



Public Works  
Planning & Development Services Division  
<http://www.utah.gov/pmn/index.html>

## Kearns Township Planning Commission

### Public Meeting Agenda

# Monday, January 14, 2013

## 4:00 P.M.

THE MEETING WILL BE HELD IN THE COUNTY COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, MAIN FLOOR, ROOM #N1100, 2001 SOUTH STATE STREET.  
**ANY QUESTIONS, CALL 385-468-6700**

*REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.*

The purpose of the Planning Commission Meeting is to allow the Planning Commission to hear staff, applicant, public, and other agency comments and recommendations prior to making decisions and/or recommendations on land use applications and projects on file with Salt Lake County. The Planning Commission may take action on any agenda item which may include: approval, approval with conditions, denial, continuance or a recommendation to other bodies or agencies as applicable. Public comment is not normally taken on items listed on the business portion of the agenda.

### **Business Items – 3:30 PM (This meeting will be held in the PDS conference room N3500)**

- 1) Chair and Vice Chair elections
- 2) Adoption of minutes from the November 5, 2012 and December 10, 2012 meetings.
- 3) Planning Commissioner Training Items
- 4) Other Business

### **Public Hearing Items – 4:00 PM**

**28225 – Continued from the December 10, 2012 meeting** – Salt Lake County is requesting amendments to the zoning ordinance to: 1) replace references to “residential health care facilities” with “residential facilities for persons with a disability,” 2) to establish review and approval criteria for the location and regulation of such facilities in harmony with federal requirements, and 3) to amend the definition of “family” to be consistent with state law. This includes amendments to sections 19.04.230, 19.04.453, 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020, 19.50.020, 19.52.020, 19.54.020.F, 19.55.030.A, 19.14.030, 19.32.030, 19.48.030, 19.38.030, 19.40.030 and 19.44.030 and the addition of chapter 19.87 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY to the Salt Lake County Zoning Ordinances.

### **Adjournment**

## **Rules of Conduct for the Planning Commission Meeting**

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.

- Speakers will be called to the podium by the Chairman.
- Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
- All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
- After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.



**MEETING MINUTE SUMMARY FOR**  
**Kearns Township Planning Commission Meeting**  
Monday, November 05, 2012 3:30 p.m.

**Approximate meeting length:** 1 hour

**Number of public in attendance:** 1

**Summary Prepared by:** Deborah Jones and Jocelyn Magoni

**Meeting Conducted by:** Commissioner Frandsen

**IN ATTENDANCE**

**Commissioners:** ("X" denotes attendance status)

Commissioner Name	Present		Absent Excused	Absent Unexcused
	Public	Business		
Ruby Martinez (Vice-Chair)			X	
Reed Bartlett	X	X		
Bruce J. Black	X	X		
Alvin L. Britton	X	X		
Mike Frandsen	X	X		
John A. Glines	X	X		
Debbie Wall	X	X		

**Staff:** ("X" denotes attendance status)

Planning:	Public Hearing	Business Meeting	District Attorney:	Public Hearing	Business Meeting
Max Johnson	X	X	Tom Christensen		
Deborah Jones	X		Zachary Shaw	X	
Nancy Moorman	X	X			

## **BUSINESS MEETING – November 05, 2012 3:30 p.m.**

**Meeting began at 3:30 p.m.**

### **1) Approval of Minutes from the October 08, 2012 meeting**

**Motion:** To approve the minutes from the October 08, 2012 meeting

**Motion by:** *Commissioner Bartlett*

**2<sup>nd</sup> by:** *Commissioner Glines*

**Vote:** *Unanimous*

### **2) Other Business**

## **PUBLIC MEETING – October 08, 2012 4:00 p.m.**

**Meeting began at 4:00 p.m.**

**28030** – *Allied Electric Sign & Awning – Conditional Use Permit for an electronic message center sign* – **Address:** 4030 West 5415 South – **Zone:** C-2 – **Community Council:** Kearns – **Planner:** Nancy Moorman.

**Presentation by:** Nancy Moorman, Planner

Ms. Moorman gave a brief overview and history of the application as contained in the staff report.

**Recommendations:** – (Please See Staff Report)

The Kearns Community Council recommended approval with one condition – dimming the lights in the evening and at night.

### **Discussion:**

*\*There was a brief discussion among the staff and the Planning Commission.*

### **Speaker # 1: Representing the Applicant**

**Name:** Cindy Baker

**Address:** 1920 South 900 West – Salt Lake City, UT

**Issue:** Ms. Baker indicated that she met with the owner of Master Muffler and reviewed the conditions of approval. She indicated that he has agreed to comply with staff's recommendations prior to the signage being installed.

*\*There was a brief discussion among Ms. Baker and the Planning Commission.*

## **Motion to Close the Public Hearing**

**Motion by:** *Commissioner Bartlett*

**2<sup>nd</sup> by:** *Commissioner Black*

**Vote:** *Unanimous*

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)				X
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton	X			
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall	X			

*\*The public portion of the meeting was re-opened in order to give the Kearns Community Council representative an opportunity to comment on the application before a final motion was rendered.*

### **Speaker # 2: Kearns Community Council**

**Name:** Roger Snow

**Address:** Not stated for the record.

**Issue:** Mr. Snow indicated that the community council recommended approval of the EMC sign with the following conditions:

- 1) The EMC Sign be dimmed at night.
- 2) That the EMC sign follow the current ordinance with regard to flashing and illumination.

### **“THE PUBLIC PORTION OF THE MEETING WAS CLOSED”**

*\*There was further discussion regarding the application among the staff and Planning Commission prior to a motion being rendered.*

## FINAL MOTION

**Motion:** To approve conditional use application # 28030 with staff's recommendations as stated in the staff report

**Motion by:** *Commissioner Britton*

**2<sup>nd</sup> by:** *Commissioner Black*

**Vote:** *Unanimous*

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)				X
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton	X			
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall	X			

**27953 – Continued from September 10, 2012** – *Planning and Development Services is seeking approval and adoption of an Economic Development Best Practice for inclusion into Salt Lake County General Plans. The Best Practice would be applicable to all unincorporated areas of Salt Lake County.*

**Presentation by:** Nancy Moorman, Planner

Ms. Moorman gave a brief overview and history of the application as contained in the staff report.

**Recommendations:** – (Please See Staff Report)

*\*There was a brief discussion among the staff and Planning Commission.*

**No one from the public was present to speak on the application.**

**No one from the community council was present to speak on this application.**

**“THE PUBLIC PORTION OF THE MEETING WAS CLOSED”**

*\*There was further discussion regarding the application among the staff and Planning Commission prior to a motion being rendered.*

**FINAL MOTION**

**Motion:** To recommend approval of the economic development best practice to the County Council for adoption as presented

**Motion by:** *Commissioner Britton*

**2<sup>nd</sup> by:** *Commissioner Glines*

**Vote:** *Unanimous*

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)				X
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton	X			
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall	X			

**Motion to adjourn the meeting**

**Motion by:** *Commissioner Bartlett*

**2<sup>nd</sup> by:** *Commissioner Wall*

**MEETING ADJOURNED**

**Time Adjourned 4:25 p.m.**



**MEETING MINUTE SUMMARY FOR  
Kearns Township Planning Commission Meeting  
Monday, December 10, 2012 3:30 p.m.**

**Approximate meeting length:** 2.5 hours

**Number of public in attendance:** 7

**Summary Prepared by:** Jocelyn Magoni

**Meeting Conducted by:** Commissioner Mike Frandsen (Business), Commissioner Ruby Martinez (Public)

**IN ATTENDANCE**

**Staff / Commissioners:** ("X" denotes attendance status)

<b>Planning:</b>	<b>Public Hearing</b>	<b>Business Meeting</b>	<b>District Attorney:</b>	<b>Public Hearing</b>	<b>Business Meeting</b>
Max Johnson	<b>X</b>	<b>X</b>	Tom Christensen		
Jocelyn Magoni	<b>X</b>		Zachary Shaw	<b>X</b>	
Spencer Sanders			Chris Preston	<b>X</b>	
Todd Draper			<b>Other:</b>		
Curtis Woodward			Jeremy Goldsmith	<b>X</b>	
Nancy Moorman	<b>X</b>	<b>X</b>	Deb Jones	<b>X</b>	

