



Legislation Details (With Text)

File #: 17-010 **Version:** 2 **Name:**
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File created: 1/12/2017 **In control:** City Council
On agenda: 3/28/2017 **Final action:**
Title: City Council requesting update on code amendments relative to the review of reasonable accommodation requests.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Sandy City Land Development Code 15A-11-08, 2. 15A-11-08 (redline draft)

| Date | Ver. | Action By | Action | Result |
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Agenda Item Title

City Council requesting update on code amendments relative to the review of reasonable accommodation requests.

Presenter

Darien Alcorn

Description/Background:

On January 17, 2017 the City Council received information from the Community Development Department and the City Attorney's Office regarding different options for the City to consider reasonable accommodation requests for Residential Facilities for Elderly Persons or for Persons with a Disability. The City Council is requesting an update on development of potential code amendments changing how the City considers these requests.

Chapter 15A-11-08 of the Sandy City Land Development Code guides the review of a Residential Facility for Elderly Persons or for Persons with a Disability. A copy of this section of code is attached. The purpose of the section is to comply with state law and, "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." In general, these types of residential uses are permitted, "in any zone where a dwelling is allowed as a permitted or conditional use..." State and federal law compel municipalities to provide a reasonable accommodation, "to allow the establishment or occupancy of a residential facility for persons with a disability." As such, "residential facilities" are a special use and may not be subject to residential standards described elsewhere in the City's land development code. For example, the number of unrelated individuals living in a home may be allowed to exceed occupancy standards that would otherwise apply to a single family dwelling.

Chapter 15-A-11-08 includes a detailed review process and compels the Planning Commission to evaluate the impact of a proposed facility. In practice, the City treats the applications for residential

facilities similar to a special exception application and the Planning Commission conducts a public hearing on the issue. However, concerned members of the public participating in the hearing are often unaware of the reasonable accommodation requirements that apply to residential facilities and assume that the Planning Commission has more discretion to limit or reject these uses than is actually the case. Due to this conflict, the City Council may want to consider amending the land development code to create a review process more aligned with the City's authority under state and federal law. Examples may include ministerial review of applications or review by an appointed hearing officer.

Future Dependent Action:

City Attorney's Office to bring back recommended code amendments as discussed by the Council.

Recommended Action and/or Suggested Motion: