbacks and lot size standards. The purpose of these modifications is to align the homes so that they face the Sugar House Streetcar Greenway. This type of project requires Planned Development and Preliminary Subdivision approval. The property is zoned RMF-35, Moderate Density Multi-family Residential, and is currently occupied by a vacant single-family residence. The subject property is within Council District 7, represented by Lisa Adams. (Staff contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com.) Case numbers PLNSUB2014-00439/00441
3. **Office Building Planned Development at approximately 705 East 900 South** - A request by Rob White, Sugar House Architects, representing the property owner, GRW Holdings, for Planned Development approval to construct a new two story commercial office building located at the above listed address. The subject property is zoned SNB (Small Neighborhood Business). An office building is a permitted use in this zone; however the applicant is seeking a relaxation of development standards related to building setbacks, building height, roof form, and perimeter and parking lot landscaping. The subject property is located in City Council District 4, represented by Luke Garrott. (Staff Contact: Lex Traughber at (801) 535-6184 or lex.traughber@slcgov.com.) Case number PLNPCM2014-00644

4. [Ken Garff Planned Development at approximately 525 South State Street](#) - A Request by Curtis Miner for a planned development located at the above listed address. The proposal is to create a unified auto dealership complex with multiple automobile showrooms with cross access easements for the entire site and includes a request for modification to the landscaping and signage requirements of the zoning ordinance. The proposed site is located in the D-2 Downtown District and is located within Council District 4, represented by Luke Garrott. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com.) Case number PLNSUB2014-00522
5. [The Seasons at Library Square Apartments \(phase 2\) Planned Development at approximately 324 and 332 East 500 South](#) - Akbar Matinkhah requests approval from the City to develop phase two of the Seasons at Library Square apartments located at the above address. Specifically, the applicant seeks approval to modify the building setbacks and building coverage limits of phase 2. Currently the land is occupied by a commercial building and requires larger building setbacks because the property is in a different zoning district than phase one. This type of project must be reviewed as a Planned Development. The subject property is within Council District 4 represented by Luke Garrott (Staff contact: Casey Stewart at (801)535-6260 or casey.stewart@slcgov.com.) Case number PLNSUB2014-00596
6. [AT&T Rooftop Antennas at approximately 115 South 1100 East \(Arlington Place Apartments\)](#) - A request by AT&T for new wireless antennas located on the rooftop of the Arlington Place Apartments at the above listed address. All equipment cabinets are proposed to be installed in an existing storage room in the parking garage. This project is located in the RMF-45 (Moderate/High Density Multifamily Residential) zoning district, in the University Historic District and in City Council 4, represented by Luke Garrott. (Staff contact: Katia Pace, (801) 535-6354, or katia.pace@slcgov.com.) Case number PLNPCM2014-00178

Legislative Matters

7. [Assisted Living Facilities Text Amendment](#) - A request by Salt Lake City's Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801) 535-6354 or katia.pace@slcgov.com). Case number PLNPCM2014-00388

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information. Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

8.56
BOX
VALLEY CITY, UTAH 84170
FAX I.D.# 87-0217663
04-6910

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION, PO BOX 145455 SALT LAKE CITY UT 84114	9001394298	11/3/2014

ACCOUNT NAME			
PLANNING DIVISION,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8015357759		0000991964 /	
SCHEDULE			
Start 11/01/2014		End 11/01/2014	
CUST. REF. NO.			
Asst Livg PH 11/12			
CAPTION			
Notice of Public Hearing On Wednesday, November 12, 2014, the Salt Lake City Planning Comm			
SIZE			
52	Lines	1.00	COLUMN
TIMES		RATE	
2			
MISC. CHARGES		AD CHARGES	
		TOTAL COST	
		70.00	

Notice of Public Hearing

On Wednesday, November 12, 2014, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:

1. Assisted Living Facilities Text Amendment - A request by Salt Lake City's Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Kotia Pace at (801) 535-6354 or kotia.pace@slcgov.com). Case number PLNPCM2014-00388

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711, 991964 UPAXUP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF Notice of Public Hearing On Wednesday, November 12, 2014, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

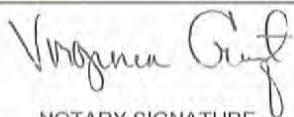
PUBLISHED ON Start 11/01/2014 End 11/01/2014

SIGNATURE 

DATE 11/3/2014

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT




NOTARY SIGNATURE

9. PLANNING STAFF REPORT



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Katia Pace
(801) 535-6354
katia.pace@slcgov.com

Date: November 12, 2014

Re: PLNPCM2014-00388 Assisted Living Facilities Zoning Text Amendment

ZONING TEXT AMENDMENT

REQUEST: This petition was initiated by the Mayor at the request of the Planning Director to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions.

