

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL AMENDING DEFINITIONS IN TITLE 17.03 OF THE SOUTH SALT LAKE MUNICIPAL CODE AND REVISING THE RESIDENTIAL LAND USE MATRIX TABLE OF USES IN SECTION 17.15.040 OF THE SOUTH SALT LAKE MUNICIPAL CODE TO PREVENT THE EXPANSION OF HOMELESS SHELTERS IN CERTAIN ZONING DISTRICTS AND TO SUBSTANTIALLY MITIGATE OR PREVENT THE POTENTIAL FOR IDENTIFIED ADVERSE IMPACTS OF A STATE-MANDATED HOMELESS SHELTER WITHIN THE A-1 ZONE.

WHEREAS: the City Council is authorized by law to enact ordinances for the protection of the health, safety and welfare; and

WHEREAS: The City is authorized by law to enact ordinances establishing regulations for land use; and

WHEREAS: The Planning Commission held a legally notified public hearing as per section 10-9a- 205 of the Utah Code and 17.07.080 of the South Salt Lake Municipal Code on December 7, 2017 and thereafter positively recommended that the Council amend definitions in Chapter 17.03 of the South Salt Lake Municipal Code and revise Section 17.15.040 of the South Salt Lake Municipal Code to prevent the expansion of homeless shelters in certain zoning districts and to substantially mitigate or prevent the potential for identified adverse impacts of a state-mandated homeless shelter within the A-1 Zone

WHEREAS: The City Council finds that the recommended revisions are necessary to comply with state law and to foster orderly and compatible development and use of land in the City;

WHEREAS: The City Council finds that the recommended revisions are essential to substantially mitigate or prevent the potential for identified adverse impacts of a state-mandated homeless shelter within the A-1 Zone.

WHEREAS: The City Council finds that these amendments and codification implement the City's General Plan goal for regulating land uses based on compatibility with surrounding uses, residential areas, and economic feasibility; and

WHEREAS: The City Council finds that these amendments and codification implement the City's General Plan goal to enhance the quality of life in South Salt Lake by improving the community's appearance, safety, education, positive outlook, gathering places and positive momentum;

BE IT ORDAINED, therefore, by the City Council of the City of South Salt Lake that Chapters 17.03 Definitions and Section 17.15.040 of the South Salt Lake Municipal Code are hereby revised as follows:

SECTION I: Revise Chapter 17.03 Definitions to amend or replace certain definitions as follows:

17.03 – Definitions

"Adult daycare" – Nonresidential daytime care and supervision of three or more functionally impaired adults. ~~"Adult daycare" – Nonresidential care and supervision:~~

- ~~1. In a commercial zone care for three or more adults for at least four but less than twenty four (24) hours a day;~~
- ~~2. That meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting; and~~
- ~~3. If in a residential zone is a conditional use with no more than six people cared for at any one time.~~

~~"Adult daycare facility" – A nonresidential facility that furnishes care, supervision and guidance for three or more adults accompanied by a guardian for periods of less than twenty-four (24) hours per day if in a commercial zone and six or fewer persons if in a residential zone.~~

~~Day Care – Adult. An adult daycare shall not include any overnight use. See definition of Human Service Programs as found in 17.47~~

"Assisted living facility." A residential facility, licensed by the state of Utah, with a home-like setting that provides an array of coordinated supportive personal, health care services, aides in daily living, social and recreational services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Department of Human Services regulations to need any of these services. Each resident shall have a service plan based on assessment, which may include:

- a. Specified services of intermittent nursing care;
- b. Administration of medication; or
- c. Support services promoting the resident's independence and self-sufficiency.

An "assisted living facility" does not include a residential facility for persons with a disability, adult daycare provided in conjunction with a residential facility for elderly persons, a homeless shelter, or a residential facility for persons with a disability.

“Compatible or compatibility”. Characteristics of different uses, intensities of uses, or designs, that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, intensity of use, height, scale, mass and bulk of building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive areas, and building patterns.

