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## MEMORANDUM

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**DATE:** January 23, 2009

**TO:** Council Members

**FROM:** Janice Jardine  
Land Use Policy Analyst

**SUBJECT:** Petition PLNPCM2008-00641 - Zoning Text Amendment Community Correctional Facilities (Halfway Homes) General Commercial CG and Light Manufacturing M-1 Zoning Districts

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### POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending Title 21A, Zoning to allow Community Correctional Facilities as a conditional use in General Commercial CG and Light Manufacturing M-1 zoning districts and establish additional standards and approval criteria for such uses. **{Specify Planning Commission version (A) or version with suggestions from Council Members version (B)}**
  2. ["I move that the Council"] Not adopt an ordinance amending Title 21A, Zoning, to allow Community Correctional Facilities as a conditional use in General Commercial CG and Light Manufacturing M-1 zoning districts and establish additional standards and approval criteria for such uses.
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- A. On February 3<sup>rd</sup>, the Council held a public hearing and continued action to a future Council meeting.
  - B. The ordinance establishing temporary zoning regulations relating to this issue will expire on February 18, 2009.
  - C. The attorney representing Community Education Center, Inc. has submitted additional changes based on their review of the updated ordinance language. Please see the attached document for details.
  - D. A new ordinance has been prepared based on the Council's Work Session discussion and issues that have been raised by Council Members. (**Version B**) The changes are intended to provide additional clarity relating to:
    - The people to be served in such facilities and establishing a maximum length of time residents may stay in the facility.
    - The requirements for the proposed program, operations, management and security plans and how any mitigation strategies (required as part of the conditional use approval) are performing.

PROPOSED CHANGES SUBMITTED BY COMMUNITY EDUCATION CENTER, INC.  
2.13.09

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transition to independent living. Incarcerated residents placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution shall remain ancillary, less than twenty-five percent of the facilities resident population.

unless otherwise allowed pursuant to the facility's license or contract with the State

b) Community correctional facilities are for temporary occupancy. Incarcerated residents shall not reside for a period greater than six months. Transitional residents shall not reside for a period greater than eighteen months.

transitional

**"Community Correctional Facility"** means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.

SECTION 6. Amending text of Salt Lake City Code section 21A.62.040. That section

21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include

a definition of "Jail", to be inserted in alphabetical order, which definition shall read as follows:

**"Jail"** means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include ~~halfway homes~~ community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(An Ordinance Amending Provisions of Title 21A (Zoning) of the  
*Salt Lake City Code* Pertaining to Community Correctional Facilities)

An ordinance amending provisions of Title 21A (Zoning) of the *Salt Lake City Code* pertaining to Community Correctional Facilities pursuant to petition no. PLNPCM2008-00641.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held a public hearing on November 12, 2008 to consider a request made by the Salt Lake City Council ("City Council") (petition no. PLNPCM2008-00641) to amend the text of Title 21A (Zoning) of the *Salt Lake City Code* to omit the term "Halfway Home" and to replace that term with "Community Correctional Facility" and to revise the requirements and standards associated with such use; and

WHEREAS, at its November 12, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City's best interests,

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

SECTION 1. Amending text of Salt Lake City Code section 21A.36.110. That section 21A.36.110 of the Salt Lake City Code (Halfway Homes), shall be, and hereby is, amended to read as follows:

~~21A.36.110 Halfway Homes:~~

~~A "halfway home", as either a principal or accessory use, as defined in part VI, chapter 21A.62 of this title, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the CG district provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part, all other requirements of this title, and provided:~~

~~A. No halfway home shall be located within eight hundred feet (800') of another halfway home, residential substance abuse treatment home, transitional victim home or transitional treatment home.~~

#### **21A.36.110 Community Correctional Facility**

**A. Purpose Statement:** The purpose of this section is to permit the establishment of a Community Correctional Facility as defined in chapter 21A.62 of this title, subject to the provisions of this section that provide a community involvement process, comply to site selection criteria and address health and safety of the community including neighboring properties and facility residents.

**B. State License and City Registration Required:** No Community Correctional Facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without Salt Lake City licensing as a Community Corrections Facility. For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility. If the facility is not licensed by the State, the applicant must provide a detailed description of the operations of the facility, with the amount of information and clarity of information satisfactory to Planning Director, which clearly indicate that the facility will operate as a Community Correctional Facility; as defined in chapter 21A.62.

