



Staff Report

PLANNING DIVISION

DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Katia Pace, Principal Planner
(801) 535-6354 or katia.pace@slcgov.com

Date: May 10, 2017

Re: PLNPCM2016-00024: Eleemosynary (proposed Congregate Care) Text Amendment

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Citywide

REQUEST:

Salt Lake City Council has requested a text amendment to develop a land use classification for temporary housing for the terminally and seriously ill (similar to the INN Between land use.) They asked for review of compatibility concerns for how this land use and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

When analyzing the City Council's request, Planning identified two additional issues related to land uses that provide support services. One is an unintended error in the definition of "Assisted Living Facilities" from a previous text amendment and the other is a legal issue relating to Fair Housing Act (FHA) which prohibits spacing requirements for specialty housing types.

Due to the complexity of the issues and to avoid confusion, staff has separated the staff report into two parts and will address them in this order:

Part 1. Error correction & Fair Housing Act violations

1. Remove 25 person cap in the definition of "Assisted Living Facility;"
2. Remove the 800 foot distance requirements that violate the Fair Housing Act.

Part 2. Response to City Council's request

1. Develop a land use classification for short-term housing for the terminally and seriously ill. This request resulted in:
 - a. Identification of a current land use type to meet request,
 - b. Renaming of "Eleemosynary" to "Dwelling, Congregate Care facility" to clarify meaning;
 - c. Refinement of the land use definition;"
 - d. Creation of two sizes of "Dwelling, Congregate Care facility", (small) and (large); and,
 - e. Reorganization of districts where the proposed "Dwelling, Congregate Care facility (large) and (small)" are allowed.
2. Review of compatibility concerns for how this land use and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

PART 1: Error Corrections & Fair Housing Act Violations

1. **Error Correction - Remove the 25 person cap in the definition of “Assisted Living Facility, (Large)”**

Background:

On December of 2015 the Salt Lake City Council approved a text amendment to allow assisted living facilities in more zoning districts as part of the City's “Aging in Place” initiative.

Issue: As part of this text amendment an error was made in codification. A 25 person cap was inadvertently placed in the definition of “Assisted Living Facility (Large)”. The error in the definition results in city-wide occupancy limitation/cap. The City Council's intent was to place a 25 person cap only in the Institutional zoning district. The qualifying provisions reflected this cap and should remain, but the cap in the definition should be removed.

The proposed definition should be changed as follows:

“DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) **or more** ~~to twenty five (25)~~ individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.”

2. **Fair Housing Act Violations - Remove 800 foot Distance Requirement**

Background:

The city has recently re-examined distance requirements between specialty housing land use types such as: group homes, residential support and eleemosynary facilities (proposed to be renamed to “congregate care”). These are the only three residential land uses that have distancing requirements and the current ordinance requires an 800 foot separation between these uses.

There are other distance requirements for non-residential land uses in the zoning ordinance. Planning Staff is not addressing nonresidential distance requirements since the Fair Housing Act does not exercise control over nonresidential land uses.

Issue: It has been determined that current distance requirements for these residential uses is in violation of the Fair Housing Act. The reason is that they apply to facilities or housing that serve disabled persons, a protected class under the act. The federal Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act.

The “Joint Statement of the Department of Housing and Urban Development and the Department of Justice” on the subject of “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act¹” (see [Attachment G](#)) offers the following statements on how the Fair Housing Act applies to state and local land use and zoning:

¹ U.S. Department of Housing & Urban Development and U.S. Department of Justice, State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, (Nov. 10, 2016).

- The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, family status, or national origin (commonly referred to as protected characteristics).
- The Fair Housing Act defines a person with a disability to include individuals with a physical or mental impairment that substantially limits one or more major life activities.
- The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.
- As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic.
- A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act.

Within the proposed ordinance, the distance requirements are proposed to be removed as a qualifying provision in the land use chart (see [Attachment B – Proposed Ordinance Changes.](#))

PART 2: Respond to City Council's Request

1. Develop a land use classification for short-term housing for the terminally and seriously ill.

Background:

The INN Between

In 2015 the INN Between started operating at the old convent next to the Guadalupe school at 340 S. Goshen Street and in the Institutional zoning district. The INN Between is Utah's first short term housing facility for individuals that are terminally ill or need to recover from a serious life threatening illness or injury and are receiving medical or hospice services. 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. A place that can offer a living space for these individuals reduces hospital stays and emergency room visits; gives hospitals and clinics a safe place to which they can discharge patients; and decreases the need for family members to take on the entire burden of care.

The INN Between was permitted in the Institutional zone as a "congregate care facility" but also met the definition of "eleemosynary" and "assisted living facility", other uses allowed in that zone.

The INN Between is not classified as a "Homeless Shelter", which is defined as emergency shelter. Homeless shelters are not allowed in the Institutional zoning district.

City Council Request

In January of 2016 the Salt Lake City Council issued a legislative action asking the Planning Division to develop a land use that would address the need for short-term housing for the terminally and seriously ill based on the model of the INN Between. Part of that request included review of how this land use, and others like it, would impact the adjacent to residential neighborhoods particularly with regard to the Institutional zoning district.

Issue 1. Identification of a Current Land Use Type

Planning staff's analysis has resulted in the determination that a new land use type is not necessary and creating a new land use may result in the issues of definition overlap.

The land use definition of "eleemosynary" in the zoning ordinance would reflect the Council's request. However, there are some modifications proposed:

- a. Rename "Eleemosynary" to "Dwelling, Congregate Care facility" to clarify the use's meaning;
- b. Refine the land use definition of "Dwelling, Congregate Care facility" to better define the use;
- c. Create two classes "Dwelling, Congregate Care facility", (small) and (large); and
- d. Reorganize the districts where Dwelling, Congregate Care facility (large) and (small) are allowed similar to other uses of similar impacts.

The following provides background and reasoning for these changes.

- a. **Confusing terminology - Rename "Eleemosynary" to "Congregate Care Facility"**
The term "eleemosynary" is confusing and lacks meaning to the layperson. The proposal is to rename the land use from "eleemosynary facility" to "dwelling, congregate care facility."

In December of 2015, "dwelling, congregate care facility" was deleted from the zoning ordinance in a comprehensive effort to clearly distinguish between several specialty housing

types, prevent confusion and unnecessary overlap of definitions. The definition of congregate care facility was too close to both the definition of assisted living and eleemosynary facility.

Switching the names will be a natural transition from a term that is not well recognized to a term that has recognition.

b. Refine the definition

The proposal is to simplify and clarify the definition of the proposed "congregate care facility" land use to include a better explanation of who is housed there--clients and families who suffer from life-threatening illnesses or injury. Further clarifying that it is not a homeless shelter nor other defined uses. The purpose of a homeless shelter is to provide temporary shelter and other homeless support services. A homeless shelter is not capable to care for individuals that are too ill or frail to recover from a physical illness or injury.

See below for proposed changes to the definition of "eleemosynary" to "congregate care facility."

c. Create two occupancy classes to control density-- (Large) & (Small)

Currently, there is no occupancy limit on an eleemosynary facility when it is located in low density residential, high density residential or commercial zoning districts (with the exception of a 25 person cap in the Institutional Zone.)

Creation of two occupancy classes (large) and (small) is consistent with how the ordinance separates other similar land uses, such as group homes, assisted living or residential support based on occupancy and allowed in appropriate zones. Creating two classes accommodates this specialty housing citywide but also ensures that facilities are appropriately sized within neighborhoods, thus mitigating impacts.

Creating two classes would allow smaller facilities, up to 6 clients, in lower density residential zoning districts and other zoning districts; and allow larger facilities, 7 clients or more, in higher density and mixed use zoning districts.

The current definition reads:

"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 facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

The new definitions would read:

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 clients, 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**" does not include places of worship, social and community services organizations, homeless shelters, **homeless resource centers**, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

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 and/or their family members **up to six (6) clients, 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**" does not include places of worship, social and community services organizations, homeless shelters, **homeless resource centers**, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

d. Reorganize zoning districts

The proposal to split the land use between large and small would require the land use to be redistributed between zoning districts. The methodology used to redistribute the zoning districts is:

1. To allow the proposed congregate care facilities, large and small, in relatively the same zoning districts where the current eleemosynary facilities are allowed now;
2. To match where other specialty housing land uses such as residential support, group homes and assisted living facilities are allowed; and
3. To reflect where multi-family dwellings are allowed.

Congregate Care Facility, Large – Permitted and Conditional Use

By doing so, the proposed large congregate care facility would be allowed as a permitted use in the high density residential, commercial, downtown and institutional zoning districts. In the Institutional zoning district the maximum capacity would be capped to 25 people (additional explanation of the 25 cap is found on [page 8](#) of this staff report.)

The proposed large congregate care facility would be allowed as a conditional use only in the RMF-35 and RMU-35 zoning districts because these are medium density districts and the conditional use process would help mitigate adverse impacts of a large, 7 clients or more, facility. Also, that would correspond to how group homes and assisted living facilities are allowed as conditional use in these zoning districts.

Congregate Care Facility, Small – Permitted and Conditional Use

The proposed small congregate care facility would be allowed as a permitted use in the high density residential, commercial, downtown and institutional zoning districts, or same districts where the large facility would be allowed.

The proposed small congregate care facility would be allowed as a conditional use only in the lower density zoning districts. A small facility would allow up to 6 clients and would have a greater impact on the residential neighborhood than a single family dwelling

mostly because of traffic and parking. Another reason for being allowed as a conditional use is that it would correspond to how assisted living facilities are allowed in these zoning districts.

Inclusion and Removal of Zoning Districts

Three additional zoning districts, CC, CSHBD and CG, are being included to the list of districts where congregate care facility large and small are being permitted. The small congregate care facility would be allowed in the RB zoning district as a permitted use. Additionally, the proposal would remove this land use from the PL and PL-2 zoning districts. These proposed changes would be consistent with where other specialty housing such as assisted living facilities and group homes are allowed, and would reflect where multi-family dwellings are allowed (see [Attachment B – Proposed Ordinance Changes](#).)

	CONDITIONAL USE	PERMITTED USE
Existing Eleemosynary Facility	FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, and R-MU-35.	RMF-45, RMF-75, R-MU-45, R-MU, RO, CB, TC-75, D-1, D-2, D-3, D-4, G-MU, PL, PL-2, I*, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA. *Institutional cap of 25 clients
(Proposed) Large Congregate Care Facility 7+ clients	RMF-35 and R-MU-35	RMF-45, RMF-75, R-MU-45, R-MU, RO, CB, CC, CSHBD, CG, TC-75, D-1, D-2, D-3, D-4, G-MU, I*, UI, MU, FB-UN2 and TSA. *Institutional cap of 25 clients
(Proposed) Small Congregate Care Facility 1-6 clients	FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, and RMF-30	RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, CB, CC, CSHBD, CG, TC-75, D-1, D-2, D-3, D-4, G-MU, I, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA.

Planning staff is not aware of any facility that would become a nonconforming use if these proposed changes were adopted. A list of all assisted living and eleemosynary facilities can be found on [Attachment I](#).

2. Review of compatibility concerns for how eleemosynary (proposed congregate care facility) and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

Background:

The City Council has expressed concerns about the impacts that specialty housing in the institutional zoning district may have on surrounding single-family neighborhoods.

Eleemosynary (proposed congregate care facility) and assisted living facilities are the only specialty housing allowed in the Institutional zoning district. There are two eleemosynary and two assisted living facilities in the Institutional zoning district citywide. These land uses are typically associated with hospitals, and nursing homes, which are commonly found in the Institutional zoning districts. Planning finds that allowing these land uses in the Institutional zoning district is appropriate. Furthermore, assisted living facilities in the Institutional zones can be considered part of the "Aging in Place" policies of the City.

Some of the cited impacts on residential neighborhoods included density, traffic, parking and incompatible architectural appearance. Other potential impacts such as behavioral impacts are for the most part programming issues that are not easily addressed through zoning.

The following is a discussion of the major residential impacts and how the city mitigates the impacts with existing regulations.

Issue 1. Density Impact

On December 2015 the Council chose to address the density concern by placing an occupancy limit of 25 persons on the eleemosynary (proposed congregate care facility) and assisted living facilities in the Institutional zoning district. The major consequence of the 25 cap is the inability of existing facilities to expand.

The INN Between is impacted by the 25 people cap because they have plans to build a 50 client capacity building on the vacant land that is part of their existing lot and subsequently demolish the old school and convent. Currently they have a facility that allows 16 clients. The existing cap prevents their plans from being realized.

Other specialty housing in the Institutional zoning district:

- Fisher House, an eleemosynary facility, located at 690 South Valdez Drive is a facility for 20 clients. This property is owned by the United States of America, a function of the VA Hospital, and as such it doesn't go through the city's permitting process.
- St. Joseph's Villa, an assisted living facility, located at 451 Bishop Federal Lane is a facility for 221 clients. This property has achieved maximum capacity and the city has discouraged any expansion that would take additional adjacent housing for the purpose of expanding.
- Sarah Daft Home, an assisted living facility, located at 737 South 1300 East is a facility for 39 clients. Planning is not aware of any plans for expansion.

Planning finds that this occupancy cap is an adequate tool used to reduce impacts on residential neighborhoods.

Issue 2. Traffic and Parking Impact

Although specialty housing impact on traffic and parking is considerably less than other institutional land uses such as schools and hospitals, there are still some impacts that should be mitigated. The zoning ordinance addresses some of these mitigation strategies through regulations.

The Institutional zoning district chapter (Section 21A.32.080) has a provision that does not allow expansion of an existing use unless a traffic and parking study provides clear and convincing evidence that no significant impacts will occur.

Also, the parking requirement for eleemosynary and assisted living facilities (Section 21A.44.030) takes in consideration the needs for each of the facilities by adequately requiring parking spaces for guests, staff and visitors. Consequently reducing impacts by preventing parking spillover onto residential streets.

Issue 3. Development/Architectural Impact

The Institutional district seeks to regulate the development of institutional uses in a manner harmonious with surrounding uses by regulating setbacks, open space, landscaping, lighting and building height.

Setbacks, open space and landscaping requirements provide buffers between the institutional and residential uses thus reducing noise and visual impacts at the same time creating visual compatibility with the residential neighborhood. Lighting regulations are meant to decrease light spillover on adjacent properties.

The maximum building height requirement is 35 feet, which is compatible even with the lowest density residential neighborhoods, 28 feet for the most part. If the height is proposed between 35 and 75 feet it would be approved through the conditional building and site design review process provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1')

The conditional building and site design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation while acknowledging the need for transit and automobile access.

ATTACHMENTS:

- A. [Petition to Initiate](#)
- B. [Proposed Ordinance Changes](#)
- C. [Analysis of Standards](#)
- D. [Salt Lake City Master Plans](#)
- E. [Public Process and Comments](#)
- F. [Land Use - I and UI Zoning Districts](#)
- G. [Joint Statement of the Department of HUD and Department of Justice](#)
- H. [Land Uses listed on the definition of Eleemosynary \(proposed Congregate Care\) Facility](#)
- I. [Eleemosynary \(proposed Congregate Care\) Facilities in Salt Lake City](#)

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: PETITION TO INITIATE

From: Shepard, Nora
Sent: Thursday, December 17, 2015 2:54 PM
To: Coffey, Cheri; Oktay, Michaela; Norris, Nick; Pace, Katia
Subject: FW: Assisted Living Facility Regulations

Nora Shepard, AICP
Planning Director

PLANNING DIVISION
COMMUNITY and ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7226
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PLNPCM2016-00024

From: Solorio, Kory
Sent: Thursday, December 17, 2015 2:20 PM
To: Tarbet, Nick; Love, Jill; Fullmer, Brian; Nielson, Paul; Paterson, Joel; Shepard, Nora
Cc: Mansell, Cindi; Crandall, Scott; Plane, Margaret
Subject: Assisted Living Facility Regulations

Hello,

On December 8, 2015 the Council adopted the following legislative actions. Please take appropriate action.

Also, please forward this email to anyone else who needs to be involved.

Thank you,

- Develop a definition/land use classification for the Inn Between Model
- Review of assisted living facilities and other similar facilities that provide assistance, for compatibility concerns in the Institutional Zone
- Review of administrative review process: How to tighten the standards of the administrative review process and return with proposals for consideration

Kory Solorio, CMC
Assistant City Recorder
451 South State Street, Room 415
(801)535-6226 office
(801)535-7681 fax

ATTACHMENT B: PROPOSED ORDINANCE CHANGES

1. Changes to Land Use Tables and Qualifying Provisions.

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸		C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	P	P	P	P	P ⁶
Alcohol, brewpub (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, dining club (2,500 square feet or less in floor area)															C ⁹ , ¹⁰	C ⁹	C ⁹	C ⁹	
Alcohol, social club (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, tavern (2,500 square feet or less in floor area)																		C ⁹	
Animal, veterinary office															C	C	C	P	P ⁶
Art gallery															P	P	P	P	P
Bed and breakfast inn															P		P	P	P
Bed and breakfast manor																		P	
Clinic (medical, dental)															P	P	P	P	P ⁶
Community garden	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Community recreation center												C							
Crematorium																C	C	C	
Daycare center, adult														P	P	P	P	P	P

Daycare center, child														P	P	P	P	P	P
Dwelling, accessory guest and servant's quarter	P ₁₁	P ₁₁	P ₁₁																
Dwelling, accessory unit	P	P	P	P	P	P	P		P	P	P	P	P	P					
Dwelling, assisted living facility (large)												C	P	P		C	P	P	
Dwelling, assisted living facility (limited capacity)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dwelling, assisted living facility (small)												P	P	P		P	P	P	
<u>Dwelling, congregate care facility (large)</u>												<u>C</u>	<u>P</u>	<u>P</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dwelling, congregate care facility (small)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwelling; dormitory, fraternity, sorority						P ₁₂													
Dwelling, group home (large) ⁴⁴												C	C	C	C	C ₄₈ <u>14</u>	C	C	C ₄₈ <u>14</u>
Dwelling, group home (small) ⁴⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P ₄₉ <u>15</u>	P	P	P ₄₉ <u>15</u>
Dwelling, manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Dwelling, multi-family												P	P	P	P	P	P	P	P
Dwelling, residential support (large) ⁴⁶														C	C			C	C ₂₀ <u>16</u>
Dwelling, residential support (small) ⁴⁷													C	C	P		C	C	P ₂₄ <u>17</u>
Dwelling, rooming (boarding) house														C	P	C	C	C	P
Dwelling, single-family (attached)									P		P	P	P	P	P	P	P	P	P
Dwelling, single-family (detached)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, twin home and two-family							P		P	P ²	P	P			P	P	P	P	P
<u>Eleemosynary facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>

Financial institution																P	P	P	P ⁶
Funeral home																P	P	P	P
Governmental facility	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ₆
Laboratory (medical, dental, optical)															P	P	P	P	P
Library															C	C	C	C	C
Mixed use development															P ¹	P	P	P	P
Mobile food business (operation on private property)																P	P	P	
Municipal service use, including city utility use and police and fire station	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Museum															P	C	P	P	P
Nursing care facility													P	P			P	P	
Office, excluding medical and dental clinic and office															P	P	P	P	P ⁶
Open space on lots less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)															C	C	C	C	C
Parking, park and ride lot shared with existing use				P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Place of worship on lots less than 4 acres in size	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Reception center																P	P	P	
Recreation (indoor)															P	P	P	P	P

Restaurant															P	P	P	P	P
Restaurant with drive-through facility																			
Retail goods establishment															P	P	P	P	
Retail goods establishment, plant and garden shop with outdoor retail sales area															P	P	P	P	
Retail service establishment															P	P	P	P	
School, music conservatory															P	C	C	P	
School, professional and vocational															P	C	C	P	P ⁶
School, seminary and religious institute	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Seasonal farm stand															P	P	P	P	P
Studio, art															P	P	P	P	P
Theater, live performance															C ₁₃	C ₁₃	C ₁₃	C ₁₃	C ₁₃
Theater, movie															C	C	C	C	C
Urban farm	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Utility, building or structure	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵ _{,7}
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)																			

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's

footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.

7. Subject to conformance to the provisions in section 21A.02.050 of this title.

8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.

9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.

10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.

11. Accessory guest or servant's quarters must be located within the buildable area on the lot.

12. Subject to conformance with the provisions of section 21A.36.150 of this title.

13. Prohibited within 1,000 feet of a single- or two-family zoning district.

~~14. No large group home shall be located within 800 feet of another group home.~~

~~15. No small group home shall be located within 800 feet of another group home.~~

~~16. No large residential support shall be located within 800 feet of another residential support.~~

~~17. No small residential support shall be located within 800 feet of another residential support.~~

~~18.~~ 14. Large group homes established in the RB and RO districts shall be located above the ground floor.

~~19.~~ 15. Small group homes established in the RB and RO districts shall be located above the ground floor.

~~20.~~ 16. Large residential support established in RO districts shall be located above the ground floor.

~~21.~~ 17. Small residential support established in RO districts shall be located above the ground floor.

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P	P	P	P ⁸	
Alcohol:								
Brewpub (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Brewpub (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Dining club (2,500 square feet or less in floor area)	C ^{12,13}	C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Dining club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Distillery						P ¹⁹		
Social club (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Social club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Tavern (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Tavern (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Ambulance service (indoor)			P	P	P	P	P	
Ambulance service (outdoor)			P ⁷	P ⁷	P ⁷	P		
Amusement park			P			P		
Animal:								
Cremation service				P		P		
Kennel						P		
Pet cemetery						P ⁴		
Veterinary office	C	P	P	P	P	P	C	
Antenna, communication tower		P	P	P	P	P	P	
Antenna, communication tower, exceeding the maximum building height in the zone		C	C	C	C	C	C	
Art gallery	P	P	P	P	P	P	P	P
Auction (outdoor)				P		P		

Auditorium			P	P	P	P	P	
Bakery, commercial						P		
Bed and breakfast	P	P	P	P	P	P	P	P ¹⁷
Bed and breakfast inn	P	P	P	P	P	P	P	
Bed and breakfast manor	C ³	C ³		P	P	P	P	
Blacksmith shop						P		
Blood donation center				C		P		
Brewery						P		
Bus line station/terminal				P		P	C	
Bus line yard and repair facility						P		
Car wash			P	P		P	C	
Car wash as accessory use to gas station or convenience store that sells gas			P	P	P	P	C	
Check cashing/payday loan business				P ¹⁰		P ¹⁰		
Clinic (medical, dental)	P	P	P	P	P	P	P	
Community correctional facility, large								
Community correctional facility, small						C ^{9,14}		
Community garden	P	P	P	P	P	P	P	P
Contractor's yard/office				C		P		
Crematorium			C	C	C	C	C	
Daycare center, adult	P	P	P	P	P	P	P	
Daycare center, child	P	P	P	P	P	P	P	
Daycare, registered home daycare or preschool								P
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	
<u>Congregate care facility (large)</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Congregate care facility (small)</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Group home (large) ²⁰		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage ²⁴	P	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	

Manufactured home								P
Multi-family		P	P	P	P	P	P	P
Residential support (large) ²²				C		C	C	
Residential support (small) ²³				C		C	C	
Rooming (boarding) house		P	P	P	P	P	P	
Single-family attached								P
Single-family detached								P
Single room occupancy							P ⁶	
Twin home								P
Two-family								P
Eleemosynary facility		P					P	
Equipment rental (indoor and/or outdoor)				P		P		
Farmers' market			C	C	P	P	C	
Financial institution	P	P	P	P	P	P	P	
Financial institution with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Flea market (indoor)			P	P	P	P	C	
Flea market (outdoor)						P		
Funeral home			P	P	P	P	C	
Gas station		C	P	P	P	P		
Government facility		C	C	C	C	C	C	C
Government facility requiring special design features for security purposes	P	P	P	P	P	P	P	
Homeless shelter						C		
Hotel/motel		C		P	P	P	C	
House museum in landmark sites (see subsection 21A.24.010T of this title)								C
Impound lot						C ¹⁴		
Industrial assembly						P		
Intermodal transit passenger hub						P		
Laboratory (medical, dental, optical)			P	P		P		
Laboratory, testing			P	P		P	P	
Large wind energy system		P		P		P	P	
Laundry, commercial						P		

Library	P	P	P	P	P	P	P	C
Limousine service (large)						P		
Limousine service (small)		C		C		P		
Manufactured/mobile home sales and service						P		
Mixed use development	P	P	P	P	P	P	P	P ¹⁵
Mobile food business (operation on private property)	P	P	P	P	P	P	P	
Municipal service uses, including city utility uses and police and fire stations		C	C	C	C	C	C	C
Museum	P	P	P	P	P	P	P	P
Nursing care facility		P		P		P	P	
Office	P	P	P	P	P	P	P	P ¹⁸
Office, single practitioner medical, dental, and health								P
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)								C
Open space	P	P	P	P	P	P	P	
Open space on lots less than 4 acres in size								P
Park	P	P	P	P	P	P	P	
Parking:								
Commercial				C	P	P	C	
Off site	C	P	P	P	P	P	C	
Park and ride lot		C	C	P		P	C	
Park and ride lot shared with existing use		P	P	P	P	P	P	
Place of worship on lot less than 4 acres in size	P	P	P	P	P	P	P	C
Radio, television station			P	P	P	P	P	
Reception center		P	P	P	P	P		
Recreation (indoor)	P	P	P	P	P	P	P	P
Recreation (outdoor)			C	C		P	C	
Recreational vehicle park (minimum 1 acre)				C				
Recycling collection station	P	P	P	P	P	P		
Research and development facility							P	
Restaurant	P	P	P	P	P	P	P	
Restaurant with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	

Retail goods establishment	P	P	P	P	P	P	P	P ¹⁶
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P	P
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail service establishment	P	P	P	P	P	P	P	P ¹⁶
Furniture repair shop	C	P	P	P	P	P	P	
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Reverse vending machine	P	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	C	
School:								
College or university		P	P	P	P	P	P	
Music conservatory		P	P	P	P	P	P	
Professional and vocational		P	P	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	P	
Sexually oriented business						P ⁵		
Sign painting/fabrication						P		
Small brewery				C		P		
Solar array						P		
Storage (outdoor)				C		P		
Storage, public (outdoor)				C		P		
Storage, self				P		P	C	
Store:								
Department			P		P			
Mass merchandising			P		P	P		
Pawnshop						P		
Specialty			P	P	P	P		
Superstore and hypermarket			P			P		
Warehouse club						P		
Studio, art	P	P	P	P	P	P	P	P
Studio, motion picture						P		
Taxicab facility						P		

Theater, live performance		P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	
Theater, movie		C	P	P	P	P	P	
Urban farm	P	P	P	P	P	P	P	
Utility, building or structure	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Utility, transmission wire, line, pipe, or pole	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Vehicle:								
Auction						P		
Automobile repair (major)				P		P	C	
Automobile repair (minor)	C	P	P	P	P	P	P	
Automobile sales/rental and service				P		P		
Automobile salvage and recycling (indoor)						P		
Boat/recreational vehicle sales and service				P		P		
Truck repair (large)						P		
Truck sales and rental (large)				P		P		
Vending cart, private property					P			
Warehouse				P		P		
Welding shop						P		
Wholesale distribution				P		P		
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)								C
Woodworking mill						P		

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan

businesses.

11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district, except for single practitioner medical, dental and health offices.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.
- ~~20. No large group home shall be located within 800 feet of another group home.~~
- ~~21. No small group home shall be located within 800 feet of another group home.~~
- ~~22. No large residential support shall be located within 800 feet of another residential support.~~
- ~~23. No small residential support shall be located within 800 feet of another residential support.~~

21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

	D-1	D-2	D-3	D-4
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P ⁴
Alcohol:				
Brewpub (indoor)	P ⁶	P ⁶	P ⁶	P ⁶
Brewpub (outdoor)	P ⁶	P ⁶	P ⁶	P ⁶
Dining club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Dining club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
Social club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Social club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
Tavern (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Tavern (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
Animal, veterinary office		P	P	
Antenna, communication tower	P	P	P	P
Antenna, communication tower, exceeding the maximum building height	C	C	C	C
Art gallery	P	P	P	P
Bed and breakfast	P	P	P	P
Bed and breakfast inn	P	P	P	P
Bed and breakfast manor	P	P	P	P
Blood donation center		P		
Bus line station/terminal	P ⁷	P ⁷	P ⁷	P ⁷
Bus line yard and repair facility		P		
Car wash		P ³		
Check cashing/payday loan business	P ⁵			
Clinic (medical, dental)	P	P	P	P
Community garden	P	P	P	P
Convention center				P
Crematorium	P	P	P	
Daycare center, adult	P	P	P	P
Daycare center, child	P	P	P	P

Dwelling:				
Artists' loft/studio	P	P	P	P
Assisted living facility (large)	P	P	P	P
Assisted living facility (limited capacity)		P	P	P
Assisted living facility (small)	P	P	P	P
<u>Congregate care facility (large)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home (large) ¹²		C	C	
Group home (small) ¹³	P	P	P	P
Multi-family	P	P	P	P
Residential support (large) ¹⁴		C	C	
Residential support (small) ¹⁵		C	C	
Eleemosynary facility	P	P	P	P
Exhibition hall				P
Farmers' market			P	
Financial institution	P	P	P	P
Financial institution with drive-through facility		P ⁸		P ⁸
Funeral home	P	P	P	
Gas station		P	P ⁷	P ⁷
Government facility	C	C	C	C
Government facility requiring special design features for security purposes			P ⁷	P ⁷
Heliport, accessory	C	C		C
Homeless shelter		C	C	
Hotel/motel	P	P	P	P
Industrial assembly		C	C	
Laboratory (medical, dental, optical)	P	P	P	P
Laundry, commercial		P		
Library	P	P	P	P
Limousine service		P		
Manufacturing and processing, food		P		
Mixed use development	P	P	P	P
Mobile food business (operation in the public right of way)	P	P	P	P

Mobile food business (operation on private property)	P	P	P	P
Mobile food court	P	P	P	P
Museum	P	P	P	P
Office	P	P	P	P
Office, publishing company	P	P	P	P
Open space on lots less than 4 acres in size	P ⁷	P ⁷	P ⁷	P ⁷
Park	P	P	P	P
Parking, commercial	C	P	C	C
Parking, off site	P	P	P	P
Performing arts production facility	P	P	P	P
Place of worship	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Radio, television station	P	P		P
Railroad, passenger station	P	P	P	P
Reception center	P	P	P	P
Recreation (indoor)	P	P	P	P
Recreation (outdoor)		P		
Restaurant	P	P	P	P
Restaurant with drive-through facility		P ⁸		
Retail goods establishment	P	P	P	P
Retail service establishment	P	P	P	P
Retail service establishment, upholstery shop		P	P	
Sales and display (outdoor)	P	P	P	P
School:				
College or university	P	P	P	P
K - 12 private			P	P
K - 12 public			P	P
Music conservatory	P	P	P	P
Professional and vocational	P	P	P	P
Seminary and religious institute	P	P	P	P
Small brewery		C		
Social service mission and charity dining hall		C	C	
Stadium	C	C		C

Storage, self		P	P	
Store:				
Department	P	P		P
Fashion oriented department	P ²			
Mass merchandising	P	P		P
Pawnshop		P		
Specialty	P	P		P
Superstore and hypermarket		P		
Studio, art	P	P	P	P
Theater, live performance	P ⁹	P ⁹	P ⁹	P ⁹
Theater, movie	P	P	P	P
Utility, buildings or structure	P ¹	P ¹	P ¹	P ¹
Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹
Vehicle:				
Automobile repair (major)		P	P ⁷	P ⁷
Automobile repair (minor)		P	P ⁷	P ⁷
Automobile sales/rental and service	P ¹⁰	P	P ¹⁰	
Vending cart, private property	P	P	P	P
Vending cart, public property				
Warehouse		P		
Warehouse, accessory		P	P	
Wholesale distribution		P		
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)				

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.

9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
- ~~12. No large group home shall be located within 800 feet of another group home.~~
- ~~13. No small group home shall be located within 800 feet of another group home.~~
- ~~14. No large residential support shall be located within 800 feet of another residential support.~~
- ~~15. No small residential support shall be located within 800 feet of another residential support.~~

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

	G-MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P
Adaptive reuse of a landmark site	P
Alcohol:	
Brewpub (indoor)	P ²
Brewpub (outdoor)	P ^{2,5}
Dining club (indoor)	P ²
Dining club (outdoor)	P ^{2,5}
Social club (indoor)	P ²
Social club (outdoor)	P ^{2,5}
Tavern (indoor)	P ²
Tavern (outdoor)	P ^{2,5}
Ambulance service (indoor)	C
Amphitheater	P
Animal, veterinary office	P
Antenna, communication tower	P
Antenna, communication towers, exceeding the maximum building height	C
Art gallery	P
Artists' loft/studio	P
Auction (indoor)	P
Auditorium	P
Bed and breakfast	P
Bed and breakfast inn	P
Bed and breakfast manor	P
Botanical garden	P
Bus line station/terminal	P ³
Clinic (medical, dental)	P
Community garden	P
Crematorium	P
Daycare center, adult	P
Daycare center, child	P

Dwelling:	
Assisted living facility (large)	P
Assisted living facility (limited capacity)	P
Assisted living facility (small)	P
<u>Congregate care facility (large)</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>
Group home (large) ⁶	C
Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage ⁷	P
Living quarters for caretaker or security guard	P
Multi-family	P
Residential support (large) ⁸	C
Residential support (small) ⁹	C
Single-family (attached)	P
Eleemosynary facility	P
Equipment rental (indoor and/outdoor)	P
Farmers' market	P
Financial institution	P
Flea market (indoor)	P
Funeral home	P
Government facility	C
Government facility requiring special design features for security purposes	P ³
Heliport, accessory	C
Hotel/motel	P
Industrial assembly	C
Laboratory (medical, dental, optical)	P
Large wind energy system	P
Library	P
Mixed use development	P
Mobile food business (operation in the public right of way)	P
Mobile food business (operation on private property)	P
Mobile food court	P

Museum	P
Office	P
Open space	P
Park	P
Parking:	
Commercial	C
Off site	P
Park and ride lot	C
Park and ride lot shared with existing use	P
Performing arts production facility	P
Photo finishing lab	P
Place of worship	P
Radio, television station	C
Reception center	P
Recreation (indoor)	P
Recreation (outdoor)	C
Restaurant	P
Retail goods establishment	P
Retail goods establishment, plant and garden shop, with outdoor retail sales area	P
Retail service establishment	P
Retail service establishment, upholstery shop	C
School:	
College and university	P
K - 12 private	P
K - 12 public	P
Music conservatory	P
Professional and vocational	P
Seminary and religious institute	P
Seasonal farm stand	P
Small brewery	C
Social service mission and charity dining hall	C
Solar array	P

Stadium	C
Storage, self	P ³
Store:	
Department	P
Mass merchandising	P
Specialty	P
Superstore and hypermarket	P
Studio, art	P
Studio, motion picture	C
Theater, live performance	P ⁴
Theater, movie	P
Urban farm	P
Utility, building or structure	P ¹
Utility, transmission wire, line, pipe or pole	C
Vehicle:	
Automobile repair (minor)	P
Automobile sales/rental and service (indoor)	P
Boat/recreational vehicle sales and service (indoor)	P
Vending cart, private property	P
Vending cart, public property	P
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090 E of this title)	
Zoological park	C

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
4. Prohibited within 1,000 feet of a single- or two-family zoning district.
5. Subject to the requirements set forth in section 21A.40.065, "Outdoor Dining", of this title.
- ~~6. No large group home shall be located within 800 feet of another group home.~~
- ~~7. No small group home shall be located within 800 feet of another group home.~~
- ~~8. No large residential support shall be located within 800 feet of another residential support.~~
- ~~9. No small residential support shall be located within 800 feet of another residential support.~~

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site																	P ²
Agricultural use		C		P	P	P	P			P							
Air cargo terminals and package delivery facility		P								P							
Airport										P							
Alcohol:																	
Brewpub (2,500 square feet or less in floor area)		P ₁₂															C ₁₂
Brewpub (more than 2,500 square feet in floor area)		P ₁₂															
Dining club (2,500 square feet or less in floor area)																	C ₁₂
Social club (2,500 square feet or less in floor area)																	C ₁₂
Tavern (2,500 square feet or less in floor area)																	C ₁₂
Ambulance service (indoor)	P	P															
Ambulance service (outdoor)	P ₁₀	P ₁₀															
Amphitheater												C					
Animal:																	
Kennel on lots of 5 acres or larger		C		P ⁸	P ⁸	P ⁸	P ⁸										
Pet cemetery				P ⁴	P ⁴	P ⁴	P ⁴	P ⁴ , ₅									
Stable (private)				P	P	P	P										

Stable (public)				P	P	P	P										
Veterinary office		P															P
Antenna, communication tower	P	P	C	P	P	P	P			P	P	C	P	P		P	
Antenna, communication tower, exceeding the maximum building height in the zone	C	C								P		P ₁₁	C	C		C	
Art gallery											P	P	P	P			P
Bed and breakfast													P ²	P			P
Bed and breakfast inn													P ²	P			P
Bed and breakfast manor													P ²	P			P
Botanical garden	P										P	P					
Cemetery								P									
Clinic (medical, dental)	P	P											P	P			P
Community garden	P	P	P	P	P	P	P	P			P	P	P	P	P		P
Convent/monastery													P	P			
Daycare center, adult	P	P									P	P	P	P			P
Daycare center, child	P	P								P	P	P	P	P			P
Dental laboratory/research facility	P	P											C	C			P
Dwelling:																	
Assisted living facility (large)													P ₁₆	P			P
Assisted living facility (limited capacity)													P	P			P
Assisted living facility (small)													P	P			P
<u>Congregate care facility (large)</u>													<u>P₁₆</u>	<u>P</u>			<u>P</u>
<u>Congregate care facility (small)</u>													<u>P</u>	<u>P</u>			<u>P</u>
Group home (large) ¹⁷																	C
Group home (small) ¹⁸			P	P	P	P											P
Living quarters for caretaker or security guard	P	P									P		P	P			P
Manufactured home				P	P	P											P

Mobile home															P		
Multi-family														P			P
Residential support (large) ¹⁹																	C
Residential support (small) ²⁰																	P
Rooming (boarding) house																	P
Single-family (attached)																	P
Single-family (detached)			P	P	P	P											P
Twin home and two-family																	P
Eleemosynary facility											P	P	P ^{16, 24}	P			P
Exhibition hall											C	P	C	P			
Extractive industry																P	
Fairground											C						
Farm stand, seasonal				P	P	P	P										P
Financial institution	P	P															P
Financial institution with drive-through facility	P ¹⁴	P ¹⁴															
Gas station		P ⁷															
Government facility	C	C								P	C	C	C ¹³	C		P	C
Government facility requiring special design features for security purposes																	C
Government office	P	P								P	P	P	P	P			P
Heliport	C	C								P		P	C	C			
Hospital, including accessory lodging facility	C												P	P			
Hotel/motel	C	C								P							P
Industrial assembly		P								P							
Jail											C						
Jewelry fabrication		P															

Large wind energy system	C	C		C	C	C	C			C			P	P			
Library											P	P	P	P			P
Light manufacturing		C								P							
Manufacturing, concrete or asphalt																P ₁₅	
Meeting hall of membership organization		P										P	P	P			P
Mixed use development																	P
Mobile food business (operation on private property)	P	P												P	P		P
Municipal service uses, including city utility uses and police and fire stations	C	C								P	C	C	C ₁₄	C		P	C
Museum	C							P			P	P	P	P			P
Nursing care facility													P	P			P
Office	P	P								P	P	P	P	P			P
Open space	P	P	P	P	P	P	P	P	P ⁹	P	P	P	P	P	P	P	P
Park	C							P			P	P		P			P
Parking:																	
Commercial		C															
Off site										P	P	P	P	P			C
Park and ride lot										P	C						
Park and ride lot shared with existing use	P	P								P	P		P	P		P	P
Performing arts production facility		P															P
Philanthropic use												P	P	P			P
Place of worship	P	P											P	P			P
Radio, television station		P ⁶										P					
Reception center											C	P	P	P			P
Recreation (indoor)		C						P			P	P	P	P			P
Recreation (outdoor)								P		P	P						
Research and development facility	P	P									P	P					C

Research facility (medical)	P												P	P			P
Restaurant		P ⁷															P
Restaurant with drive-through facility		P ^{7, 14}															P ³
Retail goods establishment		P ⁷										P					P
Retail, sales and service accessory use when located within a principal building												P					
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P	P								P	P	P	P	P			P
School:																	
College or university												P	P	P			
K - 12 private											P	P	P	P			
K - 12 public											P	P	P	P			
Music conservatory													P	P			P
Professional and vocational	P	P								P			P	P			
Seminary and religious institute													P	P			C
Small brewery		C															
Solar array	P	P		P						P	P		P				
Stadium											C		C	C			
Storage, accessory (outdoor)		P								P						P	
Studio, art																	P
Theater, live performance	C ₁₅	C ₁₅									C ₁₅	C ₁₅	C ₁₅	C ₁₅			C ₁₅
Theater, movie												C					C
Transportation terminal, including bus, rail and trucking										P							
Urban farm	P	P	P	P	P	P	P	P			P	P	P	P			

Utility, building or structure	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Vehicle, automobile rental agency		P								P							
Vending cart, private property	P	P															
Vending cart, public property								P									
Warehouse		P								P							
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P
Wholesale distribution		P								P							
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)																	
Zoological park								P									

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.
16. Occupancy shall be limited to 25 persons clients.
- ~~17. No large group home shall be located within 800 feet of another group home.~~
- ~~18. No small group home shall be located within 800 feet of another group home.~~
- ~~19. No large residential support shall be located within 800 feet of another residential support.~~

~~20. No small residential support shall be located within 800 feet of another residential support.~~

~~21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.~~

21A.33.080: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS:

	FB-UN1	FB-UN2	FB-SC	FB-SE
Accessory use, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P	P	P
Alcohol:				
Brewpub		P	P	C
Social club		P	P	C
Tavern, 2,500 square feet or less in floor area		P	P	C
Animal, veterinary office		P	P	P
Antenna, communication tower		P	P	P
Art gallery		P	P	P
Bed and breakfast	P	P	P	P
Bed and breakfast inn	P	P	P	P
Bed and breakfast manor	P	P	P	P
Clinic (medical, dental)		P	P	P
Community garden	P	P	P	P
Community recreation center		P	P	P
Daycare center, adult		P	P	P
Daycare center, child		P	P	P
Dwelling:				
Assisted living facility (limited capacity)	P	P	P	P
Assisted living facility (small)		P	P	P
<u>Congregate care facility (large)</u>		<u>P</u>		
<u>Congregate care facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home (large)		P	P	P
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P	P	P
Multi-family		P	P	P
Residential support (large)		P		
Residential support (small)		P		
Rooming (boarding) house		P		
Single-family attached	P	P		P

Single-family detached	P			
Single-family detached (cottage development building form only)		P		P
Single room occupancy		P		
Two-family	P			
Eleemosynary facility		P	P	P
Farmers' market		P	P	P
Financial institution		P	P	P
Food processing		P		
Funeral home		P	P	P
Health and fitness facility		P	P	P
Hotel/motel		P	P	
House museum in landmark site	P	P	P	P
Laboratory (medical, dental, optical)		P	P	P
Library		P	P	P
Mixed use developments including residential and other uses allowed in the zoning district		P	P	P
Museum		P	P	P
Nursing care facility		P	P	P
Office		P	P	P
Office and/or reception center in landmark site		P	P	P
Open space	P	P	P	P
Park	P	P	P	P
Parking, off site	P	P	P	P
Photo finishing lab			P	P
Place of worship		P	P	P
Plazas	P	P	P	P
Recreation (indoor)		P	P	P
Research and development facility		P	P	P
Research facility (medical/dental)		P	P	P
Restaurant		P	P	P
Retail goods establishment		P	P	P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P	P	P

Retail service establishment		P	P	P
Sales and display (outdoor)		P	P	P
School:				
College or university		P	P	P
Music conservatory		P	P	P
Professional and vocational		P	P	P
Seminary and religious institute		P	P	P
Seasonal farm stand		P	P	P
Solar array		P	P	P
Store, specialty		P	P	P
Studio, art		P	P	P
Theater, movie		P	P	P
Urban farm	P	P	P	P
Utility, building or structure	P	P	P	P
Utility, transmission wire, line, pipe, or pole	P	P	P	P
Vending cart, private property		P	P	P
Wireless telecommunications facility		P	P	P

2. Changes to Chapter 21A.44.030: Schedule of Minimum Off Street Parking Requirements

**TABLE 21A.44.030
SCHEDULE OF MINIMUM
OFF STREET PARKING REQUIREMENTS³**

Residential:	
Bed and breakfast establishment	1 parking space per room
Community correctional facility	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the busiest shift
Eleemosynary facility Congregate care facility	1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift
Fraternity, sorority or dormitory	1 parking space for each 2 residents, plus 1 parking space for each 3 full time employees. Note: The specific college or university may impose additional parking requirements
Group home	2 parking spaces per home and 1 parking space for every 2 support staff present during the busiest shift
Multiple-family dwellings ¹	2 parking spaces for each dwelling unit containing 2 or more bedrooms 1 parking space for 1 bedroom and efficiency dwelling ¹ / ₂ parking space for single room occupancy dwellings (600 square foot maximum)
Rooming house	1 parking space for each 2 persons for whom rooming accommodations are provided
Single-family attached dwellings (row house and townhouse) and single-family detached dwellings ²	2 parking spaces for each dwelling unit
Two-family dwellings and twin home dwellings	2 parking spaces for each dwelling unit
Institutional:	
Assisted living facility	1 parking space for each 4 employees, plus 1 parking space for each 6 infirmary or nursing home beds, plus 1 parking space for each 4 rooming units, plus 1 parking space for each 3 dwelling units
Auditorium; accessory to a church, school, university or other institution	1 space for each 5 seats in the main auditorium or assembly hall
Daycare, child and adult	2 spaces per 1,000 square feet of usable floor area
Funeral services	1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business
Homeless shelters	1 parking space for each employee

	Hospital	1.5 parking spaces per hospital bed
	Places of worship	1 parking space per 1,000 square feet of seating or congregation area
	Schools:	
	K - 8th grades	1 parking space for each 3 faculty members and other full time employees
	Senior high school	1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students
	College/university, general	1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students
	Vocational/trade school	1 space per 1 employee plus 1 space for each 3 students based on the maximum number of students attending classes on the premises at any time
	Recreation, cultural, and entertainment:	
	Art gallery/museum/house museum	1 space per 1,000 square feet of usable floor area
	Baseball or soccer field	10 spaces per field
	Bowling alley	2 spaces per lane plus 1 space for every 2 employees
	Club/lodge	3 spaces per 1,000 square feet of usable floor area
	Dance/music studio	1 space for every 1 employee
	Gym/health club/recreation facilities	3 spaces per 1,000 square feet of usable floor area
	Library	1 space per 1,000 square feet of usable floor area
	Sports arena/stadium	1 space per 1,000 square feet of seating area
	Swimming pool, skating rink or natatorium	1 space per 5 seats and 3 spaces per 1,000 square feet of usable floor area
	Tennis court	2 spaces per court
	Theater, movie and live	1 space per 4 seats
	Commercial/manufacturing:	
	Bus facility, intermodal transit passenger hub	1 space per 2 employees plus 1 space per bus
	Durable goods, furniture, appliances, etc.	1 space per 500 square feet of usable floor area
	General manufacturing	1 space per 3 employees plus 1 space per company vehicle
	Hotel or motel	1 parking space for each 2 separate rooms
	Radio/TV station	3 spaces per 1,000 square feet of usable floor area
	Warehouse	2 spaces per 1,000 square feet of usable floor area for the first 10,000 square feet plus 1/2 space per 2,000 square feet for the remaining

		space. Office area parking requirements shall be calculated separately based on office parking rates
	Wholesale distribution	1 space per 1,000 square feet of usable floor area for the first 10,000 square feet, plus $\frac{1}{2}$ space per 2,000 square feet of floor area for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
	Retail goods and services:	
	Auto repair	1 space per service bay plus 3 spaces per 1,000 square feet for office and retail areas
	Car wash	3 stacked spaces per bay or stall, plus 5 stacking spaces for automated facility
	Drive-through facility	5 stacking spaces on site per cashier, teller or similar employee transacting business directly with drive-through customers at any given time in addition to the parking required for that specific land use
	Outdoor display of merchandise for sale	1 parking space per 1,000 square feet of display area
	Restaurants, taverns and social clubs	2 spaces per 1,000 square feet of usable floor area
	Retail goods establishment	2 spaces per 1,000 square feet of usable floor area
	Retail service establishment	2 spaces per 1,000 square feet of sales floor area
	Retail shopping center over 55,000 square feet usable floor area	2 spaces per 1,000 square feet of usable floor area
	Office and related uses:	
	Financial establishments	2 spaces per 1,000 square feet of usable floor area
	General office	3 spaces per 1,000 square feet of usable floor area for the main floor plus $1\frac{1}{4}$ spaces per 1,000 square feet of usable floor area for each additional level, including the basement
	Laboratory	2 spaces per 1,000 square feet of usable floor area for the first 10,000 square feet plus $\frac{1}{2}$ space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
	Medical/dental offices	5 spaces per 1,000 square feet of usable floor area
	Miscellaneous:	
	Kennels or public stables	1 space per 2 employees
	All other uses	3 spaces per 1,000 square feet of usable floor area

Notes:

1. Minimum parking requirements for affordable housing and senior housing: Buildings that have 10 or more residential units with at least 25 percent of the units as either affordable or senior housing shall be allowed to have a minimum of $\frac{1}{2}$ of a parking space provided for each dwelling unit.
2. For specific parking requirements for accessory dwelling units, see section [21A.40.200](#) of this title.
3. Requirements for buildings with more than 1 use shall be calculated separately for individual primary use as required and then combined.

3. Changes to Chapter 21A.60 List of Defined Terms

Eleemosynary facility. Congregate care facility.

4. Changes to Chapter 21A.62 Definitions

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more to ~~twenty five (25)~~ individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.

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 clients, 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" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

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 and/or their family members up to six (6) clients, 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" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

ATTACHMENT C: ANALYSIS OF STANDARDS

21A.50.050 Standards for General Amendments

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

Criteria	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	There are various adopted planning documents that support a variety of housing needs and social service needs (see Attachment D.) Allowing land uses that can provide special housing needs and social services throughout the city helps implement the city master plan's visions. The proposed text amendment does support the general policies for the provision of a variety of housing and social service opportunities within the City.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	<p>The purpose statement of the zoning districts where eleemosynary (proposed congregate care facility) are proposed to be allowed as permitted or conditional use have a residential component/need that this land use will satisfy.</p> <p>Chapter 21A.02 Title, Authority, Purpose and Applicability: The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act.</p> <p>Chapter 21A.24 Residential Districts: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.</p> <p>Chapter 21A.26 Commercial Districts: The commercial districts are intended to enhance the economic vitality of the specific commercial districts and the city as a whole, encourage sustainable and profitable businesses, create dynamic and vital business districts, and implement the adopted development policies of the city.</p> <p>Chapter 21A.27 Form Based Districts: The purpose of the form based districts is to create urban neighborhoods that provide people oriented places; options for housing types; options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit; transportation options;; and increased desirability as a place to work, live, play, and invest through higher quality form and design.</p> <p>Chapter 21A.30 Downtown Districts: The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial</p>

		<p>core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.</p> <p>Chapter 21A.31 Gateway Districts: The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.</p> <p>Chapter 21A.32 Special Purpose Districts: Certain geographic areas of the city contain land uses or platting patterns that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) or uniform bulk regulations. These areas currently contain special land uses (e.g., airports or medical centers) which have a unique character, or contain mixed land uses which are difficult to regulate using uniform bulk and density standards. Because these areas have unique land uses, platting patterns and resources, special districts are needed to respond to these conditions. These special purpose districts are further intended to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas</p>
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Complies	The proposed text amendment does not affect any overlay zoning districts. Any specific development proposal would have to comply with applicable Overlay Zone requirements.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	<p>The proposed amendment implements current planning practices. Other larger urban areas have similar uses as the eleemosynary (proposed congregate care facility) that support related facilities that serve the region.</p> <p>Staff researched how other communities throughout the country deal with land uses like the INN Between and found a study done by the National Health Care for the Homeless Council² describing different programs in the United States dealing with medical treatment of the homeless population.</p>

² [2015 Medical Respite Program Directory](#) – Descriptions of Medical Respite Programs in the United States (prepared by the National Health Care for the Homeless Council, Inc.)