<b>Commissioner Name</b>	<b>Present</b>		<b>Absent Excused</b>	<b>Absent Unexcused</b>
	<b>Public</b>	<b>Business</b>		
Ruby Martinez (Vice-Chair)	<b>X</b>	<b>X</b>		
Reed Bartlett	<b>X</b>	<b>X</b>		
Bruce J. Black	<b>X</b>	<b>X</b>		
Alvin L. Britton	<b>X</b>	<b>X</b>		
Mike Frandsen	<b>X</b>	<b>X</b>		
John A. Glines	<b>X</b>	<b>X</b>		
Debbie Wall			<b>X</b>	

**BUSINESS MEETING – December 10, 2012 3:30 p.m.**

**Meeting began at 3:37 p.m.**

**1) Approval of Minutes from the November 5, 2012 meeting**

- Approval of Minutes postponed until next month as they were not completed.

**2) Planning Commissioner Training Items**

- A new Chair will need to be elected at the next meeting.
- The role of the Planning Commission in subdivision applications was discussed.



### 3) Other Business

- There were no other business items.

**Meeting closed at 4:00 p.m.**

### **PUBLIC MEETING – December 10, 2012 4:00 p.m.**

**Meeting began at 4:05 p.m.**

**28063** – SALS 2012, LLC is requesting approval of a preliminary plat for a 7-Lot Commercial Subdivision on a 9.68 acre site – **Address:** 5586 West 6200 South – **Zone:** C-2 – **Community Council:** Kearns – **Planner:** Nancy Moorman.

**Presentation by:** Nancy Moorman, Planner. Ms. Moorman gave a brief overview and history of the application as contained in the staff report.

**Recommendations:** Please See Staff Report

*There was a brief discussion among the staff and the Planning Commission.*

### **PUBLIC MEETING OPENED**

#### **Speaker # 1: Applicant**

**Name:** John Owens, principal owner of SALS 2012

**Address:** 170 S. Main Street, Salt Lake City, UT 84101

**Issue:** Mr. Owens presented his plan and the grading to take place.

*Response from the community council is not applicable to this application.*

#### **Speaker # 2: Citizen**

**Name:** Patty Goss

**Address:** 6226 Dewdrops Drive, West Jordan, UT

**Issue:** She is concerned about what businesses would be in the subdivision, because of increased traffic. Her home overlooks the construction area.

#### **Speaker # 4: Citizen**

**Name:** Steven Pinta

**Address:** 5612 W. Walnut Ridge Circle, Kearns, UT

**Issue:** Not opposed to application, but has concerns about the potential of tall buildings being built and obstructing the view from his home. Mr. Pinta is also concerned about increased traffic and potential safety issues with students at the school nearby.

*\*There was a brief discussion between the applicant and the Planning Commission.*

#### **Speaker # 5: Applicant**

**Name:** Ryan Heath, Cottonwood Capital Development

**Address:** 6350 S. 3000 E., Suite 510, Salt Lake City, UT 84121

**Issue:** A delay in decision would cause an issue with the Walgreen's lease, and higher costs.

### **THE PUBLIC PORTION OF THE MEETING WAS CLOSED**

*There was further discussion regarding the application among the staff and Planning Commission prior to a motion being rendered.*

**Motion:** Motion to approve application with conditions detailed in the staff report.

**Motion by:** Commissioner Frandsen

**2<sup>nd</sup> by:** Commissioner Glines

**Vote:** Unanimous with 1 abstention

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)			X	
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton	X			
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall				X

**28064** – Cottonwood Capital Development is requesting a Conditional Use Permit for a new Walgreens retail store on a 1.52 acre site – **Address:** 5586 West 6200 South – **Zone:** C-2 – **Community Council:** Kearns – **Planner:** Nancy Moorman.

**Presentation by:** Nancy Moorman, Planner. Ms. Moorman gave a brief overview and history of the application as contained in the staff report.

