

Chapter 12-30 GROUP HOMES; OTHER FACILITIES

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12-30-101. Residential Facilities For Persons With A Disability.

- (a) Applicability: This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this title, and the definition of a disabled person as set forth in this title. The requirements of this section shall govern the same notwithstanding any other provisions of this code.
- (b) Purpose: The purposes of this section are:
 - (1) To comply with title 10, chapter 9a, sections 516 and 520, Utah Code Annotated, 1953, as amended;¹ and
 - (2) To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Amendments Act as interpreted by the courts having jurisdiction over the City.
- (c) Permitted Use: A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:
 - (1) The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency. The facility shall also comply with the city's land use provisions applicable to single-family dwellings for the zone in which it is to be located, except as may be modified by the provisions of this chapter.
 - (2) The following site development standards and parking standards shall be applicable:
 - (A) Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and

¹ Acknowledging licensing responsibilities of the Utah Department of Human Services for people with disabilities (UCA §62A-5-101, *et seq.*) and the Utah Department of Health for health care facility licensing (UCA §26-21-1, *et seq.*)

- (B) The available parking shall be such that parking incident to the use will not fundamentally alter the character of the neighborhood or burden adjacent uses in a manner that alters the fundamental character of the neighborhood.
- (3) No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
- (A) May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
 - (B) Has or may engage in conduct resulting in substantial physical damage to the property of others.
- (4) Prior to occupancy of the facility, the person or entity licensed or certified by the Utah Department of Human Services or the Utah Department of Health to establish and operate the facility shall:
- (A) Provide a certified copy of such license to the city recorder;
 - (B) Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act;
 - (C) Certify, in a sworn affidavit submitted with the application for a business license, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than one hundred fifty (150) days nor more than one hundred ninety (190) days from the date of issuance of the business license and at the time of the application for renewal of the business license.
- (5) The use permitted by this section is nontransferable and shall terminate if:
- (A) A facility is devoted to or used as other than a residential facility for persons with a disability; or
 - (B) The license or certification issued by the department of human services, department of health or any other applicable agency, terminates or is revoked; or
 - (C) The facility fails to comply with the conditions set forth in this section.

- (6) In the R-1-8, R-1-15/20, SFRT, R-2, R-4 and A-1 zones, no residential facility for persons with a disability shall exceed six (6) residents, not including staff, or the family that owns the residence.
 - (7) In the C-1, C-2, C2-A, C-3, CRT, I-1 and S-1 zones, no residential facility for persons with disabilities shall exceed twelve (12) residents, not including staff, or the family that owns the residence.
 - (8) Residential facilities for persons with disabilities shall be prohibited in the I-1A, I-2 or AP zones.
- (d) Reasonable Accommodations: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability.
- (1) Any person or entity who wishes to request a reasonable accommodation shall make application to the office of the City Administrator. Said applications shall specifically articulate, in writing, the following:
 - (A) The name, mailing address, and phone number of the applicant;
 - (B) The nature and extent of the disability;
 - (C) An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
 - (D) The applicant's proposed reasonable accommodations;
 - (E) A statement detailing why a reasonable accommodation is necessary; and
 - (F) The physical address of the property where the applicant intends on living;
 - (2) When considering whether or not to grant a reasonable accommodation, the City Administrator shall consider the following factors, among others deemed appropriate and applicable:
 - (A) The land use ordinance applicable to the property;
 - (B) The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
 - (C) Whether or not the accommodation will be an undue burden or expense to the city;
 - (D) The extent to which the accommodation will or will not benefit the applicant;
 - (E) The extent to which the accommodation will or will not benefit the community;

- (F) Whether or not the accommodation fundamentally alters the citywide land use ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood;
 - (G) Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life, or ameliorate the effects of the applicant's disability, or the lives or disabilities on whose behalf the entity is applying;
 - (H) Whether or not, without the accommodation, similar housing is available in the City for the applicant or group of applicants;
 - (I) Given the scope of the accommodation requested, what is the impact on the immediate neighborhood; and
 - (J) The requirements of applicable federal and state laws and regulations;
- (3) Written findings and conclusions of the City Administrator shall be sent to the applicant within thirty (30) days after the decision is made; and
 - (4) If a request for a reasonable accommodation is denied, such decision may be appealed to the Hearing Officer under Section 12-4-103.

12-30-102. Residential Facilities For Elderly Persons.

- (a) Purpose: The purpose of this section is to comply with title 10, chapter 9a, sections 516 and 520, Utah Code Annotated, 1953, as amended.
- (b) Zones Allowed. A residential facility for elderly persons is allowed as a conditional use in any zone of the City other than the I-1A, I-2 and AP Zones; said use is prohibited in those zones.
- (c) Compliance: "Residential facilities for elderly persons" shall comply with all requirements of sections 10-9a-516 & 520, Utah Code Annotated, and also the following requirements:
 - (1) The facility shall meet all applicable building codes, safety codes, land use regulations, the Americans with Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this Chapter;
 - (2) No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - (A) May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or

- (B) Has or may engage in conduct resulting in substantial physical damage to the property of others;
- (3) Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located; provided however that the available parking shall be such that parking incident to the use will not fundamentally alter the character of the neighborhood or burden adjacent uses in a manner that alters the fundamental character of the neighborhood.
- (4) The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- (5) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, land use and building codes; and

12-30-103. Design Standards For Group Homes For People With Disabilities And Residential Facilities For Elderly People When Allowed As A Permitted Or Conditional Use Within The City.

- (a) Any newly constructed, or remodeled facility in a residential zone or immediately abutting a residential zone shall comply with the following design standards:
 - (1) All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a commercial zone abutting a residential zone the setbacks shall be those of the abutting residential zone;
 - (2) All required parking areas may be located either in the rear yard area of the lot, or behind the main building or garage. Parking provisions shall be made that accommodate the anticipated average number of vehicles using the facility, including residents, staff and visitors;
 - (3) The maximum height restrictions of the individual residential zone shall apply to any newly constructed or remodeled facility or building;
 - (4) In order for new construction to reflect the design and character of the existing neighborhood the following standards shall be met:
 - (A) The roof design of the proposed structure or remodel shall be a pitched roof of the same slope as the most common roof slope of the homes on the side of the block on which the building is proposed; and
 - (B) The type of exterior materials shall be of traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue

attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood;

- (5) No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - (A) May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - (B) Has or may engage in conduct resulting in substantial physical damage to the property of others.
- (6) To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing land use regulations.

12-30-104. Nonresidential Treatment Facilities.

- (a) Definitions. For purposes of this Chapter and Title, a “treatment facility” is a licensed medical or healthcare facility or use that provides therapy and related services for behavioral health issues including without limitation mental health and disorders, substance use disorders, and other psychological or psychopathological illnesses or disorders. A “nonresidential” treatment facility is one which provides such services only on an outpatient basis, and does not have or provide residential services in conjunction with provided treatments.
- (b) Nonresidential treatment facilities are a conditional use only in the following zones of the City: C-1; C-2; C2-A; C-3; I-1 and S-1. Said facilities are not allowed as a permitted or conditional use in other zones of the City. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:
 - (1) The facility shall comply with all building, safety, land use and health regulations, the Americans with disabilities act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency.
 - (2) The following site development standards and parking standards shall be applicable:
 - (A) Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and
 - (B) The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.

- (3) Prior to occupancy of the facility, the person or entity licensed or certified by the department of human services and/or the department of health to establish and operate the facility shall:
 - (A) Provide a certified copy of such license with the city recorder;
 - (B) Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with disabilities act.
- (4) The use permitted by this section is nontransferable and shall terminate if:
 - (A) A facility is devoted to or used as other than a nonresidential facility; or
 - (B) The license or certification issued by the Utah Department of Human Services, the Utah Department of Health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.
- (5) No nonresidential treatment facility shall be established or maintained within five hundred feet (500') measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
 - (A) A residential facility for persons with a disability;
 - (B) A residential facility for elderly persons with more than five (5) elderly persons in a residence; or
 - (C) Any of the following facilities: assisted living facility or rehabilitation/treatment facility, another nonresidential treatment facility, public, private or charter schools, or public parks.
- (6) No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - (A) May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
 - (B) Has or may engage in conduct resulting in substantial physical damage to the property of others.
- (7) To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing land use regulations.

12-30-105. Limitations.

Only such uses and facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other uses and facilities are prohibited.