ATTACHMENT D: SALT LAKE CITY MASTER PLANS

Plan Salt Lake, adopted 2015

- *Vision* - We expect that our government will be open, fair, and responsive to the needs of the City. We expect that all people will be treated equitably, with dignity and respect, and be free from discrimination and that these tenets will be followed as we see demographic changes.
- *Neighborhoods Guiding Principle* - Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.
- *Housing Guiding Principle* - Access to a wide variety of housing types for all income levels throughout the city, providing the basic human need for safety and responding to changing demographics

City Council Philosophy Statements, adopted 2012

- *Neighborhood Quality Of Life* - We value a balance of residential types in the City including housing for all income levels, ages and accessibility needs.
- *Comprehensive Housing Policy* - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;
 - *Policy Statements #5 – Zoning*: The City should evolve its zoning regulations to effectively address the City's changing housing needs.
 - *Policy Statements #8 – Homeless, Transitional and Special Needs*: The provision and permanent housing options for those who have no other option is a fundamental responsibility of government in modern day society. The City will work with Salt Lake County, the State of Utah, and community partners to assist in providing temporary and permanent housing options to city residents.

Salt Lake City Housing Plan, adopted 2000

- Promote diverse and balanced communities by offering wide range of housing throughout the city.

Creating Tomorrow Together, prepared 1998

- *Social Environment Subcommittee* - We envision Salt Lake City as the best place in America for families. We stress the importance of children to our communities. When the needs of our children, all children, are properly addressed, the needs of the entire community are met. We also stress the importance of the elderly, the disabled, and in fact, we stress the importance of all our citizens. The best place in America for families must be a place where everyone is valued for the unique strengths they bring to our community.

Avenues Master Plan, adopted 1979

Health Services – Guidelines for Redevelopment for Low Density Housing

- Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new construction, must be less intensive than present use levels with regard to the number of persons occupying the site, parking needs, and estimated traffic generation.
- Any use involving additions or expansion of existing buildings, or construction of a new building(s) will be limited to low density housing.
- The design and scale of new construction should have a low density residential appearance and must be compatible with surrounding low density residential uses.
- There should be no variance from building height limits imposed by view protection provisions of the "F-1" Overlay Zone. Structures should be limited to two stories in height.

- New structures adjacent to public streets should be oriented to the street with a sense of entry through front facades.

Health Services – Guidelines for Either Redevelopment or a New Use of Existing Structures

- Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new constructions, must be less intensive than present use levels with regards to the number of persons occupying the site, parking needs, and estimated traffic generation.
- Sufficient parking to meet realistic needs must be provided on site without encroaching into required yard areas (even if realistic needs require a reasonable number of spaces in addition to those required by base zoning requirements.)
- Parking lots should be designed to encourage parking on them rather than on streets. Site design should include appropriate fencing, sidewalk locations, lighting, landscaping, etc.
- Parking lots must have adequate lighting.
- Signage should be minimal, and compatible with the residential setting. Signs must be in compliance with all zoning requirements.
- The amount and style of landscaping should be consistent with the residential character of the area. Sufficient open space should be provided to create a sense of spaciousness rather than crowding.
- Landscaping should be used to “break-up” parking lots.
- Existing large trees should be preserved.
- Any project must comply with reasonable requirements with respect to traffic generation, hours of operation, and night time activities, to minimize any potential adverse impacts on the surrounding residential area.

Capitol Hill Master Plan, adopted 1999

Institutional

- Amend the Urban Institutional zone to decrease the maximum height of new development to fifty feet where adjacent to residential properties.
- Develop design guidelines to encourage design of building, landscape and parking facilities on the block bounded by North Temple, 200 North, Main and State Streets, to ensure that any development will support and enhance the residential neighborhood to the north as well as maintain view corridors to the Capitol from the south. The design guidelines should include provisions to:
 - Require varied, stepped massing of a building, or multiple buildings, in order to discourage a monolithic appearance.
 - Eliminate blank walls along street faces and where adjacent to residential properties.
 - Require detailing and façade relief to provide for an architecturally interesting design.
 - Require a minimum percentage of glass on the ground level of a building to encourage pedestrian interaction.

Central Community Master Plan, adopted 2001

Institutional policies

- Minimize adverse impacts from existing uses.
- Minimize the expansion of institutional uses in residential neighborhoods.
- INSLU-1.1: Ensure that transportation and vehicle circulation impacts are mitigated when expansion or intensification of an institutional land use occurs.
- INSLU-4.3: Ensure City and encourage Federal State and County entities that the architecture of new government or public buildings complements and enhances the urban design of the community.

Housing policy

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.

Blocks 4 & 5 East Waterloo Subdivision Master Plan, adopted 1992

- Blocks 4 & 5 of the East Waterloo subdivision should continue as a viable residential environment. Special use residential uses and appropriate provided they blend with the residential fabric of the neighborhood. The Master Plan amendment to accommodate special use residential at this location is consistent with city policy of providing housing opportunities for all segment of the population. Site planning, building scale and design, and transitioning treatments are all important elements of land use compatibility for these blocks.

East Bench Master Plan, adopted 1987

- Limit institutional growth in the University of Utah/Research Park area to the capacity of 1300 East and Foothill Drive and other major streets serving these institutions.

Northwest Community Plan, 1990

Assisted Housing

- Assisted housing should be spread throughout city.
- Assisted housing project should be required to have compatibly designed buildings which fit with the character of the surrounding neighborhood.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

April 21, 2016 - Open House: On April 29, 2016, a community wide Open House was held regarding the proposed text amendment. Attendees at the Open House were mostly residents adjacent to the INN Between at 340 Goshen Street.

December 15, 2016 - Open House: A community wide Open House was held regarding the proposed text amendment. Attendees at the Open House were mostly representatives of the INN Between at 340 Goshen Street.

April 27, 2016 - Poplar Grove Community Council: Community Council invited the INN Between and Planning staff to speak.

January 25, 2017 - Poplar Grove Community Council: Staff met with the community council again to give an update on this project.

March 8, 2017 – Planning Commission: The Planning Commission table the petition to allow staff to return with further information and research as discussed. The Commission stated that they would like to review the following to help them better understand the purpose and use of the proposed changes:

- Show the strike and underlined language
- Show the definition of a homeless shelter in the code
- Examples of other Eleemosynary Facilities in the city and best practices
- How the twenty five cap affect these facilities
- How distance requirements relates to compliance of the Fair Housing Act
- More history of how the Inn Between came about and the impacts to neighborhoods

Public Hearing Notice: A notice of the public hearing for this text amendment includes:

- Public hearing notice published in newspaper April 27, 2017.
- Public hearing notice posted on City and State websites April 27, 2017.
- Public hearing notice emailed to the Planning Division listserv April 27, 2017.

Public Comments: Copies of the comments received at both open houses and emails are attached to this section of the document.

RESPONSE TO PLANNING COMMISSION QUESTIONS

From Public Meeting held March 8, 2017

Contact: Kim Correa, Executive Director
[REDACTED]



OVERVIEW

This document strives to correct inaccurate statements made during the March 8, 2017 Planning Commission meeting which led to confusion about The INN Between's current operation and future plans and how this relates to the proposed changes to the Eleemosynary Facility Land Use Definition, which would be the use we would operate under if we were to launch a new program in another existing or newly constructed building.

CLARIFICATION OF INACCURATE STATEMENTS MADE DURING HEARING

1. The INN Between does not accept anyone with a minor illness, such as a cold or a "Band-aid" and people can not self-refer into our program. This is what differentiates The INN Between from a shelter. We require a medical professional's referral and only accept individuals who have a serious illness, injury or trauma or a life-threatening disease. These are individuals who are too sick to be in a "med bed" at the shelter, in a motel unsupervised, or out on the streets.
2. Neither The INN Between nor any of our residents have ever been cited by the Police for illegal activity. We demand that our residents obey all laws and comport themselves in a respectful manner as a condition of living in our home. Our property is generally very quiet, with little vehicle or foot traffic, and our residents rarely leave the property or receive visitors. We actively monitor our property and do not allow people to loiter. We also have security cameras that can and have been made available to the Police for investigating other crimes in the vicinity.
3. 70% of Utahns die at home, and our program emulates this experience for individuals who lack a home. The INN Between is not required to be licensed through the State (see attached letter of exemption) because:
 - a. our program does not provide medical care directly, and all medical care is provided by licensed home health and hospice agencies, primarily Intermountain Healthcare,
 - b. all our residents must be capable of independent living, specifically meaning they must be able to take care of their own Activities of Daily Living (ADLs) which include dressing, bathing, eating, toileting, etc.
4. Although The INN Between, is not a State licensed facility, our program receives oversight from several independent sources, ensuring that no malfeasance occurs. Independent agencies are obligated to report any inappropriate or abusive occurrences to Social Services, which can help the public feel confident that our residents are living in a safe environment. The independent sources include:
 - a. Intermountain Healthcare Home Health and Hospice Division, which must obey all medical regulations in providing home health and hospice care, as well as report any

unsafe conditions to social services and other appropriate other government agencies. Intermountain has commented publicly about the excellent living conditions at The INN Between, even comparing our home to private homes that are in a deplorable and unclean state.

- b. Salt Lake County Health Department does an annual inspection.
 - c. Salt Lake County provides CDBG funding. As part of the application process, they thoroughly review our program and conduct an on-site assessment. As part of the funding process, they conduct an annual review and another on-site assessment.
 - d. State of Utah provides funding through the Pamela Atkinson Homeless Trust Fund, which requires significant program review during the application process and follow up audits and site visits..
 - e. Utah State Department of Health would become involved should any incident be reported.
 - f. Salt Lake City is likely to approve CDBG funding. They thoroughly reviewed our program during the application process and would do reviews and site visits if the grant is awarded.
 - g. More than 50 volunteers regularly donate their time to our program and would report anything they perceived to be inappropriate.
5. The INN Between has always strived to be transparent and minimize the impact our program might have on the neighborhood. To improve neighborhood relations, we have formed a Neighborhood Advisory Council, in conjunction with the Roman Catholic Diocese (the property owner). The NAC is chaired by neighbors and will hold regular public meetings in order to gather feedback and address concerns from the community. Information gathered will be used to inform decisions about future plans for the property, which includes St. Patrick's Parrish in addition to The INN Between.
 6. The INN Between's current operations will not be affected by any future changes to the Eleemosynary Facility definition because we operate as a Congregate Care Facility, nonconforming (this land use was stricken from the tables in December 2015). Our current operation is limited by zoning to 16 residents, and we are also naturally limited because the the home is not large enough to hold any more residents.
 7. The other building on our property, the former Guadalupe School, requires a seismic upgrade for a change of occupancy to Eleemosynary Facility. The seismic upgrade is over \$1,000,000 - cost prohibitive on a building with so many other structural issues (such as an inefficient boiler and cooling system, old plumbing, etc.). Therefore, we are not able to expand our bed capacity in the existing building.

IMPACT OF ELEEMOSYNARY FACILITY LAND USE DEFINITION CHANGES

1. It has been recommended that we construct a new building on the North end of the property which is currently vacant and somewhat blighted. The Roman Catholic Diocese supports this initiative. We would apply for zoning as an Eleemosynary Facility, Large.

2. If we are able to build a facility that has the capacity to meet future needs, we would be able to close our current operation and return that building to the Diocese. In all likelihood, the Diocese would demolish the existing buildings and create new buildings for St. Patrick's Parrish as well as make improvements to the on-site parking.
3. If the Eleemosynary Facility land use definition includes a capacity limit, then we may be forced to continue operating in the current building, in addition to any new construction.

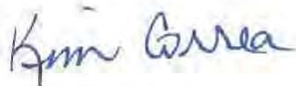
Therefore, we strongly oppose any capacity limit on the Eleemosynary Facility land use definition for the following reasons:

1. The Eleemosynary Facility land use has been in effect for 35+ years without having a capacity imposed. The capacity limit was imposed as a direct result of The INN Between's focus of serving homeless individuals, which is discriminatory in nature against individuals who are homeless.
2. This land use is used by, and changes to it can negatively impact, other nonprofit agencies that serve individuals who are suffering from and being treated for disease and injury, including Ronald McDonald House.
3. The capacity of any new Eleemosynary Facility building (independent of the nonprofit agency requesting the permit) does not need to be limited within the land use definition because it will naturally be limited by several forces including:
 - a. Lot size,
 - b. Maximum allowed height (35' in an I zone without a conditional design permit),
 - c. The Conditional Use Permit process, which includes public hearings to address and mitigate community concerns,
 - d. The IBC,
 - e. and, of course, the cost of the building (most agencies, including The INN Between, have very limited resources to construct a building).
4. Institutional zones are already designated as higher impact zones. Eleemosynary Facilities and programs like The INN Between actually represent a significantly lower impact on the surrounding neighborhood than traditional institutional uses such as school, assisted living facilities or hospitals.
5. Other land uses, like Group Home, Large, serve homeless individuals and are allowed in R zones without a capacity, for example, the outstanding program, The Other Side Academy, which houses 60 individuals, most of whom are homeless after having exited the jail/prison system.

6. If a capacity limit is placed in an Institutional zone, which is already designated as a higher impact zone, then it should also be placed in an R zone, which is a low impact zone, as well as any other zone.
7. The capacity limit of 25 was specifically derived at through a conversation between myself and former Councilman Kyle LaMalfa. It is not founded on any rational basis having to do with building safety or life safety. It is inappropriate to force an arbitrary capacity limit on a land use definition.
8. A capacity limit on a land use definition, especially one that relates to homelessness, is not compliant with HUD fair housing guidelines.
9. The capacity limit will not likely stand up to scrutiny by the State's Ombudsman.

I would be honored to discuss this matter and address any of your concerns, as well as give you a tour of our facility so you can truly understand how our program operates and see for yourselves the relatively small impact it has on the neighborhood. Please feel free to call my mobile phone listed below to schedule a tour or discuss the matter.

Sincerely,



Kim Correa
Executive Director





State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Utah Department of Health

W. David Patton, Ph.D.
Executive Director

Division of Family Health and Preparedness

Marc E. Babitz, M.D.
Division Director

**Bureau of Health Facility Licensing,
Certification and Resident Assessment**

Joel Hoffman
Bureau Director

LC-836

June 30, 2015

Kim Correa
The INN Between
344 S. Goshen Street
Salt Lake City, UT 84104

Dear Ms. Correa

Re: LICENSE EXEMPTION FOR RESIDENTIAL BOARD AND CARE FACILITY

The Bureau of Health Facility Licensing and Certification has received and reviewed the information you submitted regarding the licensing of a residential board and care facility. From the information you submitted, we have determined a license is not required for the residential board and care facility services as described in your email. This letter serves as a written exemption to licensing rules pursuant to Utah Code Annotated, 26-21-7.

Please be aware that if the services that you have described change in the future, licensing may be required. Please feel free to call me at 801-273-2994 if you have any questions.

Sincerely,

Carmen Richins, Program Manager
Bureau of Health Facility Licensing and Certification





March 7, 2017

Katia Pace
Principal Planner
Salt Lake City Planning Division
451 S. State Street
Salt Lake City, UT 84111

Dear Katia,

Thank you for forwarding a copy of the proposed changes to the Eleemosynary Facility Land Use Definition. I know that a lot of work and research went into the recommendation, and the board of directors of The INN Between and I support the changes being proposed, with exception to the 25-bed cap.

On behalf of our board of directors, I am writing to share with the Planning Commission our perspective on the 25 bed cap being proposed.

The 25-bed cap was an arbitrary number arrived at between then Councilperson Kyle LaMalfa and me as a compromise to a heated political situation. It was not founded on building size, lot size, location or anything else related to the International Building Code.

We are aware that Ronald McDonald House, the other nonprofit that tends to utilize the Eleemosynary definition, has sighted land in a R-zone for future expansion. The City is also aware that The INN Between plans future expansion on our lot, which is in an I-zone.

If a 25-bed cap is to be placed on Eleemosynary Facility Large in an I-zone, to protect any surrounding R-zoned lots, then it only stands to reason that the cap should also be placed on R-zoned lots which are typically surrounded by other R-zoned lots. To arbitrarily place a cap on an I-zone and not R-zones or any other zones has the appearance of spot zoning, which is not permitted.

Even without a cap, future large Eleemosynary Facilities, which could include The INN Between, Ronald McDonald House, and other entities, would all be conditional use under the new definition and subject to the oversight of the Planning Commission.

