

15-4 -8. GROUP CARE FACILITIES.

(A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these Facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the Site can accommodate adequate Off-Street parking; where the Structures are designed to be Compatible with the character of the adjacent neighborhood; and where the type of Use, activities, and services provided by the Group Care Facility are substantially consistent with the activities otherwise permitted in the District.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use permit prior to occupancy. A Business license and Certificate of Occupancy for the Group Care Facility is also required. No Certificate of Occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations.

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed eight (8) at any given time.

Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB Zoning Districts; twelve (12) in the RCO, GC, and LI Zoning Districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two (2) such facilities to be located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial Street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Planning Department shall review all Group Care Facilities Applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed in LMC Chapter 15-1-10, Conditional Use permit review, herein:

(1) Whether the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.

(2) Whether the Group Care Facility has made on-Site accommodations for all parking and circulation requirements.

(3) Whether the architectural design of the facility is Compatible with the character of the adjacent neighborhood.

(4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the district. No Person shall make a Group Care Facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the Property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to Property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled Persons.

(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE**. A notice of any Group Care Facility Conditional Use permit granted by the City, and any conditions imposed upon such facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the Property upon which the Group Care Facility is permitted.

(E) **PROHIBITED**. Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

(Amended by Ord. No. 06-22)