RECOMMENDATION: Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council relating to amend the City Code, Title 21 and to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition. The motion to approve is below:

Based on the findings in the staff report, public input and discussion, I move to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition.

ATTACHMENTS:

- A. Proposed Ordinance
- B. Census Data
- C. Analysis of Standards
- D. Public Process & Comments
- E. Department Review Comments
- F. Motions

PROJECT DESCRIPTION:

In 1995, the City adopted a new zoning ordinance that applied city wide. At that time most land uses were segregated by zoning district. Over time the City has created more mixed use categories which allow a mixture of residential and non-residential uses. In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts. However, as a result of analyzing that project, the City identified an issue regarding how these types of uses were defined and where they were allowed. The Planning Division made a request to the Mayor to initiate a petition to analyze the current zoning ordinance and zoning map to determine what types of changes were appropriate to accommodate these types of land uses as part of the City's Aging in Place initiatives, recognizing that the zoning regulations have not changed as the land uses have changed.

After researching the possibilities of expanding Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition, the Planning Staff came up with the following proposed recommendations:

Recommendation 1 Change the current definitions for Assisted Living Facilities to be similar to the State's definition. The State defines these types of uses because the State licenses certain types of facilities. Aligning the zoning ordinance with the State regulations makes it easier from a land use and business licensing perspective to process proposed facilities.

Current City Definitions (these would be deleted)

DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

State's Definitions

ASSISTED LIVING FACILITY TYPE I is a residential facility that provides assistance with activities of **daily living** and **social care** to two or more **ambulatory residents** who require protected living arrangements.

ASSISTED LIVING FACILITY TYPE II is a residential facility that provides coordinated supportive personal and health care services to two or **more semi-independent residents**.

Semi-independent means a person who is: physically disabled but able to direct his or her own care; or cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone or area of safety, with the physical assistance of one person.

ASSISTED LIVING FACILITIES TYPE I AND TYPE II may be classified as large, small or limited capacity.

- A large assisted living facility houses 17 or more residents.
- A small assisted living facility houses six to 16 residents.
- A limited capacity assisted living facility houses up to five residents.

(Please note that the State's definition of an Assisted Living Facility Type II is equivalent to the City's definition of a Nursing Care Facility which is not being proposed to change at this time. The State's definition of an Assisted Living Facility Type I is equivalent to the Assisted Living Facility that is being addressed in this staff report.)

Proposed Definitions (these would replace the existing zoning definitions)

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility that houses **17 or more** residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility that houses **6 to 16 residents** that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses **up to five residents** that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

Recommendation 2 Eliminate the Resident Healthcare Facility land use because it is similar to the definition for Assisted Living Facility.

Current City Definition (to be eliminated from the zoning ordinance)

DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

Recommendation 3 Redo the land use tables to reflect the changes from recommendation 1 and 2.

Please see **Attachment A** for the proposed land use table. The following is a summary of the changes to the land use tables:

1. The zoning districts allowed in the proposed Assisted Living Facility (limited facility) will be the same residential zoning districts as the current Assisted Living Facility (small)
2. The zoning districts allowed in the current Assisted Living Facility will be the same zoning districts as the proposed Assisted Living Facility (large, small, and limited facility)
3. Assisted Living Facilities will no longer be allowed in the SNB zoning district.
4. Assisted Living Facilities are being proposed to be permitted in the Downtown and the Gateway zoning districts.

Recommendation 4 Remove Sections 21A.36.040 Residential Healthcare Facilities, 21A.36.050 Assisted Living Facilities, and 21A.36.060 Nursing Care Facilities. These sections of the Zoning Ordinance are found in the General Provisions chapter. These specific sections list what zoning districts the uses are allowed in, which duplicates the information found in the land use tables.

- **21A.36.040: Residential Healthcare Facilities** – the reason for removing this section is because this land use is proposed to be replaced with Assisted Living Facilities.
- **21A.36.050: Assisted Living Facilities** – the reason for removing this section is because the land use definition is proposed to cover the information found in the section and the permitted and conditional uses should be located on the on the Land Use Table chapter. The language in this section relating to density requirements for apartments is being deleted and the portion about density on rooming units will be clarified on the new definition.
- **21A.36.060: Nursing Care Facilities** – although this petition is not changing the Nursing Care Facilities, this section should be removed because this information is duplicated on the Land Use Table chapter.