From a big-picture perspective, having a cap on this land use may inhibit other nonprofit agencies from establishing much needed social model hospice houses that would serve average, low- to middle-income Utahns. The majority of Utahns cannot afford \$6,000 per month to place their terminally ill loved one in nursing home. Social model hospices are growing in other states, and there is a large need for similar programs right here in Utah, especially to fulfill Salt Lake City's priority of aging in place. The Eleemosynary Facility Large definition must allow for economies of scale in order to be economically viable for future businesses.

We have received information that the 25-bed cap is being put in place to ensure that the program can operate safely. Imposing an arbitrary cap is not the appropriate way to create oversight for a particular program or business. As the building size and capacity increase,

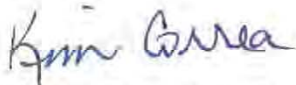
zoning would dictate things like fire barrier zones, like in hospitals, in order to ensure life safety. The Health Department mandates that individuals living in facilities like The INN Between be capable of independent living, which means they are capable of self-preservation in the event of a fire by moving themselves to a fire free zone or exiting the building.

I would like to reassure the Planning Commission that programs like The INN Between receive significant oversight from a number of sources, including (1) the hospice agencies who serve our patients and are responsible for reporting anything that is not up to par, (2) Salt Lake County which provides Community Development Block Grant funding and does an annual pre-inspection and audit, (3) the State of Utah which provides funding and does an audit, (4) any potential government funding agencies, including Salt Lake City, and (5) the State of Utah Department of Health which has issued guidelines that The INN Between must follow.

It has also been suggested that programs like The INN Between must be limited in capacity to not be too intensive for the neighborhood. I will remind the Commission that schools and hospitals are much more intensive uses and are not limited with a maximum capacity of 25. In addition, converting the same land to apartments or high density housing would represent a much more intensive use of the land.

In summary, given the points outlined in this letter, we respectfully ask the Planning Commission to not recommend a cap of any size on the proposed changes to Eleemosynary Facility Large.

Sincerely,



Kim Correa, Executive Director



The INN Between Board of Directors

Deborah Thorpe PhD, APRN, *Board chair*
Hospice Nurse, Rocky Mountain Hospice

Dan Hull, *Board Vice-chair*,
Executive Director, Utah Hospice and Palliative
Care Organization

Will Grua, *Board Treasurer*

Sandy Timboe RN, *Board Secretary*

Jeff McNally, MD
Chief Medical Director, Intermountain Healthcare

Russ Wall
Former Mayor of Taylorsville

Ed Haidenthaller
VP & CIO, Pitney Bowes Bank

Steven Anderson
CFO, Episcopal Diocese of Utah

Jennifer Jacobs-Munson
Director, eBay

Matt Klein
Business Development, Accent Interiors

Father John Norman
St. Vincent de Paul Catholic Parrish

Mark de St. Aubin LCSW
Assistant Professor, College of Social Work,
University of Utah

Pace, Katia

From: Kort Prince [REDACTED]
Sent: Friday, March 3, 2017 3:37 PM
To: Pace, Katia
Subject: Re: Eleemosynary Text Amendment - Planning Commission Public Hearing

Hi Katia,

Thank you for the update. I do have both a question and a comment. From reading the document, am I correct that places like the Inn Between would have no cap and also that the staff of the planning commission support this decision?

I find that extremely troubling given that the entire document contains no reference to extant literature regarding the impact of these facilities on neighborhoods and also references no communication with any experts in the field of homelessness. I would argue the conclusion to support the changes is a dereliction of duty at best given no evidence reported in the document supports the conclusion from a community impact perspective. I would ask that the city council be made aware of these neglected considerations and also reconsider the premature nature of a positive recommendation.

Thank you,
Kort

On Fri, Mar 3, 2017 at 3:14 PM, Pace, Katia <Katia.Pace@slcgov.com> wrote:

Hello everyone,

Here is a [link to the staff report](#) for the proposed Eleemosynary text amendment for the March 8, 2017 Planning Commission meeting.

Here is a [link to the Planning Commission agenda](#).

Planning Commission Meeting

Salt Lake City and County Building

451 South State Street, Room 326

March 8, 2017

5:30 PM

At this meeting, the Planning Commission will review the proposed changes, listed below, and will make a recommendation to the City Council.

1. Retain “Eleemosynary” land use;
2. Split “Eleemosynary Facility” into 2 classes (small) and (large);
3. Change zoning districts where the “Eleemosynary” land use would be allowed;
4. Remove cap of 25 persons in the definition of “Assisted Living Facility;”
5. Make “Assisted Living Facility” and “Eleemosynary Facility” a conditional use in the institutional zone; and
6. Remove the 800 foot distance requirements that violate the Fair Housing Act.

More information on the proposed changes can be found in the staff report (link above.)

Please let me know if you have any questions or comments.

KATIA PACE

Principal Planner

PLANNING DIVISION

COMMUNITY *and* NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL [801-535-6354](tel:801-535-6354)

katia.pace@slcgov.com

WWW.SLCGOV.COM

Pace, Katia

From: [REDACTED]
Sent: Tuesday, March 7, 2017 2:41 PM
To: Pace, Katia; Johnston, Andrew; City Council Liaisons
Subject: Getting awoken by cops shining flash lights in our windows, blinking ambulance lights, and crime scene tape being put up is terrifying.

-
- Hi Katia & Andrew,
 - This last episode over in the back of the Inn Between (my back yard) was awful, and another "tip of the iceberg" for me and my family. On 2/23/17, my kids were awoken by noise, flashing police car lights and cops shining flashlights in our windows and yard. They cried mom mom, something bad happened! We watched in horror while they taped off the area with crime scene tape, and proceeded with what looked like a scene from CSI. The news and police were all there, they must have thought the guy who wandered out and died was murdered, what with all the blood that he apparently coughed up. The whole thing was quite traumatizing. Then, on Fox13, I saw that they ran the story of a body found behind the IB. I looked for the story again when I got to work, and couldn't find it anywhere. I called the station and spoke with Robert Boyd, he said that The Inn Between made sure that they pulled the story when it was determined that there was no foul play, and that it was just a resident that went out for his "last smoke" and died out there; which to me is still a story! They should have came out with a clarification to the story, not just pulled it. It stinks of cover up. They don't want the public to see what is really going on in the back where my family is trying to live in peace. Even though it is very sad, I don't know anyone who wants this in their backyard.. Then, later, Kim posted this:
 - Dear Neighbors,
 - Early this morning, one of our residents passed away. His name was Tom, and he died of complications due to stage 4 lung cancer.

Tom had been living with us since early January. He was a friendly man who worked at a local deli, loved to walk to the river and feed the ducks, and seemed to always have a smile on his face and positive attitude despite his terminal diagnosis.

Our security cameras show that Tom had gone outside to smoke around 3:30 am, which was not unusual as he was a very early riser. The camera footage shows that he began to cough and then fell over. He was found unresponsive around 4 am and unfortunately had coughed up a considerable amount of blood. Our house managers deemed it necessary to call 911 as a precaution. Authorities reviewed the scene and found no signs of foul play. Tom died a natural death due to his lung cancer.

We loved having Tom at The INN Between, and he will be dearly missed. Please feel free to join us for a community memorial service for Tom on Friday, March 3 at 2 pm.

Kim Correa
Executive Director
The INN Between

- Please, do not let the Inn Between expand at the current location. If they want to build another building, like Kim has stated, why can't they do it in another area? 25 here, 25 there. She uses the Mother Teresa Hospice in MI as an example. I called them, guess what their cap is? 3. They have 3 beds. 3 beds is a cap I

can agree with :-)

- The truth is simple, no one wants a homeless shelter near their home. People always pretend that they are different though, and would willingly accept it, until it actually comes to fruition. As we know, Sugarhouse, the Avenues, Federal Heights, and the Harvard-Yale areas would all fight to keep shelters out of their areas, despite being heavily liberal communities. It is easy to attack others, but the tune changes when you are the affected one.
 - Sincerely,
 - Dionn Nielsen
-



Department of Community
and Economic
Development

SALT LAKE CITY PLANNING OPEN HOUSE PUBLIC COMMENT FORM

April 21, 2016

Housing for Terminally/Acutely Ill
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name: Dyani Schneider

Address: 349 S Bothwell St, SLC UT

Zip Code 84104

Phone: [REDACTED] E-mail: [REDACTED]

Comments: The issue arises in defining what hospice means. All people are recovering from something. Also, will their family be allowed to stay there? That doesn't follow the rules which is one thing I don't like. Can they wander around the neighborhood? That seems like a bad idea too. The rules seem loosely interpreted by the hospices, which can severely affect the surrounding neighborhood.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katia.pace@slcgov.com. Please provide your comments by April 28, 2016.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

If the ~~neighborhood~~ amount of residents increase, stricter rules for any comings and goings or misconduct needs to go up as well. →

Look into neighborhood sometimes, so
higher fences - inpatient exposure to people at the facility
tents. You can't control
kids a fence is a precaution.
Something needs to be figured out that will grow with residents in the facility, also regarding the density of the surrounding neighborhood. Also, it's not just about the number of people, but the type of people. If it's a homeless hospice, that is different than an apartment. They can be unpredictable, so higher person per sq. foot ratio can be dangerous.

The hospice will want to grow in size over time, and the regulation/zoning should keep check on them with that growth.

If residents have family staying there, that should count for the capacity limit but with some sort of extra weight because the family would be more active and not confined to ~~the~~ a sick bed.



PLANNING DIVISION
COMMUNITY and
NEIGHBORHOODS

SALT LAKE CITY PLANNING OPEN HOUSE PUBLIC COMMENT FORM

December 15, 2016

Recuperative Housing

ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name:

Kirk HUFFAKER

Address:

2540 S 1700E

SLC

Zip Code 84106

Phone:

E-mail

Comments:

NEED A NEW DESIGNATION WITHIN THE CODE FEEL
POSITIVE ABOUT ITS USE NOW AND INTO THE FUTURE.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katia.nace@slcnev.com. Please provide your comments by January 6, 2017.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480



PLANNING DIVISION
COMMUNITY and
NEIGHBORHOODS

SALT LAKE CITY PLANNING OPEN HOUSE PUBLIC COMMENT FORM

December 15, 2016

Recuperative Housing

ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name:

Kim Conne

Address:

Zip Code

Phone:

E-mail

Comments:

... who don't have a place to go or ~~where~~ who
cannot afford the cost of a nursing
home.

Define Social Hospice model

Look @ Mother Theresa House in Lansing MI
& other hospices in Lansing.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katie.pace@slcgov.com. Please provide your comments by January 6, 2017.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

Pace, Katia

From: Natalie hart [REDACTED]
Sent: Tuesday, April 5, 2016 3:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: The Inn Between

I learned recently that the Inn Between found the loophole that they were looking for to be able to expand their homeless facility in my neighborhood. This is very disappointing. I was just beginning to feel hopeful about my neighborhood. I was starting to see more owner occupied homes with people making improvements to their homes and yards. My neighborhood was still fragile, but i could see it turning a corner and becoming a true asset to our city. But now, there is a homeless shelter operating less than a block from my house. The Inn Between has been dishonest with our community from the very beginning, promising this would be a small shelter for the terminally ill who would otherwise die in the streets. This message has played on the hearts of the public and has garnered a lot of support for their cause, but not only is it a lie (when the Inn Between couldn't get licensed to provide end-of-life care, they quickly switched gears and became a shelter for anyone needing a break from the streets), it is also at the sacrifice of my neighborhood and the families who live there. It was a hard enough blow to our community to have a homeless shelter open, but now to find out that they have somehow circumnavigated the city ordinance that prevented their expansion is incredibly frustrating.

The Inn Between seems to have more compassion for the child rapists that they are harboring there than for the children who are being put at risk having those rapists and molesters (and yes, there are literal child rapists and molesters) living along their pathway to and from school and they certainly have no regard for the community. The West side neighborhoods deserve equal consideration, and yet we have become the city's dumping ground once again.

Pace, Katia

From: Natalie hart [REDACTED]
Sent: Monday, April 18, 2016 12:03 PM
To: Pace, Katia
Subject: Upcoming city planning meeting

I don't know if i will be able to attend the open house on April 21st, so please consider the following comment:

I am very concerned regarding the land use classification as it relates to the Inn Between. I learned recently that the Inn Between found the loophole that they were looking for to be able to expand their homeless facility in my neighborhood. This is very disappointing. I was just beginning to feel hopeful about my neighborhood. I was starting to see more owner occupied homes with people making improvements to their homes and yards. My neighborhood was still fragile, but i could see it turning a corner and becoming a true asset to our city. But now, there is a homeless shelter operating less than a block from my house. The Inn Between has been dishonest with our community from the very beginning, promising this would be a small shelter for the terminally ill who would otherwise die in the streets. This message has played on the hearts of the public and has garnered a lot of support for their cause, but not only is it a lie (when the Inn Between couldn't get licensed to provide end-of-life care, they quickly switched gears and became a shelter for anyone needing a break from the streets), it is also at the sacrifice of my neighborhood and the families who live there. It was a hard enough blow to our community to have a homeless shelter open, but now to find out that they have somehow circumnavigated the city ordinance that prevented their expansion is incredibly frustrating.

The Inn Between seems to have more compassion for the child rapists that they are harboring there than for the children who are being put at risk having those rapists and molesters (and yes, there are literal child rapists and molesters) living along their pathway to and from school and they certainly have no regard for the community. The West side neighborhoods deserve equal consideration, and yet we have become the city's dumping ground once again.

Thank you,

Natalie Hart
[REDACTED]

Pace, Katia

From: [REDACTED]
Sent: Monday, April 18, 2016 8:54 AM
To: Pace, Katia
Subject: Re: SLC Open House Invitation

It is definitely interesting that so many people in favor of the Inn Between are from people outside of the district, and, I can only surmise, from people with little clinical and peer-reviewed research knowledge regarding the population. Likely these are also people who did not attend the original planning meetings in our community. If these people knew the research on this population, they would know how bad of an idea it is expanding the facility in a residential neighborhood; they would know that the population has a majority prevalence of severe and persistently mentally ill diagnoses and vast majority prevalence of criminal histories. More importantly, though, they would know the disingenuous nature of the Inn Between staff. At the same meeting where they first pronounced the facility would serve a limited number of individuals who were terminally ill, they later admitted that definition extended to those merely needing a respite. Those two definitions are not compatible; the latter is the definition of a homeless shelter. While they have a good purpose, they have implemented it horribly; they have stepped on community member's opinions at every turn. I urge zoning and the council to consider the opinions of those in the district. The issue of discrimination is prevalent. There is discrimination, but it is once again against the residents of the west side of this city. Please do the right thing and protect our community.

Pace, Katia

From: [REDACTED]
Sent: Monday, April 18, 2016 2:06 PM
To: Pace, Katia
Subject: LOW IMPACT?

Katia,

I want you to have the whole picture, so here are more conversations between myself, Kim Correa, (Director of Inn Between), and some neighbors. Low Impact? It has been my worst nightmare for over a year now, from when they first put up their sign, and I googled, The Inn Between.

Dionn: What is the Inn Between? Why are all these people back in the alley smoking? It is against the law to smoke within 25ft of buildings. It is ruining my child's birthday party. Your Facebook page says that you are a homeless shelter. I live behind you. I would not support a homeless shelter moving in that building.

Kim: We are a hospice, for homeless. Which house is yours? Is it the one with all the garbage in the yard? We will be low impact.

Dionn: I can assure you my yard does not have garbage in it; and really? What difference does that make? Why would they allow a homeless shelter in that building, so close to Franklin Elementary? A homeless shelter is not allowed in our zone. This is a residential neighborhood, with an elementary school a stone's throw away. How many people will be there? Low impact? Already, on me and my family personally, and my friends on Bothwell St., we disagree. Of course, it is not the resident who is sick in bed that worries us. It is people hanging out in the alley, smoking, traffic, visitors. Worst case scenario, increased crime. The bigger you grow the more all that grows. What WOULD be the max capacity if you can occupy that huge school, if we are measuring impact? Is it still under the stipulation that if the residents can't care for themselves, they would have to be moved to a skilled facility? I have gone through hospice, with both of my parents. They could not care for themselves, and needed professional care.

Kim: Dionn, with all due respect, The INN Between is nothing like a homeless shelter. We are a home. Our program is much lower impact than the school was, with its hundreds of children and morning and afternoon drop-offs and pickups. I have requested a crime report and will be happy to share it. I believe that our presence and cameras actually deter crime around our building. Our program has not negatively impacted home sales or property values according to MLS data. Finally, we are happy stipulating to 25 beds as part of our occupancy, as I have expressed to the City. This is a standard practice and does not require a zoning change.

Dionn: Kim, You have not been here long enough nor had enough occupants to pull data. The school was empty in the afternoon and on weekends. Not once in 20 YEARS of living behind the Guadalupe School did I have to deal with people hanging out in the alley and the strong smell of cigarette smoke. Put the hang out/smokers area elsewhere if you want to claim to be a good neighbor. Now it's like a mullet. Clean cut business in the front, party in the back. (Which is my backyard)

Kim: Dionn, you and I discussed the smoking several weeks ago and I explained that the rear carport is the only covered spot we have, so it's the only spot suitable during inclement weather.

During our conversation, I suggested that since you have a keen interest in this issue, you could help solve it by calling some awning companies to see if one would donate a patio cover for the South or East side of the building.

In the meantime, we cleaned out the garage and have designated it as a smoking area. We are open to other solutions. I agree that smoking is unpleasant, but people have a right to smoke on their own property and, unfortunately, on public sidewalks. Personally, I would love to get our residents to quit.

Dionn: In other words, my family's quality of life and environment has to be compromised. Your agenda is more important than mine, which is simply having a backyard to enjoy, and fresh air to breathe. Every time I open my favorite window, I get smoke lofting in. Every time I go out in my backyard, my sanctuary, I have the same crowd you see on Rio Grande St.,

hanging out smoking. I never get a break from it, and it is GROSS. And this is low impact? I will be getting the Health Dept. and Truth for Tobacco involved. And yes! That would be perfect! Have them go out front to the sidewalk! Just because I support homeless services does not mean I want a mini Road Home in my backyard. They should be able to do this without profoundly, negatively, affecting my life and my home. Kyle Lamalfa, Andrew Johnston, Jackie Biskupski, I hope you are reading all this. Just keep bombarding the west side with the homeless.

We, (I was not alone on the "petition") put together a petition. We called it as we saw it then, and I'm calling it as I'm SEEING it now. You are the one misleading everyone. The residents can't even be there if they can't care for themselves, they have to be moved to a skilled facility. Who is paying for that? Back to square one. You sold us all on a hospice, but now it's a "home" for sick homeless = homeless shelter. You can paint a real pretty picture in the front, and are a terrific sales woman. I don't doubt at all that you are doing amazing things inside the building. I am supportive of that, and would love to be a part of it. BUT, I can't get on board with what I am experiencing now. You are naive and in denial if you think it's all roses in the back and that people from the road home are not walking down and riding their bikes back there. As for the smokers, I could care less what caliber of person's smoke I smell. I did notice that you moved the hang out into the garage yesterday, and I appreciate that very much. But, come warm weather, I predict the same problems, unless you can come up with a more permanent solution without expecting ME to pay for it, or ME to get someone to donate it, which is ridiculous.

Jade: So I'm a little confused... Was the item from Tuesday's City Council meeting positive or negative for the Inn Between?

Dionn: If you ask the people who actually live next door to them, it was a great decision. I am desperately trying to protect our neighborhood from people like this guy, Robin Marcus Smith, who is a resident there. http://www.heraldextra.com/afcitizen/is-this-man-the-most-dangerous-man-in-am-fork/article_b8133834-86cb-11e2-9452-001a4bcf887a.html he's the one who sings songs on the news and at the council meeting; and Jay Martin Evans, both child molesters. Jay is on the Sex Offender Registry, but is not registered at the Inn Between address. What is ever scarier, I don't know the names of the other residents, let alone, who else they will bring in. I realize that these types of people need a place to be until they die, and that place is jail, not a residential neighborhood, right next to elementary schools. The decision 25cap and 800 ft protects ALL neighborhoods in ALL districts from places like this. Please email or call the Mayor's office to let them know they made the right decision. By the way, the individual in the link is not on hospice. He is there to recover from an injury sustained I can only imagine how.

Kim: The INN Between is an interfaith community project, and our board members believe that everyone deserves a safe place to heal or to die with dignity. We are committed to taking care of people who others turn away. This is the humanitarian and the Christian thing to do.

Dionn: They will take in anybody, regardless of the threat to the community. (But hey, he feels bad, and is sorry) There are not enough years to make this okay. What if it was any of your children? Like I said before, yes I am very aware of the sex offenders and criminals in the area, that does not mean that we need more. This individual did not have one child molesting event back in the day; regret it, and then go on to do great things in life. There are no excuses for the, I think it was, 43+ mugshots I counted on mugshots.com, all different events. Also, yes, lucky for him, this individual is not on the Utah State Sex Offender Registry; because I believe it was 2006 when the law was passed that would have kept him on there for life, another terrifying flaw in the system. Also, anyone can call 801-799-3000, like I did, and speak to the Sex Offender Officer to find that the SODOMY charge is still there, in addition to KIDNAPPING. Also, I thought this is a homeless shelter hospice, not a homeless shelter recovery for criminals.

Kim: Hi Jade, The City Council's decision was not good for The INN Between. The combination of a 25 bed limit and the new restriction that requires 800' between Eleemosynary Facility buildings effectively prevents us from using the Guadalupe School Building for client services, meaning that we can only use the Convent with its 12 bedroom capacity, which is not enough to meet community need. We are asking people who support our cause to email Mayor Becker at mayor@slcgov.com and ask him to "VETO the Assisted Living Facility" proposal.

Dionn: The zoning put a cap of 25, which as it is, is too many for this struggling, already has enough child molesters and criminals neighborhood. I know that not all Inn residents are in this category. But the fact that they do not care who they take in, (because it's the Christian thing to do) regardless of the threat to community, concerns me a great deal. And it should all of you as well.

Diana Oaks-Poplar Grove neighbor: The concept of "The Inn Between" is beautiful and compassionate and I do support it. However, Dionn is correct that steps should be taken to mitigate the risk to those who actually LIVE near the facility. Frankly, those who don't live in the neighborhood ought to be supportive of ensuring that protective measures are in place for the children and families who are shouldering the potential risk. Isn't that what you would want if it was in your community? Poplar Grove (and the west side in general) house far more than their fair share of services to the disenfranchised members of society. She is not spewing hatred, she is speaking wisdom!

Joe- Poplar Grove Neighbor: I'm okay with your efforts to get it regulated and even moved. I do care the impact on our neighborhood. I don't have kids, so I can't speak to that. I know that if it affected me more directly, I'd be all over it like you are. You're right though, people who don't live in the neighborhood don't really have room to talk about how it affects the neighborhood.

Dionn: The zoning proposal of 25 needs to stick. If they allow more people, that's more staff, more visitors, more criminals (residents) in my backyard SMOKING. It drives me crazy! In 20 years, I have never had this problem. I love my home. This has been so stressful for me; I can't even sleep at night! I may sound crazy and irrational to some, but I have been driven there!! There is no doubt that this has brought out the worst in me, I feel like a crazy mama bear. My little daughter has asthma. Our quality of life should not have to be jeopardized to accept them! I know I can't protect my kids from the world, but I should be able to protect them in my home. We should be able to enjoy our own private backyard. She (Kim@ Inn) needs to build some kind of smoking area in the north end, where it is neutral, and there is, for a lack of better description, more smoke buffering room. I definitely agree that the school should not be empty; it needs to be a school, like a charter school perhaps. Something GOOD for our neighborhood, not something that will surely bring it down. Plus, the fact that they are not licensed is not okay with me at all. There is no one holding them accountable. No one to make sure they are following the rules (wait, what rules, there are none) No one to complain to or enforce no loitering and smoking in my "bubble". It's just insane to me that this was ever allowed to open.

Thank you for taking the time to read through all of this. I know it's a lot.

Dionn Nielsen
Home Owner, Bothwell St.

Pace, Katia

From:
Sent: Tuesday, April 19, 2016 1:45 PM
To: Pace, Katia; City Council Liaisons; Johnston, Andrew
Cc: Paterson, Joel; Coffey, Cheri
Subject: Re: Open House Invite

Thank you Katia. We are not zoned for a homeless shelter here for a reason. We have Franklin Elementary in very close proximity, Neighborhood House just down the street, and all of our private homes. I see several small children who have to walk alone to Franklin and Neighborhood House everyday. A homeless shelter will not only make our neighborhood unsafe, it will hurt our property values, and make our homes difficult to sell. It has already greatly diminished our quality of life. I beg you not to doom this already fragile neighborhood. There are other places to do this.

Also, when I spoke to Mayor Biskupski, she said she wouldn't put homeless shelters west of the freeway..

Pace, Katia

From: KENDALL ROBERT MCMILLAN [REDACTED]
Sent: Tuesday, April 19, 2016 9:40 PM
To: Pace, Katia
Subject: Open house discussion

Katia,

I am unable to attend the open house session on April 21st, but it involves a property that is adjacent to my home at 1057 west 300 south and would like to make a comment regarding item 2 of the discussion (PLNPCM2016-00024). Specifically the wording of the clause: "Create a land use classification for housing to homeless individuals on a temporary basis who are dying or recovering from an acute illness or injury." I am not against providing care for those that are terminally ill, but I believe that the term "acute illness or injury" is too vague. My work is in the research of injury biomechanics and I have some familiarity with medical terminology. An acute condition could be classified as anything from a broken bone to the common cold. It is my belief that the terminology of this clause needs to be changed to reflect the severity of illness or injury necessary for hospice care. An example of this would be to use the Abbreviated Injury Scale (AIS) Score-Code of 4 (Severe) or above for care. This would limit access to the individuals that actually needed the extra care that a hospice can provide. This would be beneficial to the hospice facility as well as residents. It is my concern that under the current clause, the hospice facility would quickly be overwhelmed with individuals that did not need to be there. This would cause those with a true need for care to be turned down due to the facilities limitations. This in turn could also lead to a gathering of individuals whose intentions are to take advantage of the good intentions of the staff at this hospice facility. This is a cause for concern not only because I do not want illegal activities near my home, but because there is a public elementary school less than a block away from the proposed facility and it would be terrible for anything to endanger the children there. I work with medical professionals at the University of Utah and if you need a professional medical reference, or help in changing the wording of the clause to reflect the true intentions of the petition I can talk with some of my colleagues about creating a more accurate medical definition for the clause. If this is not possible I ask the City Council to reject the current petition. Please relay my comments to the City Council at the meeting.

If you would like to contact me for any reason please email me at [REDACTED]

Thank you,

Kendall McMillan

Pace, Katia

From: Allison Ginn [REDACTED]
Sent: Thursday, April 21, 2016 5:53 PM
To: Pace, Katia
Subject: Comments in lieu of participation at Open House

Katia-

I was unable to make the Open House today. I am sure you will receive quite a bit of feedback from the community. Much of it will be negative and I would like to make note that not everyone in Poplar Grove staunchly opposes this project.

I live one block east of the Inn Between. I walk past both the north and south ends of the property nearly every day. I have never seen or heard anything inappropriate on the property. In fact, I wasn't even aware that the Inn Between was a homeless hospice until recently.

While I don't totally embrace the project, I do recognize that the Inn Between is seeking to fill a current void in services to portions of the homeless population in SLC. To that end, I think that a proposal to create and regulate the use of the old Guadalupe school is a positive step. I would rather see the building put to use than sit derelict.

I am sure that there are common sense solutions to assuage the fears of the neighbors. Because the old Guadalupe school is located next door to Franklin Elementary, I assume that there could be some provisions to ensure that registered sex offenders or violent felons would not be admitted to ambulatory care.

The other main fears I have heard from neighbors are concerns that the hospice will become a homeless shelter. Proper language in the land use classification should avoid this situation.

Thank you for your work on this issue.

Allison Ginn
352 S 1000 W

Pace, Katia

From: Chandler Wood [REDACTED]
Sent: Thursday, April 21, 2016 4:20 PM
To: Pace, Katia
Subject: Zoning for The Inn Between

Hello,

Regarding the zoning for The Inn Between, I feel like we are on a slippery slope and they would rather be reactive to issues that occur than proactively try to prevent them.

As someone who has property adjacent to this facility, I do not feel comfortable with how much we have been lied to and misled by the proprietors of this establishment, all in the name of comfort for the impoverished.

Initially we were told that this would be for respite care and terminally ill ONLY, and that it would never be anything different. Our fear at the time was that this would become little more than a homeless shelter in a residential area next to a school. Our fears are now coming true, it's a slippery slope and bad precedent to set going forward.

I understand the comfort of these people is important, but what about my comfort as a hard working contributor to society that just wanted to sleep soundly in my little piece of the American dream? I know it sounds selfish, but there are plenty of other places to put homeless facilities that don't encroach on our comfort and happiness in life. Unfortunately I can't easily just up and move, though I would like to if plans for this to be re zoned go forward. As much as you want to care for the homeless, you also have a responsibility to the contributing tax paying citizens of your city that want too have a little peace of mind.

Thank you.

Pace, Katia

From: Kort Prince [REDACTED]
Sent: Friday, April 22, 2016 8:49 AM
To: Pace, Katia
Subject: The Inn Between Open House

Dear City Council:

I sincerely regret that I was not able to attend the open house because of work and I apologize that my response is late, but I was only made aware of the open house yesterday. I still sincerely hope you will consider my words and those of the people in the immediate vicinity of The Inn Between. You no doubt heard from impassioned "community members" who neither live near nor are impacted by the placement of this homeless shelter (which is, in fact, what it really is despite the euphemisms). You know doubt heard from them because The Inn Between staff recruited and encouraged volunteers from outside our community to parrot their own views.

On the surface it seems hard to argue with the goals and objectives of those who seek to expand this facility. While the cause is good, it is possible to be blinded by your passions and the realities of what they really entail. The staff from the Inn Between has repeatedly ignored the community members in the area in which they operate, and they have made it clear that they lack both sincerity and veracity. At the same meeting where they first pronounced the facility would serve a limited number of individuals who were terminally ill, they later admitted that definition extended to those merely needing a respite. Those two definitions are not compatible; the latter is the definition of a homeless shelter. In fact, point two on the open house flyer admits the facility wishes to serve those with an acute illness or injury. I hope the council will seriously consider how the proven disingenuous staff of The Inn Between will use that broad definition (i.e., "injury") to house anyone they want.

In conducting a "review" of how the reclassification would impact the community, I also hope the council will seriously consider the peer-reviewed research regarding the homeless population. The research is unambiguous in showing the population has a majority prevalence of severe and persistent mental illness and a vast majority prevalence of criminal histories. These facts are all a review needs to consider when deciding to allow such a facility next to a school and in a residential neighborhood.

I have to admit that I have no idea why this reclassification is even being considered. The Inn Between continues to try to circumvent the zoning laws (which are there for a reason), and they continue to ignore the sincere and legitimate objections of those individuals in the surrounding community. It is, in reality, our community. It is the community of those who have decided to make a home and a life in a wonderful area. It is not the right of The Inn Between or members of communities outside of ours to perpetuate the injustice this facility has imposed. They continue to operate and

expand with impunity, and they are uninvited guests operating outside the bounds of what is permissible by law.

The west side of Salt Lake needs to stop being considered an afterthought. It is, quite frankly, shameful that our objections are ignored and we are made the dumping ground for all of Salt Lake's troubled populations. I am asking the City Council to please consider the population that lives in the surrounding area. Please stop The Inn Between from ignoring us and from further infringement on both our rights and the safety and beauty of our neighborhood.

Sincerely,

Kort Prince

Pace, Katia

From: [REDACTED]
Sent: Friday, April 22, 2016 9:43 AM
To: Pace, Katia
Subject: Follow up from Open House
Attachments: My advice to anyone near these proposed facilities.docx

Hi Katia,

Let me start with apologizing for being so over the top upset at the meeting. This has been very frustrating for me, and has made me an emotional wreck. Having said that, I want you to know that everything that I said was true and based on facts; and believe it or not, I actually held back a lot! Thank you for being so kind and patient with me.

Please, do not let them have 45 in that school. That makes 61 people in that building. Please, that is way too many for that unlicensed, unregulated facility. I did the math, and we only have 35 on our entire street. Not one side of the street, the entire, both sides of the street! If my ex takes my precious daughter because of that place, that makes 34.

We would support appreciate you defining who can be in that school, but the cap needs to stay at 25, which is still too many; $25+16$, = a ridiculous, 41 + all of the other people that entails. Again, I ask, who is liable, when something goes wrong? You heard my neighbors and his son's testimony. It's pretty clear that as it is now, they do not have a handle on the residents, guests and visitors.

What makes this all so extra frustrating, we thought this was over. We have already been through all of this stress; it was supposed to be a done deal, 12/8/2015. Now, we have to worry about ANOTHER public hearing, with the Inn Between parading all of their supporters, (people who don't live here), more lies and manipulation. Ugh, I just don't know how much more I can take!

I will attach the statement I forgot to leave with you. I know I may not be the best representation because I get so upset, but you need to know that I do represent all of my friends and neighbors on Bothwell. We have had several street meetings, and they all agree with everything I have said, and have asked me to speak on their behalf.

Thank you again for your consideration,

Dionn Nielsen, and Home Owners on Bothwell

The Inn Between:

We were ALL told this would only be a hospice, and it has garnered a lot of support and sympathy. But now it has become “a place for homeless who need to recover from illness or injury”; which, sadly, is a category most homeless would fall into. Heck, couldn't we all fall into that category? So now, just like I was afraid of, the Inn Between **is a HOMELESS SHELTER**, which is not allowed in our zone; and for good reason! We have Franklin Elementary school a stone's throw away, Neighborhood House down the street, and row after row of private homes, just a few feet away. A homeless shelter is not appropriate in this neighborhood or any residential neighborhood for that matter; I see plenty of empty buildings, NOT near homes and schools, on 300 W for example, with AVAILABLE signs posted all over them. Putting one near my home has been a disaster, as my family's environment and quality of life and has been greatly compromised. For an entire year now, I am exhausted from begging them to stop smoking and loitering in the back of their building, where what USED to be the best part about my house is, my no longer private back yard. I even asked one of the residents to please smoke out front where it is plenty of feet away from me and my daughter who has asthma; also, where it is legal to smoke, and where it would not bother anyone. He told me that the Inn Between owners told him not to smoke out front because of the image. Okay? THAT SPEAKS VOLUMES. What about the image we have now from every window in our homes??

Most people, with any knowledge of the homeless population know how bad of an idea it is to put a homeless shelter in a residential neighborhood. They know that the majority of the population has severe mentally ill diagnoses and a prevalence of criminal histories.

These facilities need to be state licensed, so that someone is held accountable when something goes wrong, which we think is just a matter of time, considering the sex offenders that have lived there, flying under the radar. The last name of a resident I looked up, (Jay Martin Evans) is on the sex offender registry, but the Inn Between address was not listed. Yes, I heard that he did pass away, but **he was living there**. Isn't there a rule on how many feet sex offenders can live next to an elementary school?

They have made it very clear that they will continue to house these types of criminals, because as they say, “are committed to taking care of people who others turn away. “

They will take in anybody, regardless of the threat to the community, which is terrifying.

I can't help but notice that almost every person in support of allowing the Inn Between to operate and expand without regulation is people living outside of district 2 where the Inn Between is located. It would be an entirely different tune if it were located in their back yards, as it is **literally** in mine.

I will never stop fighting this shelter's expansion in our neighborhood. I will never stop fighting to protect our kids, our property values, our investments, our American Dream. Please! Find more appropriate locations for these facilities!

More quotes from neighbors:

I strongly encourage a hospice program for the homeless to operate in Salt Lake City. A facility like this is a necessary piece of what Salt Lake needs. But now it appears you want to change zoning to accommodate a homeless shelter. That is very different. I have to insist that small urban neighborhoods on the west side of Salt Lake do and will care about their environment, as much if you were trying to open a homeless shelter in the avenues or federal heights. As we cater to those in need, there needs to be an understanding that the neighborhoods that welcome them do not have to compromise their environment in order to accept the facilities. The loss of property value for the homes around the facility will be tragic, and reflects total disregard for the homeowners by those involved in building permits.

My advice to anyone near these proposed facilities never let the city re-zone property anywhere near where you live, or soon you'll be agreeing to a full service homeless shelter.

Pace, Katia

From: [REDACTED]
Sent: Thursday, April 28, 2016 10:18 AM
To: [REDACTED]
Subject: Follow-Up Thoughts from Poplar Grove Meeting

Hey Guys,

(I was going to send this to Marti as well, but I could not find her email)

I was thinking about the question of what *is* Kim supposed to do with or about all the child molesters, drug addicts, and the plethora of other types of criminals that she is bringing into the neighborhood, and the answer is; she can't do anything about it. That is who her clients are, and that is the friggin problem. It all goes back to my original problems and complaints about the Inn Between; homeless shelters and homeless services need to be put in appropriate locations! They also need to be licensed, so that they are compliant and safe, and so that there is SOMEONE who is accountable, and who will deal with the problems that arise, besides Kim or her architect that do not care! Now that it is unfortunately, "grandfathered in", please, put a halt on this. Do not let them expand to 70 gosh darn beds!

Anyone with any knowledge of the homeless population know how bad of an idea it is to put a homeless shelter in a residential neighborhood, because of the significant threat to the community! Especially in a location that is considered "private property," and the only rules are "in good faith", which I have no faith in.

I know I have said this a thousand times, but I drive around this city, and I see tons of buildings, on 300 W. for example, perfect size, with AVAILABLE on them, not by homes or schools.

I don't know much about how it all works, but I expect the city, zoning, the mayor, and especially, our council members, to step up and say *this* to people like the Inn Between when they approach them with their ideas: "Hey, yes this IS a great thing you want to do, and you should be able to do this; but unfortunately, this area is not zoned or appropriate for this type of an unlicensed, unregulated homeless shelter, so close to private homes and an elementary school. I hope that you can find a more suitable area for you to carry out your mission, and best of luck to you." It should be just that simple. Same as if say, a strip club wanted to open in that building. It would just be a no, right? The city has zoning laws for a reason, and our area is not zoned for a homeless shelter. Period. They certainly should not be trying to change zoning to accommodate them.

Thank you again for your time and consideration.

Fondly,

Dionn Nielsen

Pace, Katia

From: [REDACTED]
Sent: Thursday, December 15, 2016 1:38 PM
To: Pace, Katia
Subject: Re: Open House Invite

Dear Katia, WILL THE INN BETWEEN HAVE TO BE A LICENSED STATE FACILITY? THEY DO NOT COMPLY WITH UTAH CLEAN AIR ACT BASIC LAWS, OR DISTANCE OF SEX OFFENDERS BY A SCHOOL. THIS NEIGHBORHOOD CAN NOT HANDLE AN UNLIMITED AMOUNT OF HOMELESS IN THAT BUILDING. PLEASE I BEG OF YOU, DO NOT DOOM THIS AREA!

PLEASE do not change zoning to allow a homeless shelter in our fragile neighborhood! Franklin Elementary is right next door! Please, not in our bedroom community! Please, not in our poor residential neighborhood, where we are all working hard, trying to live the American Dream! I have lived in my home on Bothwell St for 23 years, (behind the Inn) and have never had any problems, until the Inn Between. Now, I can't even go out in my private backyard without being stared at by smokers and loiterers, who's names I have looked up, and found that they are the epitome of people that you do not want to bring into a neighborhood full of children! Groups of criminals and child molesters, all under one roof; like Jay Martin Evans, and Robin Marcus Smith, and heaven only knows how many others, pacing back and forth our back yards, smoking gross cigarettes. I can't open my favorite window without the strong smell of cigarette smoke lofting in my house. They clearly do not care about, or follow any smoking laws, (no smoking 25 ft from doors and windows). And now, zoning is considering allowing them to expand? Changing zoning to accommodate them? That just means MORE of all that I have mentioned. Where is our neighborhoods protection?! One of my daughters has asthma, she can no longer simply enjoy our own private back yard, our sanctuary, that I have worked so hard on. I talked to one of the residents about how obtrusive his smoking was, and asked him to please go out front where it is plenty of feet away and would not bother anyone, also, where it is legal. He told me that the owners of the Inn told him "not to smoke out front because of the image." THAT SPEAKS VOLUMES! WHAT ABOUT OUR IMAGE, THE VIEW THAT WE HAVE NOW, FROM EVERY WINDOW IN OUR HOME? The image we get, and cigarette smoke we have to smell, every time we go outside to bbq, or play with our pets?

Not to mention, the sick feeling of molesters peering into my child's bedroom windows, which are parallel to the Inn. If I notice that my child's window blinds are not closed tight, I about have a heart attack! We used to be able to open them, enjoy the fresh air, and listen to birds singing in the trees.

To top it all off, my ex is trying to take my daughter from my home, claiming it is no longer safe for her to live there.

PLEASE, think about the negative impact this is bringing to my family, and my friends and neighbors that I represent on Bothwell.

Pace, Katia

From: Natalie hart [REDACTED]
Sent: Tuesday, December 20, 2016 1:01 PM
To: Pace, Katia
Cc: [REDACTED]
Subject: Recuperative Housing proposal

Katia,

My name is Natalie Hart and i live in the Poplar Grove neighborhood. The homeless facility, "The Inn Between" is around the corner from my house. I am very concerned by the proposal to change classifications for this facility, particularly by the removal of the 25 bed cap and by the removal of the 800 foot distance requirement, which I understand, is just another way to allow expansion.

I am also concerned by the somewhat vague "recuperative housing" terminology. Who decides who can live there and what are the criteria for making that decision? The homeless population has a very high rate of sickness, mental illness and substance abuse. In other words, if applied liberally, most could qualify for "recuperative housing".

With the looming closure of the Road Home and with it, a drastic cut in available bed space for the homeless, my concern is that many displaced homeless people will simply relocate to the Inn Between, bringing all of the problems of the Rio Grande neighborhood with them. The four other city shelters (three of which will be located on the West side, not surprisingly) will have 150 bed caps. According to this proposal, the Inn Between will have NO CAP. This is unacceptable.

Natalie Hart
[REDACTED]

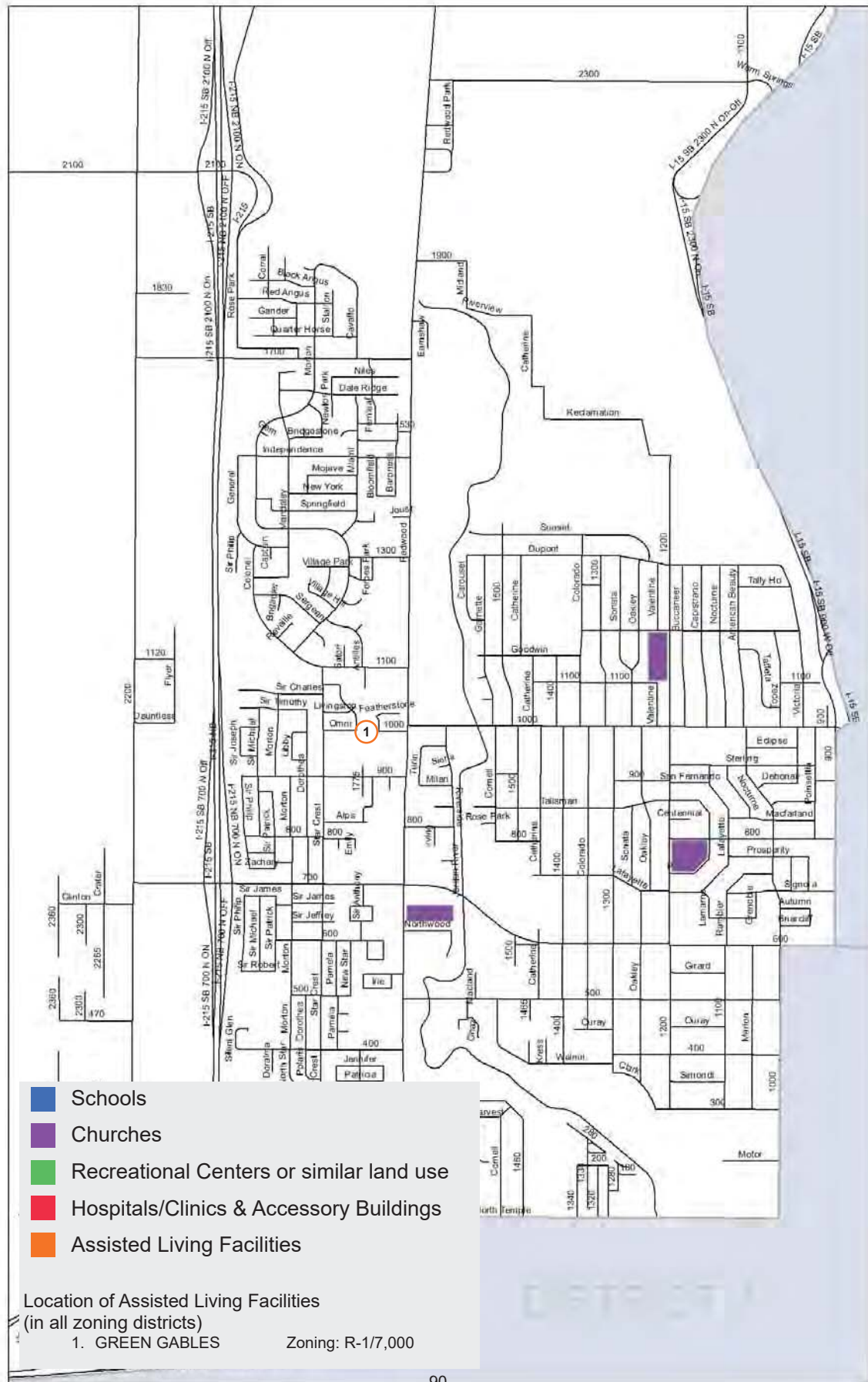
Pace, Katia

From: [REDACTED]
Sent: Thursday, December 22, 2016 9:12 AM
To: Pace, Katia; Johnston, Andrew; Benjamin W. Jordan; Natalie Hart; Isabel Watson
Subject: Inn Between no longer a Hospice, the only reason they opened.

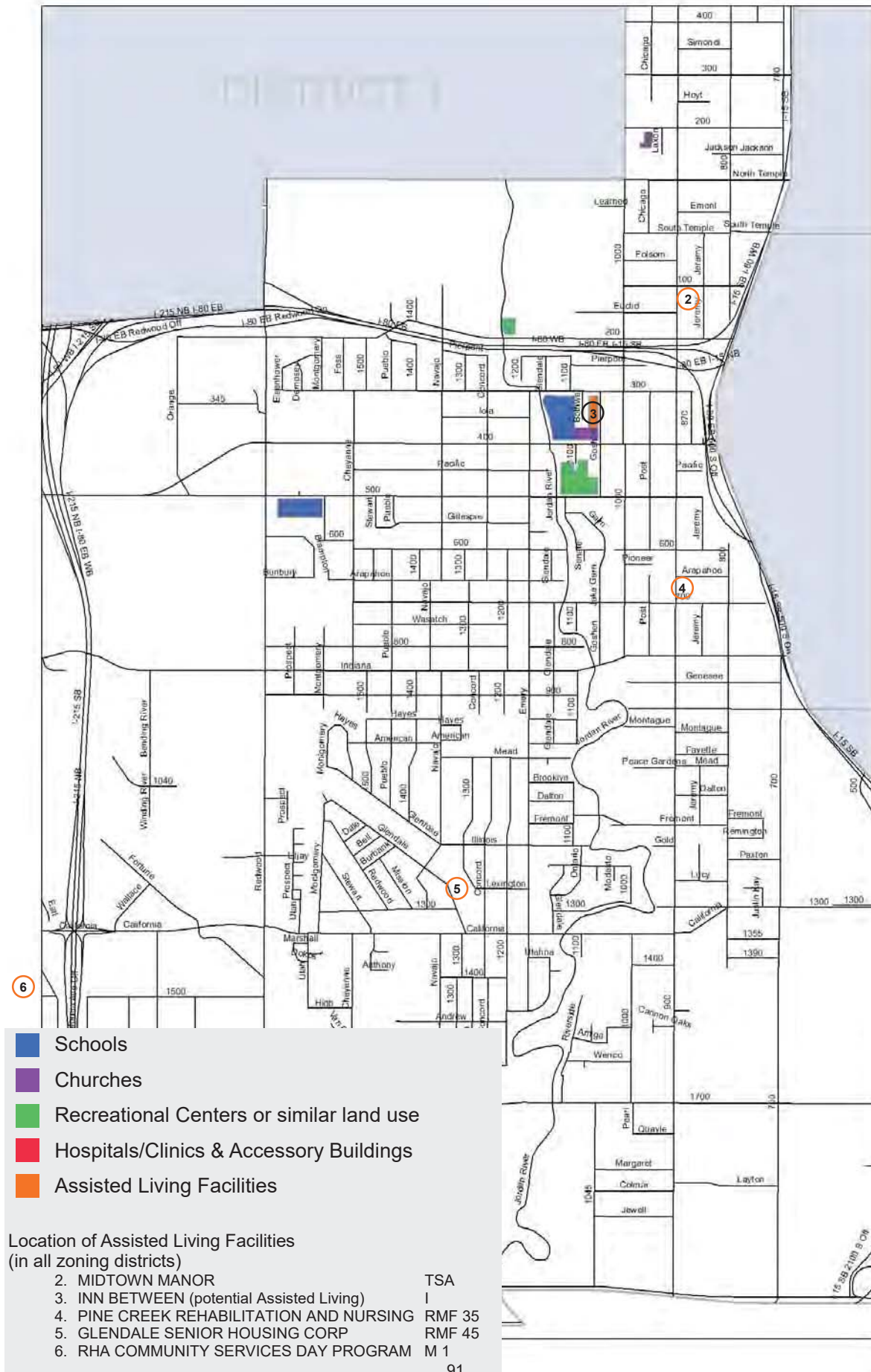
Kim claims they need to expand because their beds are full most nights. No wonder the beds are full most nights if they are going outside the scope of hospice. If they have a bed that isn't occupied by someone terminal, and they get a medical referral for something that isn't life threatening, they're putting that person in the bed to "prove" the demand keeps them at capacity, and taking a bed away from someone terminal that needs it. All that is proving to me is that they DON'T need to expand the HOSPICE. There could never be enough beds for sick homeless, picture the line in front of 4th Street Clinic. All it's proving to me is that the CITY needs to find yet another location, NOT IN A RESIDENTIAL NEIGHBORHOOD, somewhere where it IS ZONED for a shelter, to house the sick homeless. Even if it's only 25 more beds in that school, that is 41. 41 beds is a shelter, plain and simple. How could you even consider NO CAP on that building?

