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	\checkmark		\checkmark		
CW 2	GARY GARRETT			\checkmark		
CD 1	GARY WINTERTON			\checkmark		
CD 2	KIM SANTIAGO		\checkmark	\checkmark		
CD 3	HAL MILLER			\checkmark		
CD 4	KAY VAN BUREN			\checkmark		
CD 5	STEPHEN HALES			\checkmark		
			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 <u>17th</u> <u>day of</u> March , 2014.

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this_	17th	_day of	March	2014.
			/	lad. R. L
				Mayor

ORDINANCE 2014-10

III

CITY RECORDER'S CERTIFICATE AND ATTEST

18th This ordinance was recorded in the office of the Provo City Recorder on the day March 2014, of short summary being published the 22nd with a on day _2014, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest February of 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.
C				
	Jours	ue St ity Recorder	jus	

1 2	ORDINANCE NO 2014-10.
3	AN ORDINANCE AMENDING CHAPTER 14.06.02 (DEFINITIONS) AND
4	CHAPTER 14.34.470 (STANDARDS FOR ASSISTED LIVING FACILITIES)
5	TO AMEND LOCATION AND DEVELOPMENTAL STANDARDS FOR
6	ASSISTED LIVING CENTERS. CITY-WIDE IMPACT. (13-0013OA)
7 8	WHEREAS under Title 57 Chapter 21 Uteh Eair Housing Act. The Eair
8 9	WHEREAS, under Title 57, Chapter 21, Utah Fair Housing Act, The Fair Housing Amendments Act of 1988, 42 U.S.C. Dec. 3601 et seq, and Section 504,
10	Rehabilitation Act of 1973, and applicable jurisprudence require housing practices
11	which do not discriminate on the basis of race, color, religion, sex, national origin,
12	familial status, source of income, or disability; and
13	
14 15	WHEREAS, recent revisions to the Utah State Code have affected cities' abilities to regulate some aspects of land use and development, including
15	residential facilities for persons with a disability; and
10	residential facilities for persons with a disability, and
18	WHEREAS, it is proposed that Chapter 14.06.020 (Definitions), Provo
19	City Code, be amended to coincide with Utah Code requirements; and
20	
21 22	WHEREAS, it is proposed that Chapter 14.34.470 (Standards for Assisted
22 23	Living Facilities), Provo City Code, be amended to amend location and developmental standards for Assisted Living Centers; and
24	developmental sumaras for rissisted Elving Centers, and
25	WHEREAS, on October 23, 2013 the Planning Commission held a duly
26	noticed public meeting to consider the proposal and after such hearing the
27	Planning Commission recommended to the Municipal Council that the zoning
28 29	map be amended as set forth below; and
30	WHEREAS, on December 17, 2013, January 21, 2014 and February 18,
31	2014 the Municipal Council held duly noticed public hearings to receive public
32	comment and ascertain the facts regarding this matter, which facts and comments
33	are found in the hearing record; and
34	WHEDEAS often considering the Diaming Commission's
35 36	WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the
37	Council finds (i) the Provo City Code should be amended on the basis
38	recommended by the Planning Commission and (ii) the amendment, as set forth
39	below, reasonably furthers the health, safety and general welfare of the citizens of
40	Provo City.
41	NOW THEREFORE has it ordered by the Municipal Council of Prove
42 43	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:
44	City, Cuii, us ionows.
45	PART I:
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47 48	Chapters 14.06.020 and 14.34.470 of the Provo City Code are hereby amended as follows:
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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
50 57	rules to need any of these services. Each resident shall have a service plan based
58 50	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, anassisted living
84	facility shall not exceed two (2) stories or thirty-five (35) feet in height unless
85	a <u>conditional use permit</u> for additional height is granted by the <u>Planning</u>
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, anassisted 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 otherproperty 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		<u>3601 et seq., and applicable jurisprudence; and</u>
104		(c) Section 504, Rehabilitation Act of 1973, and applicable
105		jurisprudence.
106		
107		
108		PART II:
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110	A.	If a provision of this ordinance conflicts with a provision of a previously adopted
111		ordinance, this ordinance shall prevail.
112		
113	В.	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		