KEY ISSUES:

The US Census has identified that the older population is an important and growing segment of the United States population. In fact, more people were 65 years and over in 2010 than in any previous census. The US Census data provided in **Attachment B** shows the changes in older population for the United States, the West Region and for Utah between 2000 and 2010.

The Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. Title VIII was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Assisted Living Facilities fall under the FHAA because they would be home to a certain number of handicapped elderly persons who would reside there. Therefore, we are recommending these uses be viewed as a type of housing and be permitted in zoning districts that permit similarly scaled multi-family housing.

Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of race, religion, color, sex, national origin, familial status, disability or source of income.

Salt Lake City Efforts to Affirmatively Furthering Fair Housing

According to the Salt Lake City's 5-Year Consolidated Housing Plan:

Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City's changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments.

Modifying the zoning regulations to permit these types of land uses helps the City fulfill this goal.

Expanding Housing Choices for Older Adults

To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

In recent years, in response to rising demand, the number and variety of alternatives to nursing facilities have grown. Many of these alternatives fall under the umbrella term "supportive housing" which describes residential settings that provide an array of supportive services for older adults on site. A common supportive housing model is the assisted living residence which generally provides older adults with apartment-style accommodations. The proposed changes help accommodate this changing housing supply.

NEXT STEPS:

The Planning Commission will review and makes recommendations to the City Council on the proposed amendment to the Zoning Ordinance, which is Title 21A of the City Code. The recommendations from the Planning Commission will be forwarded to the City Council who has the final decision making authority over amendments to the City Code.

ATTACHMENT A: PROPOSED ORDINANCE

21A.36.040: RESIDENT HEALTHCARE FACILITIES:

A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. (Ord. 10-10 § 4, 2010)

21A.36.050: ASSISTED LIVING FACILITIES:

An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit. (Ord. 10-10 § 5, 2010)

21A.36.060: NURSING CARE FACILITIES:

A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title. (Ord. 10-10 § 6, 2010)

21A.60.020: LIST OF DEFINED TERMS:

Dwelling, assisted living facility

Dwelling, assisted living facility (large)

Dwelling, assisted living facility (small)

Dwelling, assisted living facility (limited facility)

Dwelling, resident healthcare facility

21A.62.040: DEFINITIONS OF TERMS:

~~DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~

~~DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 17 or more residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

~~DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 6 to 16 residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses up to five residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

~~DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.~~

TABLE 21A.27.050N: PERMITTED USES

Use	FB-UN1	FB-UN2
Dwelling:		
Assisted living facility (large)		P
Assisted living facility (small)	P	P
<u>Assisted living facility (limited facility)</u>	P	

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Use	Permitted And Conditional Uses By District																		
	FR-1/ 43,5 60	FR-2/ 21,7 80	FR-3/ 12,0 00	R-1/ 12,0 00	R-1/ 7,0 00	R-1/ 5,0 00	S R-1	S R-2	S R-3	R - 2	RM F-30	RM F-35	RM F-45	RM F-75	R B	R-M U-35	R-M U-45	R-M U	R O
Dwellin g, assiste d living facility (large)												C	P	P		C	P	P	P
Dwellin g, assiste d living facility (small)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
<u>Dwellin g, assiste d living facility (limited facility)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwellin g; residen t healthc are facility											P	P	P	P	P	P	P	P	P

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

Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	P
Assisted living facility (limited facility)								

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

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Dwelling:				
Assisted living facility (large)	P	P	P	P
Assisted living facility (small)	P	P	P	P
Assisted living facility (limited facility)	P	P	P	P

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Use	G-MU
Dwelling:	
Assisted living facility (small)	P
Assisted living facility (small)	P
Assisted living facility (limited facility)	P

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:\

Use		Permitted And Conditional Uses By District																
		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																		
	<u>Assisted living facility (large)</u>												P	P				P
	<u>Assisted living facility (small)</u>												P	P				P
	<u>Assisted living facility (limited facility)</u>												P	P				P
	<u>Assisted living facility</u>												P	P				P
	<u>Resident healthcare facility</u>												P	P				P

ATTACHMENT B: CENSUS DATA

Population - 65 Years and Older and 85 Years and Older for the United States, Regions, and States: 2000 and 2010					
2000					
Area	Total Population	65 years and over		85 years and over	
		Number	Percent	Number	Percent
United States	281,421,906	34,991,753	12.4	4,239,587	1.5
Region - West	63,197,932	6,922,129	11.0	806,287	1.3
Utah	2,233,169	190,222	8.5	21,751	1.0
2010					
Area	Total Population	65 years and over		85 years and over	
		Number	Percent	Number	Percent
United States	308,745,538	40,267,984	13.0	5,493,433	1.8
Region - West	71,945,553	8,546,832	11.9	1,151,109	1.6
Utah	2,763,885	249,462	9.0	30,991	1.1
Percent Change 2000 – 2010					
Area	Total Population	65 years and over		85 years and over	
United States	9.7	15.1		29.6	
Region - West	13.8	23.5		42.8	
Utah	23.8	31.1		42.5	

ATTACHMENT C: ANALYSIS OF STANDARDS

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.

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;**

Analysis: Salt Lake City policies that support this Assisted Living Facilities text amendment:

Plan Salt Lake (Draft)

- *Housing Guiding Principle* - Access to a wide variety of housing types for all income levels, providing the basic human need for safety and responding to changing demographics.
Initiative 3: Encourage housing options that accommodate aging in place.

Downtown Master Plan (Draft)

- *Principle:* Provides housing choice. "All ages and abilities."
- *Principle:* Provides housing choice.
Goal 2: A downtown that is a model for sustainable, urban living that accommodates all life stages, including families, enabling them to choose downtown living, if they desire.
- *Principle:* Is Vibrant and active.
Goal 2: Create unique places for different age groups, interests, and needs within each downtown district that are active 7 days a week. Action: Create public places for seniors to socialize and recreate.
- *Principle:* Fosters equity and opportunity.
Goal 2: A downtown diverse in age, gender, ethnicity, ability, household size, and socioeconomic background. Action: Enable aging-in-place through housing and service programs.
- *Principle:* Is walkable.
Impact: ...Amenity density is the number of basic services within a defined area –often within a 5- or 10-minute walk. Basic services include, but are not limited to: bank, child-care facility (licensed), community/civic center, convenience store, hair care, hardware store, health club or outdoor recreation facility, laundry/dry cleaner, library, medical/ dental office, park or plaza, pharmacy (stand-alone), place of worship, police/fire station, post office, restaurant, school, **senior-care facility**, supermarket, museum and theater.

City Council Philosophy Statements, 2012

- *Neighborhood Quality Of Life* - We value a balance of residential types in the City including housing for all income levels, ages and accessibility needs.
- *Comprehensive Housing Policy* - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;
 - *Policy Statements #5 – Zoning:* The City should evolve its zoning regulations to effectively address the City's changing housing needs.
 - *Policy Statements #7 - Downtown Housing:* Permanent residences in downtown Salt Lake City are a critical part of creating a vibrant, safe, and sustainable Capital City. The urban core should be considered a neighborhood for purposes of housing planning, and the City should expect housing to be available to all income levels downtown.

Salt Lake City Housing Plan, 2000

- Promote diverse and balanced communities by offering wide range of housing throughout city

Salt Lake City Comprehensive Housing Plan, 2010

- Emphasize TOD, transit accessibility and proximity to services in housing

Sugar House Community Plan, 2005

- Provide a diversity of housing types, sizes, and prices in the community as a whole.
- Provide a mix of housing types, densities and costs for live/work opportunities in same community.

Central Community Master Plan,

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.

Northwest Community Plan, 1990

- Assisted housing should be spread throughout city.
- Assisted housing project should be required to have compatibly designed buildings which fit with the character of the surrounding neighborhood.

East Bench Community Plan,

- Chance for elderly assisted housing

Finding: Generally, the City's master plans support this zoning text amendment. The proposed text amendment is consistent with adopted planning documents.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

Analysis: For the most part the proposed changes to the land use tables will be to allow Assisted Living Facilities in the Downtown and in the Gateway-Mixed Use zoning districts, and that Assisted Living Facilities will no longer be allowed in the RB and SNB zoning districts.

Statement of intent for the Downtown and Gateway-Mixed Use zoning districts:

- The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.
- The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.

Purpose statement for the SNB zoning district:

- The purpose of the small neighborhood business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including mid block. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended

to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development.

Finding: The text amendment to expand assisted living facilities within the Downtown and Gateway-Mixed Use zoning districts furthers the purpose statements of the zoning ordinance. This zoning amendment will encourage a more diversified residential use in these zoning districts and will help implement the above adopted and soon to be adopted plans.

Staff finds that Assisted Living Facilities do not fit with the purpose of the SNB zoning district because of its residential character.