**C. Small Community Correctional Facility Authorized as Conditional Uses:** A small Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to sections 21A.26.080 and 21A.28.040 of this title.

**D. Large Community Correctional Facility:** A large Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to section 21A.28.040 of this title.

**E. Community Correctional Facility - Authorized as Conditional Uses:** Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, C, E and F of this section, and pursuant to sections 21A.26.080 and 21A.28.040 of this title provided:

1. **Site Selection Standards.**

- a. A small community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- b. A large community correctional facility shall only be located within an M-1 Light Industrial Zoning District and be located west of Interstate 215. A large community correctional facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- c. Each community correctional facility shall be on its own lot or lots and shall not be closer than one half mile (1/2 mile) from any other community correctional facility.
- d. No community correctional facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's day care center as a principal not ancillary or accessory use, publicly owned playground or park, measured in a straight line from the subject property line. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.

2. **Site Design Standards.** The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided. Additional setbacks and buffer areas may be established by the Planning Commission to mitigate any determined potential impacts. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks. Any required fencing or walls as a condition of approval must be non-climbable fencing or walls of a design approved as part of the conditional use approval.

**F. Conditions of Approval.** An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds for revocation, suspension or modification of the conditions or the approval by the Planning Commission.

Following the Planning Commission approval of a community correctional facility, the applicant shall submit to the Planning Director a written report every twelve (12) months. The report shall describe the community correctional facility's operation, specifically detailing complaints and problem areas, strategies to address problem areas, successes, challenges and any anticipated changes in operations.

**G. Authority To Modify Regulations:** In approving any community correctional facility, the planning commission may change, alter, modify or waive any provisions of Section 21A.36.110 as they apply to the proposed development. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development:

1. Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correctional facility may be approved pursuant to this section.

SECTION 2. Amending text of Salt Lake City Code section 21A.26.080. That the table, titled "Table of Permitted and Conditional Uses For Commercial Districts", which is located at section 21A.26.080 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of "Community Correctional Facility, Large" and "Community Correctional Facility, Small" to be listed alphabetically under the category of "Residential" uses in that table, with a corresponding qualifying provision such that the inserted provisions shall appear and read as follows:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use							
USE	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	TC-75
<b>Community Correctional Facility, Large</b> (see section 21A.36.110 of this title)							
<b>Community Correctional Facility, Small</b> (see section 21A.36.110 of this title)						C <sup>1</sup> <sub>tbl</sub>	
Halfway-homes (see section 21A.36.110 of this title)						€	

Qualifying Provisions: <sup>1</sup> 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 section 21A.34 of this title.

SECTION 3. Amending text of Salt Lake City Code section 21A.28.040. That the table, titled "Table of Permitted and Conditional Uses For Manufacturing Districts", which is located at section 21A.28.040 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of "Community Correctional Facility, Large" and "Community Correctional Facility, Small", which categories shall be listed alphabetically under the category of



“Residential” uses in that table, with a corresponding qualifying provision such that the inserted provisions shall appear and read as follows:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
Use	M-1	M-2
Institutional Uses (Sites < 2 Acres)		
<b>Community Correctional Facility, Large</b> (see section 21A.36.110 of this title)	C*	
<b>Community Correctional Facility, Small</b> (see section 21A.36.110 of this title)	C*	

Qualifying Provisions: \* 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 section 21A.34 of this title.

SECTION 4. Amending text of Salt Lake City Code section 21A.62.020. That section 21A.62.020 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to remove from that section the definition of “halfway home”.

SECTION 5. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of “Community Correctional Facility”, to be inserted in alphabetical order, which definition shall read as follows:

**“Community Correctional Facility”** means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of

offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.

SECTION 6. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of "Jail", to be inserted in alphabetical order, which definition shall read as follows:

**"Jail"** means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include ~~halfway homes~~ community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.

SECTION 7. Amending text of Salt Lake City Code section 21A.31.050. That the table, titled "Table of Permitted and Conditional Uses In The Gateway District", which is located at section 21A.31.050 of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the use category of "Halfway homes".

SECTION 8. Amending text of Salt Lake City Code section 21A.36.080. That section 21A.36.080 of the Salt Lake City Code (Transitional Victim Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.
- C. **Small Transitional Victim Homes:** Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU and RO districts provided:



1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home or halfway home.
2. Small transitional victim homes established in RO districts shall be located above the ground floor.

**D. Small Transitional Victim Homes - Authorized As Conditional Uses:** Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home or halfway home.

**E. Large Transitional Victim Home: Authorized As Conditional Uses:** Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, transitional treatment home or community correctional facility halfway home; and
2. Large transitional victim homes established in RO districts shall be located above the ground floor.

SECTION 9. Amending text of Salt Lake City Code section 21A.36.090. That section 21A.36.090 of the Salt Lake City Code (Transitional Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional treatment homes for "persons with disabilities" as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.

C. **Small Transitional Treatment Homes- Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility halfway home; and
2. A small transitional treatment home established in the RO district shall be located above the ground floor.

D. **Large Transitional Treatment Homes- Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility halfway home; and
2. A large transitional treatment home established in the RO district shall be located above the ground floor.

SECTION 10. Amending text of Salt Lake City Code section 21A.36.100. That section 21A.36.100 of the Salt Lake City Code (Residential Substance Abuse Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.
- C. **Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:** Small residential substance abuse treatment homes shall be

permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU and RO districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or transitional treatment home ~~or halfway home~~; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

**D. Small Residential Substance Abuse Treatment Homes - Authorized As**

**Conditional Uses:** Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility ~~halfway home~~.

**E. Large Residential Substance Abuse Treatment Homes- Authorized As**

**Conditional Uses:** Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility ~~halfway home~~; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

SECTION 11. Amending text of Salt Lake City Code section 21A.44.060F. That the table, titled "SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS", which is located at section 21A.44.060F of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the term "halfway house" and replace it with "Community

Correctional Facility” such that only the amended provision of such table shall appear and read as follows:

<b>Table 21A.44.060F</b> <b>SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS</b>	
Each principal building or use shall have the following minimum number of parking spaces:	
Transitional treatment home/ <del>halfway house</del> or Community Correctional Facility	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the most busy shift

SECTION 12. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

HB\_ATT#6347-v1-Ordinance\_-\_Community\_Correctional\_Facilities

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2009

(An Ordinance Amending Provisions of Title 21A (Zoning) of the  
*Salt Lake City Code* Pertaining to Community Correctional Facilities)

An ordinance amending provisions of Title 21A (Zoning) of the *Salt Lake City Code* pertaining to Community Correctional Facilities pursuant to petition no. PLNPCM2008-00641.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held a public hearing on November 12, 2008 to consider a request made by the Salt Lake City Council ("City Council") (petition no. PLNPCM2008-00641) to amend the text of Title 21A (Zoning) of the *Salt Lake City Code* to omit the term "Halfway Home" and to replace that term with "Community Correctional Facility" and to revise the requirements and standards associated with such use; and

WHEREAS, at its November 12, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City's best interests,

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

SECTION 1. Amending text of Salt Lake City Code section 21A.36.110. That section 21A.36.110 of the Salt Lake City Code (Halfway Homes), shall be, and hereby is, amended to read as follows:

21A.36.110 Halfway Homes:

~~A "halfway home", as either a principal or accessory use, as defined in part VI, chapter 21A.62 of this title, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the CG district provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part, all other requirements of this title, and provided:~~



A. ~~No halfway home shall be located within eight hundred feet (800') of another halfway home, residential substance abuse treatment home, transitional victim home or transitional treatment home.~~

**21A.36.110 Community Correctional Facility**

**A. Purpose Statement.** The purpose of this section is to permit the establishment of a Community Correctional Facility as defined in chapter 21A.62 of this title, subject to the provisions of this section that provide a community involvement process and a site selection criteria to address health and safety of the community including neighboring properties and facility residents.

**B. State and City Licensing.** No Community Correctional Facility shall be established, operated or maintained within the City without a valid license or operating contract issued by the Utah State Division of Licensing or Department of Corrections or other appropriate State agency, and without obtaining a Salt Lake City business license For types of uses that do not require a State license, the applicant shall provide evidence from the State of Utah indicating that the State does not require a license for the particular facility.

**C. Small Community Correctional Facility Authorized as Conditional Uses.** A Small Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to sections 21A.26.080 and 21A.28.040 of this title.