**Recommendations:** Please See Staff Report

*There was a brief discussion among the staff and Planning Commission.*

#### **PUBLIC MEETING OPENED**

**Speaker # 1: Applicant**

**Name:** John Owens, SALS 2012, LLC

**Address:** 170 S. Main Street

**Issue:** Water line layout is being addressed.

**Speaker # 2: Applicant**

**Name:** Ryan Heath, Cottonwood Capital Development

**Address:** 6350 S. 3000 E., Suite 310, Salt Lake City, UT 84121

**Issue:** Walgreens is willing to sign a 20 year lease.

*There was a brief discussion among the commission and the applicant*

**Speaker # 3: Community Council**

**Name:** Roger Snow

**Address:** 5977 S. Parkway Drive

**Issue:** Favorable Recommendation.

**Speaker # 4: Citizen**

**Name:** Patty Goss

**Address:** 6226 Dewdrops Drive, West Jordan, UT

**Issue:** Concerned about Walgreens being open 24 hours, and whether it be lit up all night.

**Speaker # 5: Applicant**

**Name:** Ryan Heath

**Address:** 6350 S. 3000 E., Suite 310, SLC 84121

**Issue:** No plans for a 24 hour store that he is aware of.

**Speaker # 6: Citizen**

**Name:** Steve Pinta

**Address:** 5612 Walnut Ridge Circle, Kearns, UT

**Issue:** Concerned about left-hand turns, and whether a left-hand turn can be made out of any of the parking lot entrances to discourage drivers from going into the median and the shoulder of the road.

**Speaker # 7: Applicant**

**Name:** Ryan Heath

**Address:** 6350 S. 3000 E., Suite 310, SLC 84121

**Issue:** Reviewed the plans; stated that moving the building to the corner would prevent Walgreens from signing a lease as parking would be an issue.

**Speaker # 8: Applicant**

**Name:** David Anderson

**Address:** 2010 N., Redwood Road

**Issue:** There will be a three foot berm.

**THE PUBLIC PORTION OF THE MEETING WAS CLOSED**

**FINAL MOTION**

**Motion:** To recommend approval of application #28064 with staff recommendations

**Motion by:** Commissioner Frandsen

**2<sup>nd</sup> by:** Commissioner Black

**Vote:** Unanimous with 1 exemption

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)			X	
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton	X			
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall				X

**28082** – Cottonwood Capital Development is requesting a Conditional Use Permit for an electronic message center sign – **Address:** 5586 West 6200 South – **Zone:** C-2 – **Community Council:** Kearns – **Planner:** Nancy Moorman.

**Presentation by:** Nancy Moorman, Planner. Ms. Moorman gave an overview and history of the application as contained in the staff report.

**Recommendations:** Please See Staff Report

*There was a brief discussion among the staff and Planning Commission.*

### **THE PUBLIC PORTION OF THE MEETING WAS OPENED**

*\*No one from the community council was present to speak on this application, but the community council representative relayed a recommendation of approval with conditions of dimming at night and no rapid flashing to the planner.*

**Speaker #1: Applicant**

**Name:** Ryan Heath

**Address:** 6350 S 3000 E, Ste. 510, SLC 84121

**Issue:** Described electronic reader board sign lighting.

**Speaker #2: Citizen**

**Name:** Patty Goss

**Address:** 6226 Dewdrops Drive, West Jordan, UT

**Issue:** Opposed to flashing lights on the electronic sign, when the light will dim at night, and how dim it would actually be. She prefers a monument sign.

*\*There was a brief discussion among the staff and Planning Commission.*

**Speaker #3: Applicant**

**Name:** Ryan Heath

**Address:** 6350 S. 300 E., Suite 510

**Issue:** Applicant stated store will not be open 24 hours. He believes that Walgreens may want to leave the sign on after store hours.

**Speaker #4: Citizen**

**Name:** Steve Pinta

**Address:** 5612 Walnut Ridge Circle, Kearns, UT

**Issue:** Conditional use on the sign lighting after hours should be considered

*\*There was further discussion regarding the application among the staff and Planning Commission prior to a motion being rendered.*

**Speaker #4: Applicant**

**Name:** Ryan Heath

**Address:** 6350 S. 300 E., Suite 510

**Issue:** Applicant stated he is comfortable with the stipulation that the electronic sign lighting be turned off at a certain time of night. Walgreens prefers scrolling words.

### **THE PUBLIC PORTION OF THE MEETING WAS CLOSED**

### **FINAL MOTION**

**Motion:** To recommend approval of application #28082 with the provision that the electronic sign turn off from 12:00 a.m. until 6:00 a.m.; dimming brightness in accordance with the new EMC ordinance, and staff recommendations #1 and #3.

**Motion by:** Commissioner Bartlett

**2<sup>nd</sup> by:** Commissioner Frandsen

**Vote:** Unanimous with 1 abstension

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)			X	
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton (departed at 5:40 p.m.)	X			
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall				X

**28225** – Salt Lake County is requesting amendments to the zoning ordinance to: 1) replace references to “residential health care facilities” with “residential facilities for persons with a disability,” 2) to establish review and approval criteria for the location and regulation of such facilities in harmony with federal requirements, and 3) to amend the definition of “family” to be consistent with state law. This includes amendments to sections 19.04.230, 19.04.453, 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020, 19.50.020, 19.52.020, 19.54.020.F, 19.55.030.A, 19.14.030, 19.32.030, 19.48.030, 19.38.030, 19.40.030 and 19.44.030 and the addition of chapter 19.87 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY to the Salt Lake County Zoning Ordinances.

**Presentation by:** Nancy Moorman, Planner. Ms. Moorman gave a brief overview and history of the application as contained in the staff report. Commissioner Martinez requested previous iterations to review.

**Recommendations:** Please See Staff Report

*There was a brief discussion among the staff and Planning Commission.*

*No one from the public was present to speak on the application.*

*No one from the community council was present to speak on this application, but the community council representative relayed a positive recommendation to the planner.*

### **THE PUBLIC PORTION OF THE MEETING WAS CLOSED**

*\*There was further discussion regarding the application among the staff and Planning Commission prior to a motion being rendered.*

### **FINAL MOTION**

**Motion:** To continue application #28225 until next month.

**Motion by:** Commissioner Frandsen

**2<sup>nd</sup> by:** Commissioner Bartlett

**Vote:** Unanimous

Commissioner Name	For Motion	Against Motion	Abstain	Absent
Ruby Martinez (Vice-Chair)			X	
Reed Bartlett	X			
Bruce J. Black	X			
Alvin L. Britton				X
Mike Frandsen	X			
John A. Glines	X			
Debbie Wall				X

**Motion:** To adjourn the meeting

**Motion by:** Commissioner Bartlett

**2<sup>nd</sup> by:** Commissioner Frandsen

**Vote:** Unanimous

**MEETING ADJOURNED at 6:00 p.m.**



## STAFF REPORT

Executive Summary									
Hearing Body:	Kearns Township Planning Commission								
Meeting Date and Time:	Monday, January 14, 2013	04:00 PM		File No:	2	8	2	2	5
Applicant Name:	Salt Lake County	Request:	Ordinance Amendment						
Description:	Residential Facilities for Persons with Disability								
Location:	N/A								
Community Council Rec:	Not yet received								
Staff Recommendation:	Approval								
Planner:	Curtis Woodward								

## 1.0 BACKGROUND

### 1.1 Summary

This ordinance came about as a result of concerns from county residents regarding “group homes” existing within unincorporated Salt Lake County. There has been a lot of confusion over “group homes” and what the county can and cannot do with regard to licensing and enforcement. This ordinance clarifies the approval process --establishes a process when applying for a group home and defines the role of the county and state in this application and licensing process. This proposed ordinance also eliminates enforceable provisions in compliance with federal law and recent federal cases.

The goal of this ordinance is to clarify and delineate requirements for these group homes, while complying with state and federal laws. In a nutshell, this ordinance invites group homes as a permitted use/reasonable accommodation in any single family neighborhood in unincorporated Salt Lake County so long as the home meets state licensing standards and local building codes and does not offer outpatient treatment services. It also adjusts the definition of "family" to be in line with the requirements of Utah Code (allowing up to 4 unrelated people to live together as a "family.")

