

CHAPTER 7-17  
RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

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7-17-101. PURPOSES.

The purposes of this Chapter are:

(1) To preserve the rights of persons with a disability to live in the dwelling of their choice, consistent with federal and state law and sound land use management.

(2) To eliminate any differentiation between residential facilities for persons with a disability and other residential uses by regulating all residential uses in the same manner.

(3) To enhance the quality of life for all citizens of West Valley City by protecting residential areas free from industrial or commercial uses, preserving the character and viability of residential neighborhoods, and securing the blessings of quiet seclusion and clean air to promote sanctuaries in which all people may live.

(Ord. No. 97-65 Replaced & Renumbered 12/09/1997)

7-17-102. DEFINITIONS.

For the purposes of this Chapter:

(1) "Disability" has the same definition of "disability" as found in Section 57-21-2, Utah Code Annotated 1953, as amended.

(2) "Residential Facility for Persons With a Disability" means a residence:

(a) In which more than one person with a disability resides; and

(b) Is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated 1953, as amended.

(Ord. No. 97-65 Replaced & Renumbered 12/09/97)

7-17-103. COMPLIANCE WITH APPLICABLE  
ZONING REGULATIONS.

(1) A residential facility used by persons with a disability shall be allowed in all zones that allow residential uses in the City, subject to the provisions of this Section.

(2) Without regard for any purported disability of the potential users of the facility, the proposed land use must be a permitted or conditional use in the zone in which the facility is proposed to be located.

(3) Any building used as a facility must comply with all applicable regulations for the zoning district in which the facility is proposed to be located, and must also comply with applicable uniform codes as adopted by the City or the State of Utah.

(4) If the proposed facility is to be located in a new building constructed for that

purpose, or if an existing building is significantly renovated in order to house a proposed facility, the building shall be constructed or renovated so as to be consistent with the size, shape, design, landscaping, and placement of the residential buildings located in residential zoning districts near the proposed facility.

(5) If consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Act Amendments of 1988, 42 USC Section 3601 et seq., Residential Facilities for Persons with Disabilities may be reasonably dispersed throughout the City.

(6) If consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Act Amendments of 1988, 42 USC Section 3601 et seq., Residential Facilities for Persons with Disabilities that are also substance abuse facilities and are located within 500 feet of a school may be required to provide (in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated, 1953 as amended):

- (a) 24 hour supervision for residents; and
- (b) other 24 hour security measures.

(Ord. No. 97-65 Replaced & Renumbered 12/09/97; Ord. No. 01-40 Amended 06/21/2001;)