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

Analysis: There are no overlay districts that would be impacted by the modification of the Table of Permitted and Conditional Uses to allow Assisted Living Facilities.

Finding: This standard is not applicable to the proposed text amendment.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Analysis: Multigenerational planning is essential to smart growth, sustainable design and development of a city. Successful multigenerational planning expands choices for families, increase the independence of people of all ages, and create stronger communities.

For additional online resource on the topic of Aging in Place follow this link to the American Planning Association page:

<https://www.planning.org/resources/ontheradar/aging/>

Finding: The proposed text change implements best current, professional practices of urban planning and design. This zoning amendment will address some of the issues that are needed to advance the cause of Aging in Place in the City. By allowing Assisted Living Facilities in the Downtown Zoning Districts, elderly housing will be more integrated with other land uses, it will expand the possibilities of where to build new housing, and it will provide more transportation choices to people who are in much need of it.

ATTACHMENT D: PUBLIC PROCESS & COMMENTS

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on June 3, 2014
- Met with the Utah Housing Coalition on September 3, 2014
- Held an open house on October 16, 2014
- Notices to the newspaper were sent out on October 28, 2014 for the planning commission meeting, and it was published on the newspaper on November 1, 2014.

ATTACHMENT E: DEPARTMENT REVIEW COMMENTS

The proposed text amendment was sent to the departments listed below for review and comment.

- Building Services
- Transportation
- Attorney's Office
- Housing & Neighborhood Development
- Business Licenses
- Utah State Licensing

The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

From: [Joel Hoffman](#)
To: [Pace, Katia](#)
Subject: Re: Text Amendment for Assisted Living Facilities
Date: Tuesday, October 07, 2014 6:00:18 PM

Katia

We do not license congregate care facilities, nor am I aware of anyone that does, so the definition may be whatever you decide. The assisted living and nursing home definitions are still correct. The definition for "Resident Health Care Facility" is no longer in place. That facility type is now assisted living, but with different rules. We no longer have the definition for residential health care facility.

Let me know if you need other answers.

Joel

Sent from my iPhone - Joel

On Oct 6, 2014, at 3:10 PM, Pace, Katia <Katia.Pace@slcgov.com> wrote:

Dear Mr. Hoffman,

I work for the Salt Lake City's Planning Division and have been asked by Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table in the City's Zoning Ordinance to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The City has the following definitions for health facilities. I would like your opinion on how to make our definitions reflect more closely to the State's definition. Also, I didn't find a definition for Congregate Care Facility on the State's website and was wondering if that is a facility that the State recognizes. Your help would be greatly appreciated.

DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, CONGREGATE CARE FACILITY: A housing development designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly or persons with a disability. The direct services that are provided or made available by the management of the congregate housing shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.

DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

NURSING CARE FACILITY: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.

KATIA PACE
Principal Planner

PLANNING DIVISION
COMMUNITY *and* ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

ATTACHMENT F: MOTIONS

Alternatives

One alternative would be to recommend that the Table of Permitted Uses and Conditional Uses remain unchanged. This option would continue the current level of housing types and limit opportunity for additional housing options.

Another alternative would be to change the text amendment by taking out some of the proposed changes, or adding changes made in this staff report, or a combination of both.

Commission Options

The Planning Commission is a recommending body for the matter, so the City Council can choose to agree with the recommendation, modify the recommendation, or disagree with it. The Planning Commission options are to recommend a favorable or negative recommendation of either the staff's recommendation or a separate Commission's recommendation.

Potential Motions

Consistent with Staff Recommendation: The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis.

Not Consistent with Staff Recommendation: Based on the findings in the staff report, public input and discussion, I move to transmit a negative recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

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.

10. PLANNING COMMISSION MEETING MINUTES

SALT LAKE CITY PLANNING COMMISSION MEETING
Room 126 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 12, 2014

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:31:29 PM](#). Audio recordings of the Planning Commission meetings are retained for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Clark Ruttinger, Vice Chair Matt Lyon, Commissioners Emily Drown, Michael Gallegos, Michael Fife, James Guilkey and Marie Taylor. Commissioners Angela Dean and Carolynn Hoskins were excused.

Planning Staff members present at the meeting were: Nick Norris, Acting Assistant Planning Director; Michaela Oktay, Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Lex Traugher, Senior Planner; Daniel Echeverria, Principal Planner; Michael Maloy, Senior Planner; Katia Pace, Principal Planner; Michelle Moeller, Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Emily Drown, James Guilkey, Clark Ruttinger, Matt Lyon and Marie Taylor. Staff members in attendance were Nick Norris, Michaela Oktay, Lex Traugher, Doug Dansie, Casey Stewart, Michael Maloy, Daniel Echeverria and Katia Pace.

The following location was visited:

- **Ball Park Apartments** - Staff gave an overview of the proposal.
- **Sugar House Townhomes** - Staff gave an overview of the proposal. The Commissioners asked about the fencing along the streetcar corridor.
- **900 S Office Building** - Staff gave an overview of the proposal. The Commissioners asked if the walkway could be reduced along the building and parking, how the north setback changed and were there windows on the second level. Staff reviewed the setbacks and there were windows along 900 S and 700 East.
- **Seasons a Library Square** Staff gave an overview of the proposal. The Commission asked if this was a zoning change. Staff stated that was their recommendation.

APPROVAL OF THE MINUTES FROM THE OCTOBER 22, 2014, MEETING [5:31:55 PM](#)
MOTION [5:31:58 PM](#)

- The appeal process for the petition.
- How many cell phone towers and antenna were located in Salt Lake City.
- The noticing process for the petition.

MOTION [9:55:45 PM](#)

Commissioner Gallegos stated regarding petition PLNPCM2014-00178 AT&T Rooftop Antennae at 115 South 1100 East, based on the information in the Staff Report, public testimony, and discussion by the Planning Commission, he moved that the Planning Commission approve application PLNPCM2014-00178, for AT&T Rooftop Antenna at 115 South 1100 East subject to conditions one through four as listed in the Staff Report. Commissioner Lyon seconded the motion. The motion passed unanimously.

[9:58:37 PM](#)

[Assisted Living Facilities Text Amendment](#) - A request by Salt Lake City's Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801) 535-6354 or katia.pace@slcgov.com). Case number PLNPCM2014-00388

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending that the Planning Commission transmit a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The petition was to bring the City Code into line with the State code.
- The definitions that would change regarding the size of a facility.

PUBLIC HEARING [10:02:32 PM](#)

Chairperson Ruttinger opened the Public Hearing.

The following individuals spoke in opposition of the petition: Mr. George Chapman.

The following comments were made:

- Stated older people should not be locked up in dilapidated facilities.

- The petition required further discussion on location and amenities for residents of these facilities.

Chairperson Ruttinger closed the Public Hearing.

The Commission and Staff discussed the following:

- The petition was for a city wide text amendment.
- If it was in the Commissions purview to recommend where these facilities were constructed.
 - Staff stated the City felt the market should determine where these facilities were best constructed.

MOTION [10:06:25 PM](#)

Commissioner Guilkey stated regarding petition PLNPCM2014-000388 Assisted Living Facilities Zoning Text Amendment, based on the findings in the Staff Report, public input and discussion, he moved to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition. Commissioner Gallegos seconded the motion. The motion passed unanimously.

The meeting adjourned at [10:07:45 PM](#)

11. ORIGINAL PETITION



Petition Initiation Request

Planning Division

Community & Economic Development Department

To: Mayor Becker

From: Wilf Sommerkorn, Planning Director *WS*

Date: June 3, 2014

CC: David Everitt, Chief of Staff; Eric Shaw, Community and Economic Development Director; Mary De La Mare-Schaefer, Community & Economic Development Department Deputy Director; Cheri Coffey, Assistant Planning Director; file

Re: Amending the Zoning Ordinance relating to in which zoning districts Assisted Living Facilities should be allowed.

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Land Use Tables to allow Assisted Living Facilities in more zoning districts where appropriate.

In 1995, the City adopted a whole new zoning ordinance. At that time most land uses were segregated by zoning district. Over time the City has created more mixed use categories which allow a mixture of residential and non-residential uses. In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts, but the Division is of the opinion that there may be other zoning districts where it may be appropriate to allow Assisted Living Facilities.

In addition, the Planning Division will consult with the Attorney's Office and other City Divisions/ Departments relating to the Federal Fair Housing Act to determine how Assisted Living Facilities may be affected by it and what the City should do to comply with the Federal and State Fair Housing laws.

As part of the process, the Planning Division will follow the City adoption process for amending the City Code and Zoning Ordinance which includes citizen input and public hearings with the Planning Commission and City Council.

SCANNED TO: *flap*
SCANNED BY: *flap*
DATE: *6/4/14*

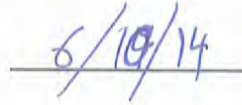
If you have any questions, please contact me.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.



Ralph Becker, Mayor



Date