

**15A-11-08 Residential Facility for Elderly Persons or for Persons with a Disability**

A. **Purpose.** The purpose of this section is to:

1. Comply with Utah Code Annotated.
2. Avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair Housing Act as interpreted by courts whose decisions are binding in Utah. This section is not a separate zone for such facilities, but applies to all residential zones within Sandy City.

If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this Title, the requirements of this Chapter shall govern the same notwithstanding any conflicting provision of this Title or the Revised Ordinances of Sandy City. Except as provided herein, the requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Title, the Revised Ordinances of Sandy City, or other local, County, State or Federal laws.

B. **Permitted Uses**

1. **Permitted Uses.** Notwithstanding any contrary provision of this Title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted or conditional use subject to the development standards in paragraph D of this section.
2. **Termination.** A use permitted by this Section is nontransferable and shall terminate if:
  - a. The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.
  - b. Any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked.
  - c. The facility fails to comply with requirements set forth in this Chapter.

C. **Review Process.** In order to evaluate the impact of the proposed facility and its similarity to the impact of a single family dwelling occupied by a family or, where applicable, in multiple family zones or a multiple family dwelling, the following information must be submitted with the application. Additional information may be requested to aid in that review.

1. Sufficiently detailed site plans, building plans, and other information necessary to determine compliance with building, safety, and health regulations and standards applicable to similar residential dwellings permitted in the zone.
2. Drawings or photographs depicting the elevations of all sides of all buildings.
3. Specific type of facility (as defined by State regulations) and by which agency it is regulated.

4. Number of residents, resident and non-resident staff and expected/typical number of visitors per day.
5. Location and number of similar facilities in the vicinity of the proposed facility.
6. Type of operation - business, family, eleemosynary, charitable, or beneficial organization.
7. Supervision - hours and degree of supervision to be provided.
8. Typical or average length of stay of the residents.
9. Special accommodation(s), waivers, or exceptions requested or necessary, the extent thereof, and basis for need for the same.
10. Photographs and plot plans of residences within 1,000 feet of the proposed site that are similar in size and scope to the accommodation request.
11. Location of any schools within 500 feet of the property line of the proposed site.

D. **Development Standards.** The development standards set forth in this Section shall apply to any residential facility for elderly persons or residential facility for persons with a disability.

1. **Building, Safety and Health Regulations.** The facility shall comply with building, safety, and health regulations applicable to similar residential structures within the residential zone in which the facility is located.
  - a. Each facility shall be subject to the same development standards applicable to similar residential structures located in the same zoning district in which the facility is located.
  - b. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.
2. **No Dangerous Persons Permitted.** No facility shall be made available to an individual whose tenancy would:
  - a. Constitute a direct threat to the health or safety of other individuals.
  - b. Result in substantial physical damage to the property of others.
3. **Proximity.** No such facility may be located within 800 feet measured from the property line of each facility of a similar facility. (Ord 10-04, Amended 2-19-2010)
4. **Security Measures.** For residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, to provide, in accordance with rules established by the Department of Human Services under Title 2A, Chapter 2, Licensure of Programs and Facilities:
  - a. A security plan satisfactory to local law enforcement authorities.
  - b. Twenty-four hour supervision for residents.

- c. Other 24-hour security measures.
5. **Day Treatment and Outpatient Treatment.** Any such facility may seek an approval from the Planning Commission which would allow Day Treatment and/or Outpatient Treatment if the following measures have been taken to ensure the facility will not alter the fundamental character of the neighborhood:
- (a) The facility has direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
  - (b) The facility is located on the same block, or within 800 feet of an Institutional Care Facility.
  - (c) The facility has enough off-street parking to accommodate each staff member, van/carpool parking, and each outpatient client.
  - (d) All Day Treatment clients are transported to the Residential Facility for Disabled Persons from a separate facility using a van/carpool.
  - (e) The maximum Day and Outpatient Treatment clients will not exceed 8 at any one time as permitted by the Building and Safety Code.
  - (f) The facility is licensed for all three different activities by both the City and the State.
  - (g) The facility meets all Building, Fire, and Life Safety Codes.
  - (h) Any approval is subject to periodic review or review upon legitimate complaint. If upon review, the facility is found to be out of compliance with these criteria, the approval may be revoked. (Ord 10-04, Amended 2-19-2010)
6. **Prohibited.** A residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood is not allowed.
- E. **License and Certification.** Prior to occupancy of any facility, the person or entity operating the facility shall:
1. **State License.** Provide to the City a copy of any license or certification required by the Utah State Department of Health or the Utah State Department of Human Services.
  2. **Certification Requirements.** Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
    - a. Constitute a direct threat to the health or safety of other individuals.
    - b. Result in substantial physical damage to the property of others.
  3. **City License.** Obtain a Sandy City Business License.
  4. **Compliance/Renewal.** Any such facility must comply with all Federal, State, County and City regulations. At the time of renewal, the applicant must provide copies of all necessary certifications/recertifications or licenses as required by State regulations.
- F. **Accommodation.**
1. **Accommodation Required.** None of the requirements of this Chapter shall be interpreted to limit any accommodation which is reasonable and necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

