



# MOTION SHEET

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Nick Tarbet, Analyst

**DATE:** June 16, 2015 @ 4:00 p.m.

**RE:** Temporary Land Use Regulation – End of Life Care and Respite Care

Council Sponsor: N/A

---

## MOTION 1

I move the Council **adopt** an ordinance enacting a temporary land use regulation amending Subsections 21A.33.070 and 21A.62.040, *Salt Lake City Code*, pertaining to end of life care and respite care.

## MOTION 2

I move the Council **adopt** an ordinance enacting a temporary land use regulation amending Subsections 21A.33.070 and 21A.62.040, *Salt Lake City Code*, pertaining to end of life care and respite care with the following change:

That the footnote in subsection 21A.33.070, *Salt Lake City Code*, referred to in Section 3 of the temporary zoning regulations be amended as follows:

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

## MOTION 3

I move the Council **reject** an ordinance enacting a temporary land use regulation amending Subsections 21A.33.070 and 21A.62.040, *Salt Lake City Code*, pertaining to end of life care and respite care.





# COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

**TO:** City Council Members

**FROM:** Nick Tarbet, Policy Analyst

**DATE:** June 16, 2015

**RE: Temporary Land Use Regulation  
End of Life Care and Respite Care**

**PROJECT TIMELINE:**

Briefing: June 16, 2015

Set Date:

Public Hearing:

Potential Action:

Council Sponsor: *Council Member LaMalfa*

## FACT SHEET

The Council will hold a discussion and consider **adopting** 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*)

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.

The proposed amendments to Title 21A (Zoning Ordinance) include:

- 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, facilities providing end of life care and respite care from the eleemosynary facility definition; and
- adding a maximum occupancy of 25 persons for assisted living facilities in the Institutional zoning district

### CITY COUNCIL OF SALT LAKE CITY

451 SOUTH STATE STREET, ROOM 304  
P.O. BOX 145476, SALT LAKE CITY, UTAH 84114-5476

COUNCIL.SLCGOV.COM

TEL 801-535-7600 FAX 801-535-7651



LUKE GARROTT | DISTRICT 4 | COUNCIL CHAIR || JAMES ROGERS | DISTRICT 1 | COUNCIL VICE CHAIR ||  
KYLE LAMALFA | DISTRICT 2 || STAN PENFOLD | DISTRICT 3 || ERIN MENDENHALL | DISTRICT 5 ||  
CHARLIE LUKE | DISTRICT 6 || LISA R. ADAMS | DISTRICT 7

According to the State of Utah's [Department of Health website](#) for health facility licensing, there are only five (5) assisted living facilities in the City. However, two of those facilities are located in the Institutional zone.

The proposed Temporary Land Use Regulation includes a proposed maximum occupancy of 25 in the Institutional zone. If this maximum occupation is added to the Institutional zone, these facilities would become "legal nonconforming."

Type I		Zone	Number of Beds
<a href="#">GREEN GABLES, INC</a>	1001 North Featherstone Drive Salt Lake City, UT 84116	R-1/7000	58
<a href="#">SARAH DAFT HOME</a>	737 South 1300 East Salt Lake City, UT 84102	I	39

Type II			
<a href="#">EMERITUS AT SALT LAKE CITY</a>	76 South 500 East Salt Lake City, UT 84102	R-MU	127
<a href="#">ST JOSEPH VILLA ASSISTED LIVING</a>	451 East Bishop Federal Lane Salt Lake City, UT 84115	I	48
<a href="#">THE AVENUES COURTYARD</a>	661 East 100 South Salt Lake City, UT 84102	RMF-45	58

The other item of note is that some residential zones allow assisted living facilities.

SALT LAKE CITY ORDINANCE No. \_\_ of 2015

(Temporary land use regulation amending  
Subsections 21A.33.070 and 21A.62.040, *Salt Lake City Code*.)

An ordinance enacting a temporary land use regulation amending Subsections 21A.33.070 and 21A.62.040, *Salt Lake City Code*, pertaining to end of life care and respite care.

WHEREAS, Section 10-9a-504 of the Utah Code allows a municipality, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the municipality upon a finding of compelling, countervailing public interest made by the legislative body; and

WHEREAS, this ordinance addresses 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 or incomplete recovery from such illness; and

WHEREAS, 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 similar services; and

WHEREAS, this ordinance allows an independently operated end of life care and respite care facility to operate so long as it is licensed as an assisted living facility by the State of Utah; and

WHEREAS, this ordinance will not affect facilities that provide end of life care and respite care for seriously ill persons that are otherwise permitted under the *Salt Lake City Code* and are licensed to provide such services.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Finding of compelling, countervailing public interest. Pursuant to Section 10-9a-504 of the Utah Code, the City Council expressly finds:

A. 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.

B. The foregoing constitutes a compelling, countervailing public interest which justifies the temporary land use regulation set forth in Section 3 below.

SECTION 2. Balancing of Public vs. Private Interests. The City Council further finds that the effect of this temporary land use regulation on owners of private property, who may be affected thereby, is outweighed by the public interest in protecting persons who may receive care or services in facilities that would otherwise be unlicensed.

SECTION 3. Temporary zoning regulation. Notwithstanding any other ordinance which the City Council may have adopted that may provide otherwise, from the effective date of this ordinance and during the period of this temporary land use regulation, Subsection 21A.62.040, *Salt Lake City Code*, shall be amended to modify and include the terms shown below. Other defined terms in that subsection shall be unaffected by this ordinance.

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.

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 ~~facilities~~ facility" ~~shall~~ 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.

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

Subsection 21A.33.070, *Salt Lake City Code*, shall be amended to modify the table of permitted and conditional uses for special purpose districts to include the following footnote for assisted living facilities in the Institutional ("I") zoning district: "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."

SECTION 4. Duration. This temporary land use regulation shall remain in effect for a period of six (6) months from the effective date of this ordinance or until the effective date of City

Council action adopting revisions that supersede the foregoing amendments, whichever occurs first.

SECTION 5. Effective date. This ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of June, 2015.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2015.  
Published: \_\_\_\_\_.

**APPROVED AS TO FORM**

Date: \_\_\_\_\_

By: \_\_\_\_\_