

## 10-13-21: RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY:

A. Conditions For Permit Issuance: The county building department shall grant a permit for the establishment of a residential facility for persons with a disability in any zoning area where residential dwellings are allowed if the applicant certifies compliance with subsections A1, A2 and A3 of this section, and the county building department finds the applicant in compliance with subsections A4, A5 and A6 of this section as follows:

1. The residence conforms to all applicable standards and requirements of the state department of human services and, if applicable, the state department of health.
2. No individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others will be a resident.
3. If the residence is a substance abuse facility located within five hundred feet (500') of a school, the residence provides in accordance with rules established by the department of human services:
  - a. A security plan satisfactory to local law enforcement authorities;
  - b. Twenty four (24) hour supervision of residents; and
  - c. Other twenty four (24) hour security measures.
4. The residence conforms to all state and local building, safety, health and zoning requirements applicable to structures that are not residential facilities for persons with a disability, including the number of unrelated persons allowed in a dwelling in the zone where the residence is located.
5. The residence is of a size, scale and design such that it is in harmony with other residential uses in the vicinity. A residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from the zone.
6. The residence is not located closer than one thousand three hundred twenty feet (1,320') (1/4 mile) to any other residential facility for persons with a disability <sup>1</sup>.

B. Transferability; Termination Of Permit: Any permit issued pursuant to this section shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential facility for persons with a disability or the structure fails to comply with all building, safety, health and zoning requirements of the county applicable to similar structures. (Ord. 2006-914-O, 7-18-2006)