

## **10-8-6: RESIDENTIAL FACILITIES FOR ELDERLY OR HANDICAPPED:**

- A. No residential facility for the elderly or handicapped may be established unless:
1. It is in an existing building and a low impact permit has been issued; or
  2. It is in a proposed building, minor or major development review and approval of a final site plan has occurred and building permit has been issued; or
  3. If a conditional use permit is required within the applicable zoning district, a conditional use permit has been issued.
- B. No residential facility for elderly or handicapped persons shall be constructed or operated unless in compliance with the following standards:
1. The facility meets all requirements of this title and other building, safety and health ordinances applicable to similar dwellings;
  2. The operator of the facility provides assurances that residents of the facility will be properly supervised. Said supervision may vary depending on the specific nature of the facility;
  3. Adequate off street parking space has been provided in accordance with the provisions of this title;
  4. The facility is capable of use as a residential facility for elderly or handicapped persons without structural or landscaping alterations that would change the structure's residential character;
  5. The facility is not located within three-fourths (3/4) mile of another residential facility for elderly persons or residential facility for handicapped persons;
  6. No person being treated for alcoholism or drug abuse will be placed in the residential facility for elderly persons; and
  7. Placement in a residential facility for elderly persons is on a strictly voluntary basis and is not part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility.
- C. The use granted and permitted by this section is nontransferable and terminates if the structure devolves to a use other than a residential facility for elderly persons or if the structure fails to comply with the standards established herein.
- D. Discrimination against elderly persons and against residential facilities for elderly persons is hereby prohibited. A decision regarding an application for a permit by a residential facility for elderly persons shall be based on the criteria set forth herein, and shall not be based on the age of the facility's residents.
- E. The provisions of this section shall not apply if the proposed use constitutes a "single-family dwelling" and is occupied by one

family, as defined in [appendix A](#) of this title. (Ord. 323, 3-9-1998)