ATTACHMENT F: LAND USE - I & UI ZONING DISTRICTS

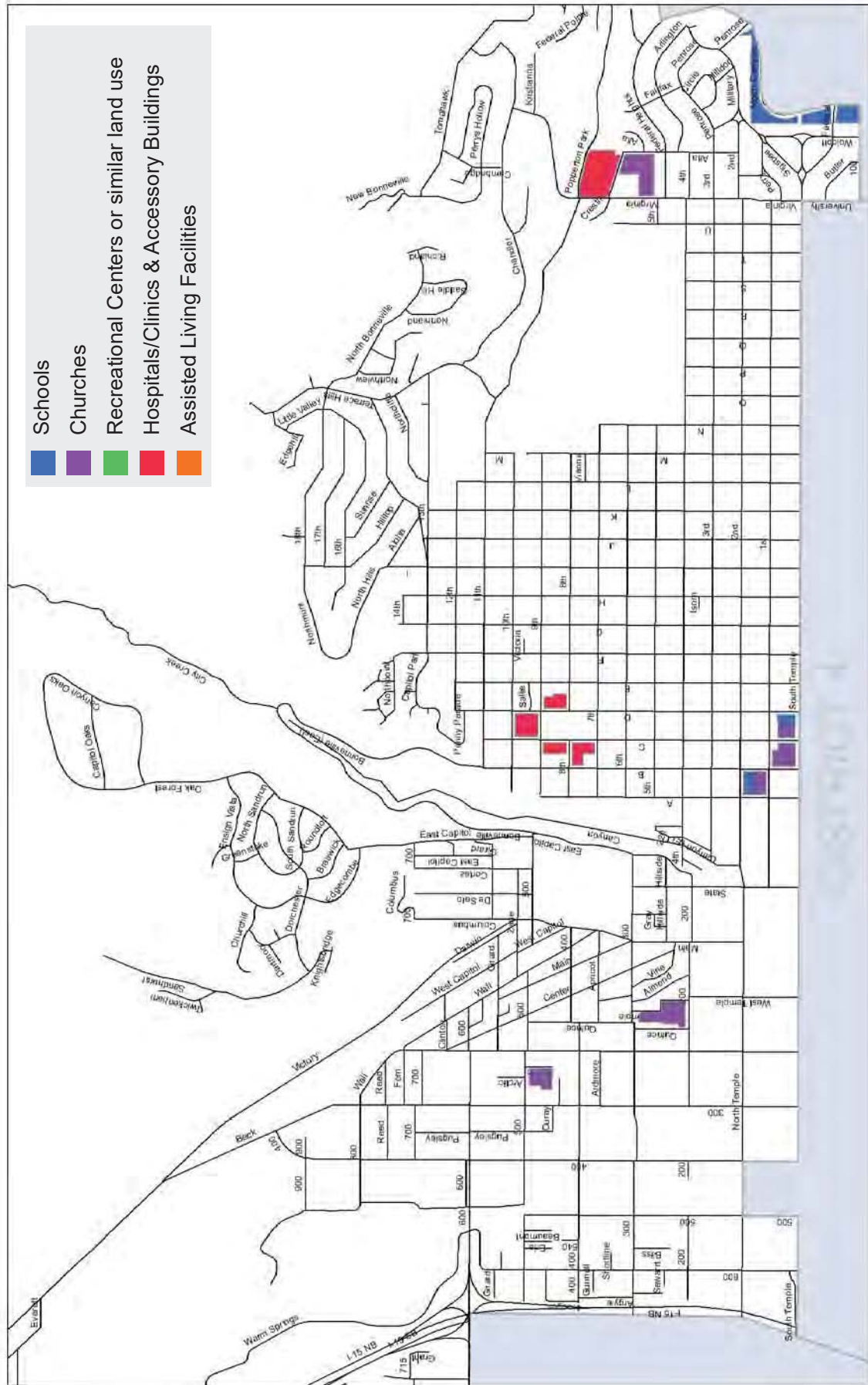
District 1 - Institutional Zoning District



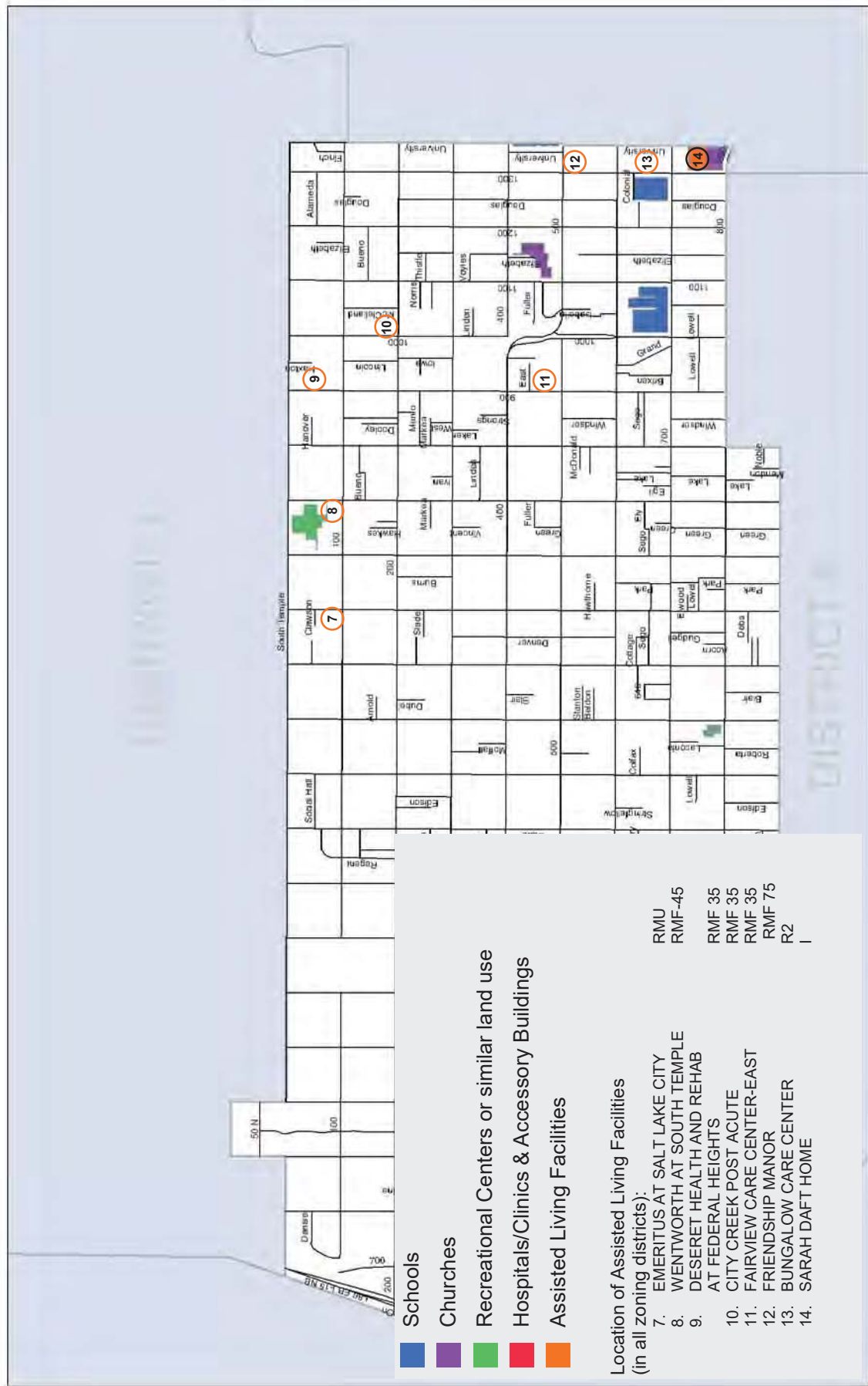
District 2 - Institutional Zoning District



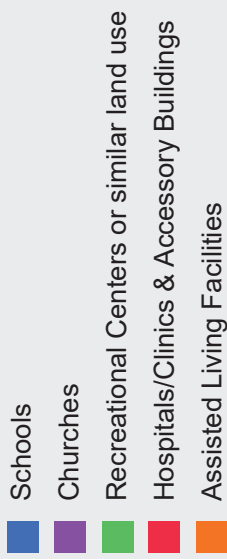
District 3 - Institutional Zoning District



District 4 - Institutional Zoning District



District 5 - Institutional Zoning District

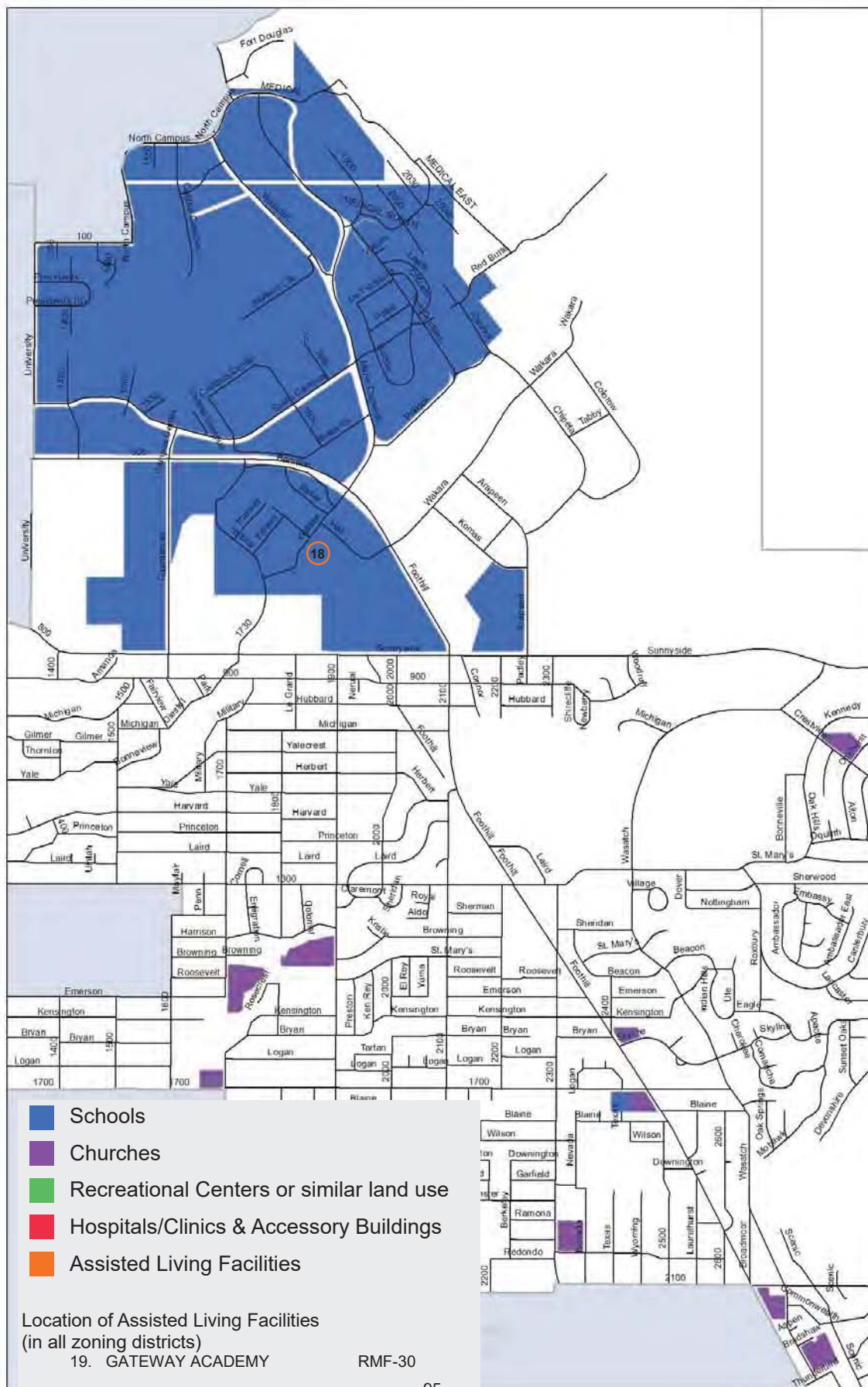


Location of Assisted Living Facilities
(in all zoning districts):

15. HILLSIDE VILLA INC
16. ST JOSEPH SENIOR LIVING
17. DISCOVERY HOUSE OF UTAH



District 6 - Institutional Zoning District



Legend:

- Schools
- Churches
- Recreational Centers or similar land use
- Hospitals/Clinics & Accessory Buildings
- Assisted Living Facilities

Location of Assisted Living Facilities
(in all zoning districts):

19. GATEWAY ACADEMY LLC

RMF 30

ATTACHMENT G: JOINT STATEMENT OF HUD AND THE DEPARTMENT OF JUSTICE



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**



**U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION**

*Washington, D.C.
November 10, 2016*

**JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND THE DEPARTMENT OF JUSTICE**

**STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION
OF THE FAIR HOUSING ACT**

INTRODUCTION

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the Federal Fair Housing Act (“the Act”),¹ which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.² The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act’s requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ’s and HUD’s Joint

¹ The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

² The Act uses the term “handicap” instead of “disability.” Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act’s requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD’s and DOJ’s enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act (“ADA”),³ Section 504 of the Rehabilitation Act of 1973 (“Section 504”),⁴ and Title VI of the Civil Rights Act of 1964.⁵ In addition, the Joint Statement does not address a state or local government’s duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning

1. How does the Fair Housing Act apply to state and local land use and zoning?

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

is drawn almost verbatim “from the definition of ‘handicap’ contained in the Fair Housing Amendments Act of 1988”). This document uses the term “disability,” which is more generally accepted.

³ 42 U.S.C. §12132.

⁴ 29 U.S.C. § 794.

⁵ 42 U.S.C. § 2000d.

2. What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the “impact” of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the “historical background” of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the “specific sequence of events,” such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the “normal procedural sequence,” such as whether a municipality deviated from normal application or zoning requirements; (5) “substantive departures,” such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the “legislative or administrative history,” such as any statements by members of the state or local decision-making body.⁶

4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*⁷ The Court stated that “[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.”⁸

⁶ *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).

⁷ ___ U.S. ___, 135 S. Ct. 2507 (2015).

⁸ *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R. § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

6. Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the “housing for older persons” exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

**Questions and Answers on the Fair Housing Act and
Local Land Use and Zoning Regulation of Group Homes**

7. Who qualifies as a person with a disability under the Fair Housing Act?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term “major life activity” includes activities such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

8. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

9. In what ways does the Fair Housing Act apply to group homes?

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

10. What is a reasonable accommodation under the Fair Housing Act?

The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

11. Does the Fair Housing Act protect persons with disabilities who pose a “direct threat” to others?

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual’s recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual’s tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.⁹

14. How does the Supreme Court's ruling in *Olmstead* apply to the Fair Housing Act?

In *Olmstead v. L.C.*,¹⁰ the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

⁹ Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

¹⁰ 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A “spacing” or “dispersal” requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction’s intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction’s stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

16. Can a state or local government impose health and safety regulations on group home operators?

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

Questions and Answers on the Fair Housing Act and Reasonable Accommodation Requests to Local Zoning and Land Use Laws

20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

22. What is the procedure for requesting a reasonable accommodation?

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

24. What if a local government fails to act promptly on a reasonable accommodation request?

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

**Questions and Answers on Fair Housing Act Enforcement of
Complaints Involving Land Use and Zoning**

26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

27. How can I find more information?

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.
- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf.

For more information on state and local governments' obligations under Section 504:

- HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504.

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, www.ADA.gov, or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, *available at* http://www.ada.gov/olmstead/q&a_olmstead.htm.
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* <https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf>.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* <http://www.hud.gov/offices/fheo/images/fhpg.pdf>.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf>.

ATTACHMENT H: LAND USES LISTED ON THE DEFINITION OF "ELEEMOSYNARY" (PROPOSED CONGREGATE CARE FACILITY)

Places of Worship: A church, synagogue, temple, mosque or other place of religious worship, including any accessory use or structure used for religious worship.

Social and Community Services Organizations: An establishment that provides social services other than on site housing facilities.

Current definition for Homeless Shelters: A building or portion thereof in which sleeping accommodations are provided on an emergency basis for the temporarily homeless.

Proposed definition for Homeless Shelter: A building or portion thereof in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness. Any homeless shelter that began operation on or before January 1, 2016, may operate year round in accordance with section 10-9a-526 of Utah Code.

Proposed definition for Homeless Resource Center: A building or portion thereof in which co-located supportive services such as sleeping, bathing, eating, laundry facilities, and housing case management is provided on an emergency basis for individuals experiencing homelessness. Additional services may include preparation and distribution of food; medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and vocational training.

Community Dining Halls: A sit down dining facility operated by a nonprofit organization to feed, without charge, the needy and the homeless.

Group Home Dwellings: A residential treatment facility, a (large) occupied by seven or more individuals and a (small) occupied by two to six individuals, licensed by the state of Utah under title 62A, chapter 2 of the Utah code or its successor that provides a twenty four (24) hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in title 62A, chapter 2 of the Utah code or its successor, or a residential support dwelling as defined in this chapter.

Residential Support Dwellings: A residential facility, (large) occupied by seven or more unrelated individuals, (small) occupied by up to six unrelated individuals licensed by the state of Utah under title 62A, chapter 2 of the Utah code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

ATTACHMENT I: ELEEMOSYNARY (PROPOSED CONGREGATE CARE) FACILITIES IN SALT LAKE CITY

The following are some eleemosynary facilities in existence throughout the city:

Fisher House

690 South Valdez Dr.

Institutional Zoning District

A free place to stay for patients while receiving medical treatment at the VA Medical Center and their family. The facility consists of 20 suites, each with a private bedroom and bath.

Patient and Family Housing (U of U Medical Facilities and Huntsman Center)

2080 West North Temple

TSA-MUEC-T Zoning District

A place to stay for patients and their loved ones while receiving medical treatment in the hospital. The facility consists of 44 rooms, 27 with kitchenettes.

Ronald McDonald House Charities

935 E South Temple

RMF-35 Zoning District

A place to stay for children while receiving treatment at area hospitals and their family. The facility consists of sixty seven rooms.

Hope Lodge

375 East 100 South

R-MU Zoning District

A place to stay for cancer patients while receiving medical treatment and their caregivers. The facility consists of 40 suites.

Healing Homes

418 B Street, 253 8th Avenue, and 257 8th Avenue

SR-1A

A place to stay for patients undergoing blood and bone marrow transplant/acute leukemia treatment and their family at LDS Hospital. The facility consists of three homes.