

CHAPTER 21

GROUP HOMES AND OTHER FACILITIES

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14-21-101 PURPOSE

The purposes of this Chapter are to:

- A. Comply with Title 10, Chapter 9a, Sections 516 to 520, Utah Code Annotated, 1953, as amended; and
- B. Avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Act as interpreted by the courts having jurisdiction over the City of Bountiful.

14-21-102 USES AND LIMITATIONS

The provisions and requirements of this Chapter shall not entitle or authorize a particular use on any property or parcel of land. Only such uses and facilities as are specifically authorized in each individual zone as a permitted or conditional use shall be allowed. All other uses and facilities are prohibited.

14-21-103 DEFINITIONS

Each of the following terms has a specific meaning. See Title 14, Chapter 3 (Definitions).

ADULT DAYCARE FACILITY
ASSISTED LIVING FACILITY
BOARDER
BOARDING HOUSE
BUILDING, PUBLIC
DISABILITY
DOMESTIC STAFF
ELDERLY PERSON
FAMILY
HOSPITAL
MAJOR LIFE ACTIVITIES
NONRESIDENTIAL TREATMENT FACILITY
NURSING HOME
PROTECTIVE HOUSING FACILITY
REASONABLE ACCOMMODATION
RECORD OF IMPAIRMENT

REGARDED AS HAVING AN IMPAIRMENT
REHABILITATION/TREATMENT FACILITY
RELATED
RESIDENTIAL FACILITY FOR ELDERLY PERSONS
RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY
RESIDENTS, RESIDENTIAL FACILITY
RETIREMENT HOME
SHELTER FOR THE HOMELESS
SHELTERED WORKSHOP
TRADE OR VOCATIONAL SCHOOL
TRANSITIONAL HOUSING FACILITY

14-21-104 RESIDENTIAL FACILITY FOR ELDERLY PERSONS

- A. The following requirements shall apply to a residential facility for elderly persons:
1. The facility shall comply with building, safety, land use, and health codes or ordinances applicable to a similar dwelling in the zone in which the facility will be located.
 2. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located.
 3. In a residential single-family zone, not more than three (3) unrelated persons shall occupy a residential facility for elderly persons established in a dwelling unit.
 4. In a residential single-family zone, a residential facility for elderly persons shall not be established in a non-conforming two-family or non-conforming multi-family structure unless it is first converted to a conforming single-family dwelling structure.
 5. In a residential multi-family zone, a residential facility for elderly persons shall not be located within a two-family or multi-family structure unless the entire structure is used for the facility.
 6. In a Residential Multi-family zone, not more than three (3) unrelated persons per permitted dwelling unit shall occupy a facility for elderly persons, based on the existing density standards for the zone in which it is located, and up to a maximum of twelve (12) persons.
 7. 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.
 8. A residential facility for elderly persons occupied by more than five (5) such persons shall not be located within three-fourths (3/4) mile from any of the following facilities, measured in a straight line between the nearest property lines of each facility:
 - a. A residential facility for elderly persons;

- b. A residential facility for persons with a disability;
 - c. A protective housing facility;
 - d. A transitional housing facility;
 - e. An assisted living facility;
 - f. A rehabilitation/treatment facility; or
 - g. A nonresidential treatment facility.
9. A person being treated for alcoholism or drug abuse shall not be placed in a residential facility for elderly persons.
 10. 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.
 11. A permit for a residential facility for elderly persons is nontransferable and terminates if the structure:
 - a. Is devoted to a use other than a residential facility for elderly persons, or
 - b. Fails to comply with the requirements set forth in this Section.

14-21-105 RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY

- A. Notwithstanding any contrary provision in this Title, this section shall govern any facility, residence, or other circumstance that meets the definition of a residential facility for a person with a disability as set forth in this Title.
- B. The following requirements shall apply to a residential facility for persons with a disability.
 1. The facility shall comply with building, safety, land use, and health codes or ordinances applicable to a similar dwelling, the Americans with Disabilities Act, applicable state core standards and licensing requirements, and any standards set forth in a contract with a state agency.
 2. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located.
 3. In a Residential Single-Family (R) Zone, not more than three (3) unrelated persons shall occupy a residential facility for persons with a disability established in a dwelling unit.
 4. In a residential single-family zone, a residential facility for persons with a disability shall not be established in a non-conforming two-family or non-

conforming multi-family dwelling structure unless it is first converted to a conforming single-family dwelling structure.