### 1.3 Community Council Response

## 2.0 ANALYSIS

### 2.1 Existing Ordinance

- 1) The definition of "family" includes up to 3 unrelated people living together in a dwelling unit.
- 2) Terms such as "Residential Health Care Facility" are defined in section 19.04, and are listed as permitted or conditional uses based on the number of residents and the size of the right of way on which they are located.

- 3) Residential facilities for persons with a disability are allowed in residential zones, provided that each such facility shall not be located within 1/2 mile of a similarly licensed facility.
- 4) Residential facilities for persons with disability, while allowed as permitted uses, do not have in current ordinance any standards, criteria, or regulation (other than the spacing restriction mentioned above).

## **2.2 Proposed Ordinance**

- 1) The definition of "family" is being amended as required by Utah Code (17-27a-505.5) to allow up to 4 unrelated people to live together in a dwelling unit.
- 2) The definition of "residential health care facility" is being removed, and references to such facilities in various zones are also being removed (as being redundant in light of the fact that these facilities are included in the definition of "residential facilities for persons with disabilities."
- 3) The 1/2 mile separation requirement between facilities is being removed from the ordinance (as recent court cases have determined that this kind of provision is illegal.
- 4) A new chapter is being proposed to establish approval criteria and use standards for residential facilities for persons with disabilities. It includes provisions for ensuring state licenses are obtained, dealing with "nuisance" properties, parking and traffic concerns, and appeals.

## **3.0 STAFF RECOMMENDATION**

### **3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment .**

### **3.2 Reasons for Recommendation**

- 1 ) Having studied the issues at hand, including the Fair Housing Act and Americans with Disabilities Act as well as recent court decisions, the proposed ordinance was drafted by the District Attorney's Office as a reasonable regulatory ordinance that will provide the public and the County guidance as to how and where residential facilities for persons with disabilities may be located.



WORKING DRAFT 9

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO: \_\_\_\_\_, 2012

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

AN ORDINANCE AMENDING DEFINITIONS AND ADDING A NEW CHAPTER IN TITLE 19 ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, PROVIDING THAT THE DIRECTOR SHALL CONSIDER REQUESTS FOR A PERMITTED USE/REASONABLE ACCOMMODATION FOR THE DISABLED RELATIVE TO THEIR OCCUPATION OF A GROUP HOME.

The County Council, as the legislative body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new enacted words. Words being deleted are designated by brackets with a line drawn through said words.

SECTION II. Section 19.04.230 is hereby amended and section 19.04.453 of the Salt Lake County Code of Ordinances, 2001, is hereby deleted as follows:

**19.04.230 - Family.**

"Family" means:

A. Any number of people living together in a dwelling unit and related by blood, marriage or adoption, and including up to ~~[two]~~ three additional unrelated people; or

B. One to ~~[three]~~ four unrelated people living together in a dwelling. Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

**~~[19.04.453 — Residential health care facility.~~**

~~A. — "Residential health care facility" means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements.~~

## WORKING DRAFT 9

~~B. — Each bedroom in a residential health care facility shall contain the minimum square feet of floor space per resident as set forth in the Utah Administrative Code health facility licensure rules, or any successors, with a maximum of two residents per bedroom.]~~

SECTION III. Sections 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020, 19.50.020, 19.52.020, 19.54.020.F, and 19.55.030.A of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following condition to a permitted use:

~~-- Residential facility for persons with a disability. [, provided that each such facility shall not be located within one half mile of a similarly licensed residential facility for persons with a disability.]~~

SECTION IV. Sections 19.14.030, 19.32.030 and 19.48.030 of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following conditional use:

~~[—Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;]~~

SECTION V. Section 19.38.030 of the Salt Lake County Code of Ordinances, 2001, is hereby amended by deleting the following conditional use:

~~[—Residential health care facility for up to five residents excluding the facility operator and his/her related family with a maximum of one nonresident part time relief employee on the premises at any one time, which use shall not change the residential appearance and character of the property;]~~

SECTION VI. Sections 19.40.030 and 19.44.030 of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following conditional use:

~~[—Residential health care facility;]~~

SECTION VII. Chapter 19.87 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

**Chapter 19.87**

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

**Sections:**

- 19.87.010 Purpose.**
- 19.87.020 Scope.**
- 19.87.030 Definitions.**
- 19.87.040 Licensing for Residential Facilities.**
- 19.87.050 Uses.**
- 19.87.060 Termination**
- 19.87.070 Residential day treatment.**
- 19.87.080 Parking.**
- 19.87.090 Appeals.**

**19.87.010 Purpose.**

The purpose of this chapter is to balance local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.

**19.87.020 Scope.**

The requirements of this chapter apply to any facility, residence, group home or other congregate housing arrangement for persons with a disability notwithstanding any conflicting provision in this title or any other section of this code of ordinances.

**19.87.030 Definitions.**

“Disability” is defined in 19.04.168, “family” in 19.04.230, and “residential facility for persons with a disability” in 19.04.452 of this title.

**19.87.040 Licensing for Residential Facilities**

The licensing requirements for “Residential Treatment Programs” and “Residential Support Programs” are defined and administered pursuant to State law and the Utah Administrative Code.

**19.87.050 Uses.**

A. No permit required. Four or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a zoning permit but function as a “family,” defined in Section 19.04.230 of this title as “one to four unrelated people living together in a single dwelling.”

B. The director of planning and zoning (“the director”), with the assistance of the district attorney, shall consider requests for a permitted use/reasonable accommodation for a “residential facility for persons with a disability” (“facility”). The director or the director’s designee shall approve a proper application for a zoning permit for the facility in any zone, including residential zones where only single family dwellings are a permitted use, provided:

1. The facility meets or will meet all program, physical facility, and licensure requirements of the state Department of Human Services or Department of Health.

2. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable county development standards, licensing and zoning requirements.

3. The facility shall not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the facility, and applicable law.

C. The director or the director’s designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.

D. Institutional uses. Consistent with the International Building Code, residential facilities designed to house more than sixteen individuals constitute “institutional facilities” likely to create a fundamental change in the character of a single family residential neighborhood. The only residential zone where an application for a conditional use permit for an institution serving more than sixteen residents may be approved is in a zone that allows apartments as a conditional or permitted use.

**19.87.060 Termination.**

A use permitted by this chapter is nontransferable and shall be subject to revocation by the appropriate land use or licensing authority if:

A. The facility is devoted to a use other than a residential facility for persons with a disability, or

B. The facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under state rules, or remodels or expands without first receiving approval from the director.

C. The facility is not licensed by the state Department of Health or Department of Human Services.

D. It is determined by an appropriate county authority that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

**19.87.070 Residential day treatment.**

To avoid excessive traffic, on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in residential facilities for the disabled in the R-1 or R-2 residential zones.

**19.87.080 Parking.**

The minimum number of parking spaces shall be four spaces plus one space for each five residents, provided that if the number of residents who own or operate a motor vehicle exceeds the number of parking spaces established above, additional parking shall

be provided to ensure that every resident who owns or operates a motor vehicle has a lawfully located off-street parking space.

**19.87.090 Appeals.**

Pursuant to section 19.92.050 of this Title for permitted uses, any person adversely affected by a final decision of the zoning authority may appeal that decision to the board of adjustment.

SECTION VIII. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SALT LAKE COUNTY COUNCIL

By \_\_\_\_\_  
David Wilde, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
County Clerk

Approved as to form and legality:

\_\_\_\_\_  
Thomas L. Christensen  
Deputy District Attorney  
Date: \_\_\_\_\_

Voting:  
Council Member Bradley voting \_\_\_\_\_

WORKING DRAFT 9

Council Member Bradshaw voting \_\_\_\_\_  
Council Member Burdick voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Horiuchi voting \_\_\_\_\_  
Council Member Iwamoto voting \_\_\_\_\_  
Council Member Jensen voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_  
Council Member Wilde voting \_\_\_\_\_

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By \_\_\_\_\_  
Mayor Corroon or Designee

(Complete as Applicable)

Veto override: Yes\_\_\_ No\_\_\_ Date\_\_\_\_\_

Ordinance published in newspaper: Date\_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_