

Congregate Care Text Amendment

October 6, 2020

Salt Lake City has identified the need for places that can offer a temporary living space for people who are terminally ill or need to recover from a serious life-threatening illness or injury.

Often patients need to leave a hospital or a clinic and don't have a place to go, a family member to take care of them, or live far away from a hospital or a medical facility.



The Planning Division was charged with the following:

- Develop a land use type for short-term housing for terminally and seriously ill.
- Review of compatibility of this use with institutional zone and adjacent residential neighborhoods.



The Planning Commission recommended adoption of the following proposal.

- 1. Remove the 25-person cap in the definition of Assisted Living Facilities.**
- 2. Remove the 800-foot distance requirements between facilities to become compliant with Federal law.**
- 3. Rename “Eleemosynary” to “Dwelling, Congregate Care facility” and redefine the land use definition.**
- 4. Create two sizes (small /large) of Congregate Care facilities and reclassify the districts where both are allowed.**
- 5. Create a new parking requirement for proposed small Congregate Care facilities.**
- 6. Remove the 25-person cap in the qualifying provisions of the Institutional district for Congregate Care and Assisted Living Facilities**
- 7. Make Congregate Care and Assisted Living Facilities a conditional use in the Institutional district.**

1. Remove the 25-person cap in the definition of Assisted Living Facilities.

- An error was made in codification as a 25-person cap was placed in the definition.
- The error in the definition results in city-wide occupancy limitation/cap.



2. Remove the 800-foot distance requirements between facilities to become compliant with Federal law.

- Remove qualifying provisions that buffer group homes, residential support and eleemosynary facilities.
- The Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate against disabled persons, a protected class under the act.

3. Rename “Eleemosynary” to “Dwelling, Congregate Care facility” and redefine the land use definition.

- Better explanation of who is housed there--clients and families who suffer from life-threatening illnesses or injury.
- Further clarify that it is not a homeless shelter nor other defined uses.
- Delete funding sources info--no tie to the land use impacts

~~ELEEMOSYNARY FACILITY~~ DWELLING, CONGREGATE CARE FACILITY (SMALL): a facility operated by a nonprofit charitable organization or government entity to provide that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease up to six (6) individuals, which includes any family members, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "congregate care facility (small)" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

~~ELEEMOSYNARY FACILITY~~ DWELLING, CONGREGATE CARE FACILITY (LARGE): a facility operated by a nonprofit charitable organization or government entity to provide that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members seven (7) or more individuals, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "congregate care facility (large)" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

4. Create two sizes (small /large) of Congregate Care facilities and reclassify the districts where both are allowed.

- Small - up to 6 individuals, allowed in lower density
- Large - 7 or more individuals, allowed in higher density
- Currently there is no occupancy limit on an eleemosynary facility.



Logic behind reclassifying

1. Match where current eleemosynary facilities are allowed now;
2. Match where other similar land uses such as residential support, group homes and assisted living facilities are allowed; and
3. Reflect where multi-family dwellings are allowed.

	D-1	D-2	D-3	D-4
Congregate care facility (large)	C	C	C	C
Congregate care facility (small)	P	P	P	P
<i>Eleemosynary</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

	G-MU
Congregate care facility (large)	C
Congregate care facility (small)	P
<i>Eleemosynary</i>	<i>P</i>

	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Congregate care facility (large)													C	C			C
Congregate care facility (small)													P	P			P
<i>Eleemosynary</i>											<i>P</i>	<i>P</i>	<i>P</i> ^{16, 21}	<i>P</i>			<i>P</i>

	FB-UN1	FB-UN2	FB-SC	FB-SE
Congregate care facility (large)		C	C	C
Congregate care facility (small)	C			
<i>Eleemosynary</i>		<i>P</i>	<i>P</i>	<i>P</i>



5. Create a new parking requirement for proposed small Congregate Care facilities.

- Require a reasonable amount of on-site parking that would allow a small facility to be compatible with the neighborhood.

6. Remove the 25-person cap in the qualifying provisions of the Institutional zoning district for Congregate Care and Assisted Living facilities.

- The cap for Congregate Care and Assisted Living facilities is not consistent with other land uses in the district.



8. Make Congregate Care and Assisted Living Facilities as conditional use.

- A conditional use is a land use which, may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts.



Existing Institutional district requirements

- Setbacks
- Height (*conditional building & site design review when height is above 35'*)
- Buffers
- Open Space
- Lighting
- Traffic & Parking (*will not allow expansion if traffic and parking will negatively impact the neighborhood*)

Impacts addressed by conditional use

- Intensity
- Scale of the use
- Mass and scale
- Style and design
- Fences
- Hours of operation
- Smoking areas



City Council asked for Additional Regulation

- In addition to Conditional Use.
- To help mitigate development in the Institutional zoned parcels when located within lower residential neighborhoods.



Add a qualifying provision limiting one individual allowed per 950 square feet of lot area for Large Congregate Care and Large Assisted Living facilities.

- Planning found the need to amend the definition of Congregate Care land use to explain how to define and individual so it can be calculated.



Language to be added to the definition of small and large congregate care facilities:

- **Individuals include residents, family members or caregivers but does not include staff.**

DWELLING, CONGREGATE CARE FACILITY (LARGE): A facility that provides temporary housing and assistance to seven (7) or more individuals, ~~and/or their family members~~, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. **Individuals include residents, family members or caregivers but does not include staff.** The term “congregate care facility (large)” does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

DWELLING, CONGREGATE CARE FACILITY (SMALL): A facility that provides temporary housing and assistance to up to six (6) individuals, **which includes any family members,** who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. **Individuals include residents, family members or caregivers but does not include staff.** The term “congregate care facility (small)” does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.



Is a “Medical Respite” land use needed?

This land use would provide medical care and other supportive services for homeless individuals.



Planning does not recommend adding this new land use to the zoning ordinance.

- Medical Respite is already addressed and allowed as part of existing land uses in the zoning ordinance.
- Adding Medical Respite land use to the zoning ordinance would create duplication of existing land uses.