5. In a residential multi-family zone, a residential facility for persons with a disability shall not be located within a two-family or multi-family structure unless the entire structure is used for the facility.
6. In a Residential Multi-family zone, not more than three (3) unrelated persons per permitted dwelling unit shall occupy a facility for persons with a disability, based on the existing density standards for the zone in which it is located, and up to a maximum of twelve (12) persons.
7. The facility shall not be made available to a person who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that the person's tenancy would:
 - a. Be a direct threat to the health or safety of other persons; or
 - b. Result in substantial physical damage to the property of others.
8. 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 or certification to the City Recorder;
 - b. Certify, in a sworn affidavit submitted with the application for a business license, that the facility complies with the Americans with Disabilities Act; and
 - 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 who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that such person's tenancy would be a direct threat to the health or safety of other persons, or result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated with an application for renewal of the business license.
9. A permit for a residential facility for persons with a disability is nontransferable and shall terminate if:
 - a. The structure is devoted to a use other than a residential facility for persons with a disability;
 - b. The structure fails to comply with the requirements set forth in this Section; or

- c. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked.
- 10. A residential facility for persons with a disability that is a substance abuse facility and is located within five hundred feet (500') of a school, shall provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:
 - a. A security plan satisfactory to local law enforcement authorities;
 - b. Twenty four (24) hour supervision for residents; and
 - c. Other twenty four (24) hour security measures.
- 11. A residential facility for persons with a disability shall not be located within one thousand feet (1,000') from another such facility, measured in a straight line between the nearest property lines of each facility.
- C. None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability. A request for a reasonable accommodation shall be made in accordance with the provisions set forth in Section 14-2-107, ADA and FFHA Accommodations, of this Title.

14-21-106 NONRESIDENTIAL TREATMENT FACILITIES

- A. Nonresidential treatment facilities shall not be built within the City of Bountiful except when specifically allowed as a permitted or conditional use in a zone established under this Title. Each such facility shall conform to the following requirements:
 - 1. The facility shall comply with applicable building, safety, land use, and health codes or ordinances, the Americans with Disabilities Act, applicable state core standards and licensing requirements, and any standards set forth in a 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 will be located; and
 - b. The minimum number of parking spaces required shall be the same as the number required for a professional office use 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 or the Department of Health to establish and operate the facility shall:

- a. Provide a certified copy of such license to the City Recorder; and
 - b. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act.
4. A permit for a nonresidential treatment facility is nontransferable and shall terminate if:
 - a. The facility is devoted to a use other than a nonresidential treatment facility; 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 the facility fails to comply with the conditions set forth in this Section.
5. A nonresidential treatment facility shall not be located within seven hundred feet (700') from any of the following facilities, measured in a straight line between the nearest property lines of each facility:
 - a. A residential facility for persons with a disability;
 - b. A residential facility for elderly persons occupied by more than five (5) such persons;
 - c. A protective housing facility;
 - d. A transitional housing facility;
 - e. An assisted living facility;
 - f. A rehabilitation/treatment facility;
 - g. A nonresidential treatment facility, or
 - h. An elementary school.
6. A nonresidential treatment facility shall not be made available to a person who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that the person's tenancy would:
 - a. Be a direct threat to the health or safety of other persons; or
 - b. Result in substantial physical damage to the property of others.
7. To the extent similar requirements to any contained in this Section are contained in a 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 zoning regulations, subject to the conflicts resolution provisions of this Subsection 7.

14-21-107 DESIGN STANDARDS

- A. The design standards set forth in this Section shall apply to a residential facility for elderly persons, a protective housing facility, a rehabilitation/treatment facility, a transitional housing facility, and a nonresidential treatment facility.
- B. Any newly constructed or remodeled facility located in a residential zone, or immediately abutting a residential zone, shall comply with the following design standards:
 - 1. Setbacks shall be as required by the residential zone in which the facility is located, or if the facility is in a commercial zone abutting a residential zone, the setbacks shall be the same as those of the abutting residential zone.
 - 2. Required or accessory parking areas shall be located either in the rear yard area of the lot, or behind the main building or garage.
 - 3. Notwithstanding the height restrictions of the residential zone in which a facility is located, a new building or additional building shall not exceed one hundred ten percent (110%) of the average height of the closest dwellings on both sides of the proposed structure.
 - 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 dwellings on the same side of the block on which the building is proposed; and
 - b. At least fifty percent (50%) of the exterior materials shall be of brick or stone, and the remainder shall be of typical residential materials such as stucco, vinyl siding, or cementitious fiber board. 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 shall not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood.