

ORDINANCE 2014-10

SHORT TITLE:

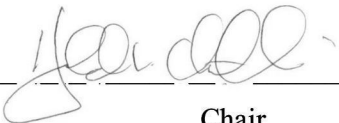
An ordinance amending Chapter 14.06.02 (Definitions) and Chapter 14.34.470 (Standards for Assisted Living Facilities) to amend location and developmental standards for Assisted Living Centers.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL	✓		✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO		✓	✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	STEPHEN HALES			✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 18th day of February, 2014 on a roll call vote as described above. Signed this 17th day of March, 2014.



Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 17th day of March 2014.



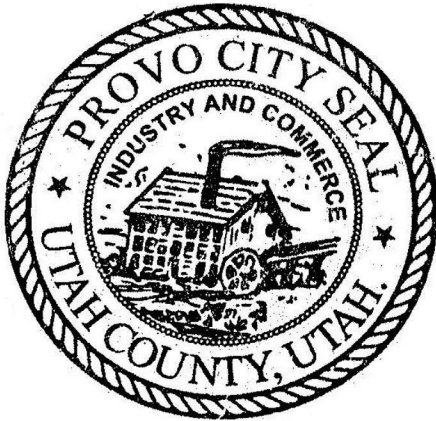
Mayor

ORDINANCE 2014-10

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 18th day of March 2014, with a short summary being published on the 22nd day of February 2014, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2014-10.



Signed this 18th day of March 2014.

Janeen Stess
City Recorder

47 Chapters 14.06.020 and 14.34.470 of the Provo City Code are hereby amended as
48 follows:

49
50 14.06.020. Definitions.

51 ...

52 "**Assisted Living Facility**" means a residential facility meeting the requirements
53 of a type I or type II assisted living facility as defined by Utah Code § 26-21-2(5),
54 as amended, with a home-like setting that provides an array of coordinated
55 supportive personal and health care services, available twenty four (24) hours per
56 day, to residents who have been assessed under Utah State Department of Health
57 rules to need any of these services. Each resident shall have a service plan based
58 on the assessment, which may include:
59 (a) specified services of intermittent nursing care;
60 (b) administration of medication; and
61 (c) support services promoting resident's independence and self sufficiency.

62
63 14.34.470. Standards for Assisted Living Facilities.

64 The following development standards shall apply to any assisted living facility
65 within the City.

66
67 (1) ~~Assisted living facilities may only be located in the Low Density Residential~~
68 ~~(LDR) zone. are allowed in all residential zones, as well as the Professional~~
69 ~~Office (PO), and the Public Facilities (PF) zones.~~

70
71 (2) ~~Assisted living facilities may have a maximum density of thirty (30) beds per~~
72 ~~acre in the LDR zone. The facility shall conform to all building, safety, and health~~
73 ~~requirements of the Provo City Code applicable to similar structures and~~
74 ~~occupancy in the zone where the facility is located.~~

75
76 (3) ~~Any assisted living facility with more beds per gross acre than the maximum~~
77 ~~number of dwelling units allowed in the zone where the facility is located shall~~
78 ~~abut an arterial or collector street. The facility shall conform to all applicable~~
79 ~~standards and requirements of the Utah Department of Health or the Utah~~
80 ~~Department of Human Services and the owner/operator shall obtain all licenses~~
81 ~~required by the State to operate such a facility.~~

82
83 (4) ~~Notwithstanding the height limitations of the LDR zone, an assisted living~~
84 ~~facility shall not exceed two (2) stories or thirty five (35) feet in height unless~~
85 ~~a conditional use permit for additional height is granted by the Planning~~
86 ~~Commission. This regulation shall not apply in cases where an existing building is~~
87 ~~converted to an assisted living facility. The design of the facility and its~~
88 ~~landscaping shall reflect a residential character, rather than an office or~~
89 ~~institutional character, through the utilization of design features such as pitched~~
90 ~~roofs, gables, a mixture of materials, avoiding a bulkiness in the building, and~~
91 ~~similar architectural treatments.~~

92

93 ~~(5) Notwithstanding the yard requirements of the LDR zone, an assisted living~~
94 ~~facility shall be set back at least thirty (30) feet from all public streets, and at least~~
95 ~~fifty (50) feet from all other property lines. This regulation shall not apply in cases~~
96 ~~where an existing building is converted to an assisted living facility. None of the~~
97 ~~foregoing conditions shall be applied or interpreted in any way to bar a reasonable~~
98 ~~accommodation where appropriate, nor to hinder compliance with:~~

99
100 (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable
101 jurisprudence;

102 (b) The Fair Housing Amendments Act of 1988, 42 U.S.C. Sec.
103 3601 et seq., and applicable jurisprudence; and

104 (c) Section 504, Rehabilitation Act of 1973, and applicable
105 jurisprudence.

106
107
108 PART II:
109

- 110 A. If a provision of this ordinance conflicts with a provision of a previously adopted
111 ordinance, this ordinance shall prevail.
112
- 113 B. This ordinance and its various sections, clauses and paragraphs are hereby
114 declared to be severable. If any part, sentence, clause or phrase is adjudged to be
115 unconstitutional or invalid, the remainder of the ordinance shall not be affected
116 thereby.
117
- 118 C. The Municipal Council hereby directs that the official copy of the Provo City
119 Code be updated to reflect the provisions enacted by this ordinance.
120
- 121 D. This ordinance shall take effect immediately after being posted or published as
122 required by law.

123
124 END OF ORDINANCE.
125