2. **Application.** Any person or entity wanting an accommodation shall make application to the Planning Commission and shall articulate in writing the nature of the requested accommodation and the basis for the request.
3. **Appeal.** If an accommodation request is denied, the decision may be appealed to the Board of Adjustment in the manner provided for appeals of administrative decisions set forth in this Title.
4. **Prohibited Accommodations.** The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties. An example would include a reduction in setback requirements for the installation of handicapped accessibility improvements. An accommodation cannot be granted to waive a zoning requirement, general setback reduction requests not related to the occupants, increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight plus two additional persons acting as house parents or guardians.

**G. Accommodation Review Process.** The Planning Commission shall review all applications for accommodation to determine if the accommodation(s) is reasonable and necessary. In addition, the Commission shall determine if the impact of the facility and each accommodation requested (both singly or in combination with all other accommodations requested) is similar in impact to the impact of a single family dwelling occupied by a family (or, where applicable in multiple family zones, a multiple family dwelling), or changes the fundamental character of the neighborhood. Additional information may be requested by staff or the Planning Commission to aid in that review.

1. **Purpose.** The Planning Commission shall review the application for an accommodation for the purpose of:
  - a. Verifying compliance with the building, safety, and health regulations that are applicable to similar structures, including those found in the IBC (International Building Code), UFC (Uniform Fire Code), Life Safety Code, Sandy City Ordinances, state statutes and regulations and federal laws and regulations.
  - b. Determining if the residential facility is consistent with the use of the building as a single family dwelling and has no different or greater impact on the neighborhood than a single family dwelling occupied by a family as defined in this Title (or in multiple family zones to a multiple family dwelling occupied by multiple families).
2. **Aggregate Review.** The Planning Commission shall determine if each such accommodation, waiver, or exception or some modification thereof is reasonable and necessary when taken as a whole together with all other accommodations, waivers, or exceptions.
3. **Findings.** The Planning Commission shall approve only those applications where it finds that:
  - a. The facility with the requested accommodation(s) complies with the regulations set forth above.
  - b. The facility with the requested accommodation(s), either with or without the imposition of conditions as set forth herein, has no different or greater impact than a single family dwelling occupied by a family (or, where applicable, in multiple family zones, multiple family dwelling occupied by multiple families).

- c. The requested accommodation(s) is reasonable.
  - d. The requested accommodation(s) is necessary.
  - e. The facility with the requested accommodation(s) is not likely to create a fundamental change in the character of the residential neighborhood.
4. **Conditions.** The Planning Commission may impose conditions to address concerns of safety for persons and property, health and sanitation, environment, general plan, and neighborhood needs in order to mitigate the impacts of the use on the adjacent properties and to assure that the use will have no different or greater impact than a single family dwelling occupied by a family (or, where applicable in multiple family zones, multiple family dwelling occupied by multiple families) consistent with the guidelines set forth for Conditional Use Permit review.
- H. **Exemptions.** A Residential Facility for Persons with a Disability shall not include facilities which house persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

### 15A-11-09 Half-Pipe Ramps In Residential Districts

- A. **Residential Zones.** Half-pipe ramps may be allowed as a conditional use. The following is required for review prior to approval of a half-pipe ramp as a conditional use in any residential zone:
- 1. **Drawings.** Drawings showing the scale, design, and materials of which the half-pipe ramp is to be built. This is to evaluate the noise, vibration, and nuisance impact of the half-pipe ramp.
  - 2. **Description.** A written description of the materials and location of all screening to evaluate the half-pipe ramp's impact upon and harmony with adjacent properties.
  - 3. **Lighting.** A written description of the scale, location, and direction of all lighting.
  - 4. **Rules.** A set of written rules which will govern the use and operation of the half-pipe ramp.
  - 5. **Neighborhood Notification.** The names and addresses of all property owners within 300 feet of the proposed half-pipe ramp, proof that all such owners have been notified of the proposed half-pipe ramp, have had an opportunity to comment, and a written statement indicating any comments received by the applicant from them.
  - 6. **Affidavit.** A written statement that the owner has reviewed all laws, ordinances and regulations related to half-pipe ramp construction and use and a written agreement to comply therewith.
- B. **Conditional Use Review.** After receipt of the submittals required by subsection A, the Planning Commission, shall review the proposal and may thereafter approve the proposed use as a conditional use only if and so long as:
- 1. The proposal complies with all applicable building and zoning regulations and will not likely constitute or cause any of the following: