

18.84.370: HEALTH CARE HOUSING PROJECTS (NURSING HOMES AND RESIDENTIAL CARE FACILITIES):

A. Residential Facilities For Elderly Persons: A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings.

1. To operate a residential facility for elderly persons under this section, a permit must first be obtained by the owner, or operator of the facility. To obtain a permit the applicant must establish to the satisfaction of the planning commission that:

a. The facility meets all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;

b. Adequate off street parking space is provided;

c. The facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

d. No residential facility for elderly persons may be established within three-quarter (3/4) mile of another residential facility for elderly persons or residential facility for handicapped persons, as defined by Utah State Code Annotated;

e. No person being treated for alcoholism or drug abuse will be placed in a residential facility for elderly persons; and

f. Placement in a residential facility for elderly persons will be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

2. Upon review of an application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, if the city determines that the residential facility for elderly persons complied with the preceding conditions, it shall grant the requested permit to that facility.

3. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the conditions contained herein.

4. For purposes of this section no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and, placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

a. Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

(1) Conforms to all applicable health, safety, zoning, and building codes.

(2) Is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and

(3) Conforms to the municipality's criteria, adopted by ordinance, governing the location of

residential facilities for elderly persons in area zoned to permit exclusively single-family dwellings.

b. No residential facility for elderly persons may be established within three-quarters (3/4) mile of another existing residential facility for elderly persons or residential facility for handicapped persons, as defined by Utah State Code Annotated.

c. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

5. It shall be unlawful to discriminate against elderly persons and against residential facilities for elderly persons. The decision of a municipality regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

6. The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.

B. Residential Facility For Handicapped Persons: A residential facility for handicapped persons shall be consistent with existing zoning of the desired location.

1. Conditions: A residential facility for handicapped persons shall:

a. Be occupied on a twenty four (24) hour per day basis under the supervision of a house family or manager;

b. Conform to all applicable standards and requirements of the department of human services; and

c. Be operated by or operated under contract with that department.

2. Residential Facility For Handicapped Persons As A Permitted Use: A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed except an area zoned to permit exclusively single-family dwellings.

To obtain a permit for the maintenance or operations of residential facility for handicapped persons, a permit must first be obtained by the owner or operator of the facility. To obtain a permit, the owner or operator must establish, to the satisfaction of the planning commission that:

a. The facility meet all municipal building, safety, and health ordinances applicable to similar dwellings;

b. The operator of the facility provide assurances that the residents of the facility will be properly supervised on a twenty four (24) hour basis;

c. The operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;

d. The operator of the facility provide adequate off street parking space;

e. The facility be capable of use as a residential facility for handicapped persons without

structural or landscaping alterations that would change the structure's residential character;

f. No residential facility for handicapped persons be established or maintained within three-quarters (3/4) mile of another residential facility for handicapped persons;

g. No person being treated for alcoholism or drug abuse be placed in a residential facility for handicapped persons;

h. No person who is violent be placed in a residential facility for handicapped persons; and

i. Placement in a residential facility for handicapped persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility.

3. Granting Permit: If the city determines that the residential facility for handicapped persons is in compliance with these ordinances, the city shall grant the requested permit to that facility.

4. Use Nontransferable: The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or if the structure fails to comply with ordinances adopted under this title, or with applicable health, safety, and building codes.

5. Handicapped Residential Facilities In Areas Zones Exclusively For Single-Family Dwellings: For purposes of this section:

a. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons;

b. No person who is violent may be placed in a residential facility for handicapped persons; and

c. Placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.

6. Conditional Use: Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

a. Conforms to all applicable health, safety, and building codes;

b. Is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character; and

c. Conforms to the city's criteria, governing residential facilities for handicapped persons in areas zoned to permit exclusively single-family dwellings.

7. Distance Requirement: No residential facility for handicapped persons be established or maintained within three-quarters (3/4) mile of another existing residential facility for handicapped persons.

8. Discrimination Prohibited: The city shall prohibit discrimination against handicapped persons. The decision of the city regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on

the handicapping conditions of the facility's residents. (Ord. 2002-05, 3-20-2002)