**D. Large Community Correctional Facility.** A large Community Correctional Facility means a Community Correctional Facility as defined in chapter 21A.62 of this title that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to section 21A.28.040 of this title.

**E. Community Correctional Facility - Authorized as Conditional Uses.** Community Correctional Facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, C, E and F of this section, and pursuant to sections 21A.26.080 and 21A.28.040 of this title, subject to the following requirements and provisions:

- 1) **Program Description Required.** The applicant must provide a detailed description of the treatment program, operations, management and security plans of the facility, with the amount of information satisfactory to the Planning

Director, which clearly indicate that the facility will operate as a Community Correctional Facility as defined in chapter 21A.62 and consistent with the purpose statement in Sec. 21A.36.110 of this section.

2) **Site Selection Standards.**

- a) A small Community Correctional Facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- b) A large Community Correctional Facility shall only be located within an M-1 Light Industrial Zoning District and be located west of Interstate 215. A large Community Correctional Facility shall not be located within one half mile (1/2 mile) of any residential zoning district boundary.
- c) Each Community Correctional Facility shall not be closer than one half mile (1/2 mile) from any other Community Correctional Facility.
- d) No Community Correctional Facility shall be located within one half mile (1/2 mile) of any public or private K-12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's day care center as a principal not ancillary or accessory use, publicly owned playground or park. The establishment of such land uses within the specified spacing criteria after the occupancy of a Community Correctional Facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.
- e) Spacing requirements are measured in a straight line at the closest point from property line to property line.

3) **Site Design Standards.** The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided. Additional setbacks and buffer areas may be established by the Planning Commission to mitigate any determined potential impacts. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks. Any required fencing or walls as a condition of approval must be non-climbable fencing or walls of a design approved as part of the conditional use approval.

4) **Operational Limits.**

- a) A Community Correctional Facility may provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment as such ancillary, temporary occupancy is described in section 21A.62.040 of this title. A Community Correctional Facility's ancillary population shall remain less than twenty-five percent of the facility's entire resident population.
- b) Community Correctional Facilities are for temporary occupancy. Residents shall not reside for a period greater than eighteen months, excluding ancillary residents who shall not reside for a period greater than six months.

F. Conditions of Approval. An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds

for revocation, suspension or modification of the conditions or the approval by the Planning Commission.

Following the Planning Commission approval of a conditional use for a Community Correctional Facility, the applicant shall submit to the Planning Director the most current operational and incident reports submitted to the State Department of Corrections every twelve (12) months. In addition to the State reports the applicant shall describe the effectiveness of any impact mitigation strategies required as part of the conditional use approval.

**G. Authority To Modify Regulations.** In approving any community correctional facility, the planning commission may change, alter, modify or waive any provisions of Section 21A.36.110 as they apply to the proposed development. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development:

1. Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correctional facility may be approved pursuant to this section.

SECTION 2. Amending text of Salt Lake City Code section 21A.26.080. That the table, titled "Table of Permitted and Conditional Uses For Commercial Districts", which is located at section 21A.26.080 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of "Community Correctional Facility, Large" and "Community Correctional Facility, Small" to be listed alphabetically under the category of "Residential" uses in that table, with a corresponding qualifying provision such that the inserted provisions shall appear and read as follows:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use							
USE	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	TC-75
Community Correctional Facility, Large (see section 21A.36.110 of this title)							
Community Correctional Facility, Small (see section 21A.36.110 of this title)						C*	
Halfway homes (see section 21A.36.110 of						€	

this title)							
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Qualifying Provisions: \* 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 section 21A.34 of this title.

SECTION 3. Amending text of Salt Lake City Code section 21A.28.040. That the table, titled "Table of Permitted and Conditional Uses For Manufacturing Districts", which is located at section 21A.28.040 of the Salt Lake City Code, shall be, and hereby is, amended to add to that table the categories of "Community Correctional Facility, Large" and "Community Correctional Facility, Small", which categories shall be listed alphabetically under the category of "Institutional" uses in that table, with a corresponding qualifying provision such that the inserted provisions shall appear and read as follows:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
Use	M-1	M-2
Institutional Uses (Sites < 2 Acres)		
<b>Community Correctional Facility, Large</b> (see section 21A.36.110 of this title)	<b>C*</b>	
<b>Community Correctional Facility, Small</b> (see section 21A.36.110 of this title)	<b>C*</b>	

Qualifying Provisions: \* 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 section 21A.34 of this title.

