

## **10-13-22: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS:**

- A. The building department shall grant a permit for the establishment of a residential facility for elderly persons in any zoned area where residential dwellings are permitted, subject to meeting all of the following requirements:
1. The facility must be owned by one of the residents, or be a facility for which the title has been placed in trust for a resident.
  2. The residence conforms to all applicable standards and requirements of the state department of human services, and if applicable, the state department of health.
  3. The residence conforms to all state and local building, safety, health and zoning requirements applicable to similar structures.
  4. The residence is of a size, scale and design such that it is in harmony with other residential uses in the vicinity.
  5. There shall be no structural or landscaping requirements that would change the structure's residential character.
  6. There must be adequate off street parking.
  7. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons.
  8. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
  9. A residential facility for elderly persons may not operate as a business.
  10. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.
  11. A residential facility must be occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.
- B. 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 the elderly, or the structure fails to comply with all building, safety, health and zoning requirements applicable to similar structures.
- C. No facility for the elderly may be located within three-fourths (3/4) of a mile (3,960 feet) from any other residential facility for elderly persons or for persons with a disability. (Ord. 2005-888-O, 9-20-2005; amd. Ord. 2006-914-O, 7-18-2006)