

**MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.52 - RESIDENTIAL FACILITIES FOR ELDERLY OR
HANDICAPPED**

[17.52.010: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE](#)

[17.52.020: CODE COMPLIANCE](#)

[17.52.030: PARKING](#)

[17.52.040: SEPARATION STANDARDS](#)

[17.52.050: CLIENT RESTRICTED](#)

[17.52.060: COMPLIANCE](#)

[17.52.070: DISCRIMINATION PROHIBITED](#)

[17.52.080: MAINTENANCE](#)

[17.52.090: AGENCY REVIEW](#)

[17.52.100: RESIDENTIAL FACILITIES FOR DISABLED PERSONS; PERMITTED USE](#)

[17.52.110: CONDITIONAL USE REVIEW](#)

[17.52.120: STANDARDS](#)

**17.52.010: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS;
PERMITTED USE**

A residential facility for elderly persons shall be a permitted use in any area where residential uses are allowed following approval by the planning commission. Approval shall not be denied where the proposed residential facility for elderly persons is found to be in compliance with all the applicable provisions of this section. Residential facilities for elderly persons shall be allowed in any city zoning district, except that district which is zoned to permit exclusively single-family dwelling and duplex use, subject to the granting of a conditional use permit. A

conditional use permit shall not be denied where the facility is found, by the planning commission, to meet all conditions set forth in this section. (Ord. 2000-9 § 2)

17.52.020: CODE COMPLIANCE

The facility shall meet all municipal building, safety, zoning and health ordinances applicable to similar dwellings. The facility 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. (Ord. 2000-9 § 2)

17.52.030: PARKING

Off street parking shall be provided as required in chapter 17.36 of this title. (Ord. 2000-9 § 2)

17.52.040: SEPARATION STANDARDS

Residential facilities for elderly p within three-quarters (0.75) of a mile of another residential facility for elderly persons, as defined in this title. (Ord. 2000-9 § 2)

17.52.050: CLIENT RESTRICTED

Persons being treated for alcoholism or drug abuse shall not be placed in a residential facility for elderly persons; placement in a residential facility for disabled persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. (Ord. 2000-9 § 2)

17.52.060: COMPLIANCE

The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons, or if the structure fails to comply with the ordinances adopted under this subsection. (Ord. 2000-9 § 2)

17.52.070: DISCRIMINATION PROHIBITED

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents. (Ord. 2000-9 § 2)

17.52.080: MAINTENANCE

In any area zoned to permit exclusively residential uses, the planning commission may impose a condition that the landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood, as a condition of the conditional use approval. (Ord. 2000-9 § 2)

17.52.090: AGENCY REVIEW

The facility shall be reviewed by the following agencies, prior to the issuance of the conditional use permit or final approval by the planning commission:

- A. City planning commission;
- B. City building inspector;
- C. City fire department, or designee;
- D. City public works department;
- E. Any improvement district where applicable, as determined by the city council. (Ord. 2000-9 § 2)

17.52.100: RESIDENTIAL FACILITIES FOR DISABLED PERSONS; PERMITTED USE

A residential facility for disabled persons, as defined in this title, shall be a permitted use in any area where residential facilities are allowed following approval by the planning commission. Residential facilities for disabled persons in areas where residential dwellings are allowed is a

temporary privilege which can be revoked if the requirements of this section are not met. (Ord. 2000-9 § 2)

17.52.110: CONDITIONAL USE REVIEW

Residential facilities for disabled persons allowed in any municipal zoning district which is zoned to permit exclusively single-family dwelling use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the planning commission, to meet all conditions set forth in this section. (Ord. 2000-9 § 2)

17.52.120: STANDARDS

A residential facility for disabled persons in a zone permitting exclusively single-family dwelling use and any other area of the city where residential dwellings are allowed, shall be subject to the following conditions before being granted a conditional use permit:

- A. No residential facility for disabled persons may be established or maintained such that it hinders the residential character of the neighborhood, as determined by the planning commission. In no case shall such a facility be located within three-quarters (0.75) mile of another existing residential facility for disabled persons.
- B. The proposed use shall only be allowed if the home can meet all these conditions without structural alteration that would change the structure's residential character.
- C. Discrimination against disabled persons and against residential facilities for disabled persons is prohibited. All decisions regarding an application for a residential facility for disabled persons must be based on legitimate land use criteria, and may not be based on the disabled conditions of the facility's residents.
- D. The landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood.
- E. If the facility houses six (6) to eight (8) persons, it shall meet the uniform building code requirements of the latest edition adopted by the city for an institutional "I" occupancy. In all other respects, it should meet the uniform building code, as adopted by the city.
- F. If the facility houses six (6) to eight (8) persons, it shall meet the uniform fire code requirements of the latest edition adopted by the city for an institutional "I" occupancy. In all other respects, it shall meet the uniform fire code.

- G. The facility shall receive approval from the following agencies, prior to the issuance of the conditional use permit or final approval by the planning commission:
1. City planning commission;
 2. City building inspector;
 3. City fire department, or designee;
 4. City public works department;
 5. Cache County health department;
 6. Any improvement district where applicable, as determined by the city council.
- H. The facility must meet the requirements of the life safety code as adopted by the city. If any one occupant is nonambulatory, and there are four (4) or more occupants, then it shall meet the requirements under the life safety code for a residential-custodial care facility. If all the occupants are ambulatory, then the facility shall meet the requirements of the life safety code for lodging houses.
- I. No person who is being treated for alcoholism or drug abuse or who is violent shall be placed in a residential facility for disabled persons.
- J. Placement in a residential facility for disabled persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional institution.
- K. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for disabled persons, or if the structure fails to comply with all applicable health, safety and building codes.
- L. In any municipal zoning district which is zoned to permit exclusively single-family dwelling uses, the planning commission may set other reasonable conditions for any individual applicant which it feels will further the intent of part 5, title 10, chapter 9, Utah Code Annotated, 1953, as amended, and this section.
- M. This chapter adopts the provisions outlined in Utah Code Annotated section 10-9-601 et seq., as amended. (Ord. 2000-9 § 2)