SECTION 4. Amending text of Salt Lake City Code section 21A.62.020. That section 21A.62.020 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to remove from that section the definition of "halfway home".

SECTION 5. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include

a definition of "Community Correctional Facility", to be inserted in alphabetical order, which definition shall read as follows:

"Community Correctional Facility" means an institutional facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, 24-hour supervision and confinement for youth offenders committed to the Division for custody and rehabilitation, or services for parole violating offenders and/or non compliant probationers.

SECTION 6. Amending text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the Salt Lake City Code (Definitions), shall be, and hereby is, amended to include a definition of "Jail", to be inserted in alphabetical order, which definition shall read as follows:

"Jail" means a place for lawful confinement of persons. For the purpose of this title, a jail shall not include ~~halfway homes~~ community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under 24-hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.

SECTION 7. Amending text of Salt Lake City Code section 21A.31.050. That the table, titled "Table of Permitted and Conditional Uses In The Gateway District", which is located at section 21A.31.050 of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the use category of "Halfway homes".



SECTION 8. Amending text of Salt Lake City Code section 21A.36.080. That section 21A.36.080 of the Salt Lake City Code (Transitional Victim Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.
- C. **Small Transitional Victim Homes: Authorized As Permitted Uses:** Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU and RO districts provided:
  - 1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home ~~or halfway home~~.
  - 2. Small transitional victim homes established in RO districts shall be located above the ground floor.
- D. **Small Transitional Victim Homes - Authorized As Conditional Uses:** Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:
  - 1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, or transitional treatment home ~~or halfway home~~.
- E. **Large Transitional Victim Home: Authorized As Conditional Uses:** Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:



1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, transitional treatment home or community correctional facility ~~halfway-home~~; and
2. Large transitional victim homes established in RO districts shall be located above the ground floor.

SECTION 9. Amending text of Salt Lake City Code section 21A.36.090. That section 21A.36.090 of the Salt Lake City Code (Transitional Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of transitional treatment homes for "persons with disabilities" as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.
- C. **Small Transitional Treatment Homes- Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:
  1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility ~~halfway-home~~; and
  2. A small transitional treatment home established in the RO district shall be located above the ground floor.
- D. **Large Transitional Treatment Homes- Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:
  1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse

treatment home, transitional victim home or community correctional facility  
~~halfway home~~; and

2. A large transitional treatment home established in the RO district shall be located above the ground floor.

SECTION 10. Amending text of Salt Lake City Code section 21A.36.100. That section 21A.36.100 of the Salt Lake City Code (Residential Substance Abuse Treatment Homes), shall be, and hereby is, amended to read as follows:

- A. **Purpose Statement:** The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in part VI, chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.
- B. **License Required:** No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.
- C. **Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:** Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU and RO districts provided:
  1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, or transitional treatment home or halfway home; and
  2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.
- D. **Small Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:** Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:
  1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility ~~halfway home~~.
- E. **Large Residential Substance Abuse Treatment Homes- Authorized As Conditional Uses:** Large residential substance abuse treatment homes, as either

principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility ~~halfway home~~; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

SECTION 11. Amending text of Salt Lake City Code section 21A.44.060F. That the table, titled "SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS", which is located at section 21A.44.060F of the Salt Lake City Code, shall be, and hereby is, amended to remove from that table the term "halfway house" and replace it with "Community Correctional Facility" such that only the amended provision of such table shall appear and read as follows:

<b>Table 21A.44.060F</b>	
<b>SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS</b>	
Each principal building or use shall have the following minimum number of parking spaces:	
Transitional treatment home/ <del>halfway house</del> or <u>Community Correctional Facility</u>	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the most busy shift

SECTION 12. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2009.

Published: \_\_\_\_\_.

HB\_ATTYY-#6347-v7-Ordinance\_-\_Community\_Correctional\_Facilities

To view the additional information provided at previous Council Meetings please visit [www.slcgov.com/council/agendas](http://www.slcgov.com/council/agendas). Click on the January 27 Item A5 or February 3 Item C1.