~~“Category I conditional uses.” means any conditional uses which are not listed as category II conditional uses.~~

~~“Category II conditional uses” means the following uses:~~

- ~~1. Residential conditional land uses;~~
- ~~2. Conditional uses that require design review and are within or adjacent to R1-5, R1-6, RM, Mixed or TOD zones, regardless of the size of the development; or~~
- ~~3. Conditional uses which result in the development of one acre of land or greater, except in the light industrial zone~~

“Conditional use”. A land use that, because of its unique characteristics, intensity or potential for detrimental impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

~~“Dwelling.” Any building, or portion thereof, that is designed for long-term residential use. ~~which is designed for use as residential purposes, except hotels, mobile homes, motels and apartment complexes that has been approved for residential use by the City’s Building Official.~~~~

~~“Dwelling Unit.” A single family home or a separate room or collection of rooms ~~One or more~~ rooms in a dwelling, apartment hotel or apartment motel, that is designed for ~~or occupied~~ occupancy by one family, or four (4) unrelated adults, for living or sleeping purposes.~~

~~“Dwelling, multi-family.” A building containing three or more independent and individual dwelling units, or equivalent residential units, including units that are located one over another.~~

~~“Group home.” The long term residential occupancy of a structure by a group of people who may be unrelated to one another and who together may otherwise exceed the maximum occupancy by unrelated individuals that is allowed in a dwelling unit and where a caregiver is on-site for purposes of providing medical and physical assistance due to age and/or disability~~

of the tenant(s). A group home use does not include a homeless shelter. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered *residential*. They are considered to be a form of transient lodging (see "hotel").

"Homeless Shelter" A facility that is professionally designed, constructed and managed to safely provide homeless individuals temporary overnight accommodation, on a site selected by and funded through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division of the Department of Workforce Services.—A facility providing charitable lodging or sleeping rooms, temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as meals, kitchen facilities, counseling and vocational training.

"Hotel, residential lease, extended stay." A building designed to be used, rented, or hired out to be occupied, or which is occupied for sleeping purposes for guests and contains kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens. Extended stay hotel uses do not include ~~s are not~~ a highway-oriented facility or a homeless shelter.

"Live/work unit." An integrated dwelling unit and working space, occupied and utilized by households in the dwelling above, or behind, the working space in the structure. The structure has been designed or structurally modified to accommodate joint residential occupancy (generally upper floor(s)) and work activity at the ground floor. Residential and commercial space within a live/work unit shall not be rented, leased, sold, or otherwise conveyed or occupied separately.

"Nursing home, elderly *care* facility, convalescent home and rest home." An intermediate *care*/nursing facility or a skilled nursing facility, licensed by the state of Utah, for the *care* of individuals who due to illness, advanced age, disability, or impairment requiring assistance and/or supervision on a twenty-four (24) hour per day basis. A nursing home, elderly *care* facility, convalescent home or rest home use does not include:

- a. A residential facility for persons with a disability;
- b. A residential facility for elderly persons;
- c. Adult daycare provided in conjunction with a residential facility for elderly or residential facility for persons with a disability; or
- d. A homeless shelter.

"Permanent supportive housing." Long term, community based housing that has supportive services for homeless persons with disabilities ~~This type of supportive housing~~ and enables special needs populations to live independently as possible in a permanent setting.

Permanent housing can be provided in one structure or in several structures at one site.
Permanent supportive housing use is not a homeless shelter.

"Rehabilitation/treatment facility." A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, conditions, resulting from alcohol or drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A rehabilitation/treatment facility use does not include a residential facility for persons with a disability or a homeless shelter.

"Residential treatment" – A twenty-four (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" use does not include a:

- a. Boarding school;
- b. Foster home; or
- c. Homeless shelter.

"Secure rehabilitation treatment facility." A facility licensed and contracted by the state of Utah providing any level of twenty-four (24) hour secure residential treatment or *care* for adults or juveniles whose current functioning is such that they cannot live independently or in a less restrictive environment. A secure rehabilitation treatment facility use does not include a homeless shelter

"Transitional care and rehabilitation." A facility that ~~privately owned facility or a facility owned, operated or contracted by a governmental entity or charitable, nonprofit organization~~ which provides free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility use does not include:

- a. A homeless shelter;
- b. A dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than one hundred eighty (180) days;
- c. A residential facility for persons with a disability;
- d. Permanent supportive housing; or
- e. Assisted living

SECTION II: Revise Section 17.15.040. Revise Section 17.15.040 as indicated on Exhibit 1

SECTION III. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION IV. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION V. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this ____ day of December 2017.

BY THE CITY COUNCIL:

Ben Pender, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as

Recorded: Beverly

- _____
Kindred _____
- McConnell _____
- Mila _____
- Pender _____
- Rapp _____

Siwik _____

Transmitted to the Mayor's office on this ___ day of _____ 2017.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2017.

Cherie Wood, Mayor

ATTEST
:

Craig D. Burton, City
Recorder

