

16-08-060 Municipal Ordinances Governing Handicapped Residential Facilities.

1. Each county shall adopt ordinances that establish that a residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned exclusively single-family dwellings.
2. The ordinances shall establish a permit process that may require only that:
 - a. The facility meet all applicable building, safety, zoning, 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 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 within three-quarters 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.