

Chapter 16.21 SUPPLEMENTARY DEVELOPMENT STANDARDS.

Section 16.21.17 Uses For The Elderly And Persons With Disabilities.

(1) Residential Facility For Elderly Persons. A residential dwelling unit that offers primary care to a limited number of non-related elderly persons may be permitted in any residential zone except exclusively single-family zones, which such use will be allowed as a conditional use. A residential facility for elderly persons may not operate as a business, and may not be considered a business because a reasonable fee is charged for food or for actual and necessary costs of operation and maintenance of the facility. Residential facilities for elderly persons shall comply with the following requirements:

- (a) The residential facility shall be owned by one (1) of the residents or by an immediate family member of one (1) of the residents or, by a charitable, or beneficial organization or be a facility for which the title has been placed in trust for a resident;
- (b) Shall be consistent with existing zoning of the desired location;
- (c) Shall be occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement;
- (d) Shall meet all applicable building, safety, Land Use and health regulations applicable to similar dwellings;
- (e) Shall provide adequate off-street parking space so that residents and visitors will not be allowed to park on the street overnight;
- (f) Shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- (g) No residential facility for elderly persons shall be established within one (1) mile of another residential facility for elderly persons or residential facility for persons with disabilities, as defined by the Utah State Code and the American with Disabilities Act;
- (h) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and
- (i) Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(2) Residential Facility For Persons With Disabilities. A residential facility for persons with disabilities shall be consistent with all applicable Federal and State Laws, and the existing zoning of the desired location, and shall:

- (a) Be occupied on a twenty four (24) hour-per-day basis by eight (8) or fewer persons with disabilities, in a family type arrangement under the supervision of a house family or manager;
- (b) Conform to all applicable standards and requirements of the Department of Human Services;
- (c) Be operated by or operated under contract with that department;
- (d) Meet all county building, safety, and health ordinances applicable to similar dwellings;
- (e) Provide assurances that the residents of the facility will be properly supervised on a twenty four (24) hour basis;
- (f) Establish a County Advisory Committee through which all complaints and concerns of neighbors may be addressed;
- (g) Provide adequate off-street parking space, as required under this Title, See Chapter 16.20, General Parking Standards - Parking Matrix;
- (h) Be capable of use as a residential facility for persons with disabilities, without structural or landscaping alterations that would change the structure's residential character;
- (i) Not be established or maintained within one (1) mile of another residential facility for the elderly or persons with disabilities;
- (j) Not allow treatment for alcoholism or drug abuse to be performed on the premises of a residential facility for persons with disabilities. This shall not preclude the residence from being used for temporary housing for persons who are being treated for such disabilities on an outpatient

basis at an approved facility for such treatment;

(k) Not allow a person who is violent to be placed in a residential facility for persons with disabilities; and

(l) Require that placement in a residential facility for persons with disabilities be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(2005-18, Amended, 03/09/2006, [Prior Text](#))