Chapter 17.72

CARE FACILITIES OVERLAY

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Section 17.72.010 Definitions.

1. "Care Facility" means assisted living centers, rest homes, nursing homes, convalescent facilities, retirement centers, and other facilities of this type and nature, and shall be defined as facilities which provide assistance with daily living activities for the elderly and other protected classes (as per the Federal Fair Housing Act and the Americans with Disabilities Act) which include food preparation (common kitchen facility), bathing, dressing and personal hygiene; supervision of self-administration of medications; laundry service including personal laundry; housekeeping; and 24 hour staffing. Such facilities shall be required to be licensed by the State of Utah and conform to the requirements of the Division of Human Services or successor agency as Type I or Type II facilities intended for the occupancy by two or more persons. For the purposes of this section, Lindon City shall classify the facilities as follows;

    a. Small facility shall provide care for three (3) to sixteen (16) residents.

    b. Large facility shall provide care for more than sixteen (16) residents, but not more than ninety (90).

2. For the purposes of this section all assisted living centers, rest homes, nursing homes, elderly group care facilities, convalescent facilities, and other facilities of this type and nature, shall be referred to as "Care Facilities" or "facility."

3. This section shall not apply to group homes for elderly, group homes for person with a disability, or juvenile group homes, transitional victim homes, as regulated in Section 17.70. This section shall also not apply to a family member caring for other family members where there is a relationship of child, sibling, parent, grandparent, aunt, uncle, niece, or nephew.(Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)

17.72.020 Location and Zoning of Care Facility

Care facilities shall only be considered by conditional use permit in the MC and CG zones. (Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)

17.72.030 Care Facilities - Specific Requirements.

1. No person currently being treated for alcoholism or drug addiction shall be placed in a care facility or a residential facility for elderly persons.
2. Placement in a care facility shall be on a strictly voluntary basis and may not be part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
3. Facilities shall not accept any resident that would pose a direct threat to the health and safety of others in the facility or community.
4. Facilities shall comply with all applicable state and federal laws, including laws related to access.

(Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)

17.72.040 Small Facilities - Specific Requirements.

1. Facility Separation Requirement: Small facilities shall not be within one-thousand five-hundred feet (1500') of any other approved small or large care facility, group home for the elderly, group home for persons with a disability, or juvenile group home, or transitional home as defined by the Lindon City Code.
2. Conformity: The facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.
3. Lot Size Requirement: Lot size shall be according to the zone in which the facility is proposed.
4. Use of Existing Homes: In the event an existing residential home is to be used as a care facility, the existing structure shall comply with health, safety, and fire protection as required by state regulations and the Lindon City Code. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations must be approved by the Planning Commission before a conditional use permit is approved.
5. Landscaping: A minimum of thirty (30) percent of the lot shall be maintained in permanent landscaped open space, with site obscuring fencing along the side and back yards that is constructed in a manner consistent with a residential character of the structure. Such fencing shall be constructed and maintained in accordance with the Lindon City Code. The Planning Commission shall approve the style and design of any fencing before a use permit is issued. A chainlink fence with slats shall not be considered site obscuring for the purposes of this section.
6. Parking: The facility shall provide one off-street parking stall per three beds plus one per employee. The facility shall at a minimum provide three off-street parking spaces. No portion of the care facility's open space shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission. If at such time parking is deemed insufficient by the Lindon City Planning Commission and/or City Council, the facility operators may be required to increase the number of parking stalls on their site or reduce the number of residents in the facility.
7. Occupancy and Facility Size: Occupancy of the structure shall be such that each resident is provided adequate personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at least seventy-four (74) square feet for the initial occupant and an additional fifty (50) square feet for each additional occupant of this space. In no case shall a small facility b larger than six thousand-three hundred (6,300) square feet or be more than one building.
8. Lighting: All outside lighting shall be arranged and shielded as to prevent any glare or reflection, any nuisance, inconvenience or hazardous interference of any kind on adjoining streets or property. (Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)

17.72.050 Large Facilities - Specific Requirements.

1. Facility Separation Requirement. Large facilities shall not be within one-thousand five-hundred (1500) feet of any other approved small or large care facility, group home for the elderly, group home for persons with a disability, juvenile group home, or transitional/treatment group home as defined by the Lindon City Code. .
2. Lot Size Requirement. Lot size shall be according to the zone where proposed.

3. Project Site and Design Requirements. Large facilities shall be subject to the architectural, site plan, height and setback requirements of the commercial zone were proposed.
4. Landscaping. A minimum of thirty (30) percent of the lot shall be maintained in permanent landscaped open space.
5. Parking. Off-street parking shall be provided to accommodate staff and one (1) visitor per three (3) residents. If at such time parking is deemed insufficient by the Lindon City Planning Commission and/or City Council, facility operators may be required to increase the number of parking stalls on their site or reduce the number of residents in their facility.
6. Facility Size. Large facilities shall provide a minimum of four-hundred (400) square feet of floor area per resident.
7. Architectural Design. The architectural design of care centers shall comply with architectural design guidelines as established in the respective commercial zone where the facility is proposed.

(Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)

17.72.060 Application and Submittal Requirements.

1. The Lindon City Council shall be the final review authority for all care facility applications. The City Council shall not render a decision on care facility application until the Planning Commission has reviewed the application and provided a recommendation to the City Council.
2. Applications for approval of small or large care facilities shall be subject to sections 17.12 - Document Submission and Review, 17.20 - Conditional Use Permits and all other applicable sections of the Lindon City Code.
3. Noticing. The City shall contact all property owners within seven hundred fifty (750) feet of the proposed project. All property owners shall be notified and informed of the proposal by US Mail, noticed and postmarked ten (10) days prior to the Planning Commission meeting. The notice shall include time, date, and place of the Planning Commission meeting. In addition, this notice shall include a site plan, vicinity map, building elevations, and a general summary of what is being requested.

4. Upon receipt of approval of the Planning Commission, the operator of the small or large care facility shall be eligible to secure an annual permit from the city. Said permit shall be valid for one calendar year, and shall be renewed annually subject to;
   a. the receipt of a renewal application that shall include the information and certifications required under section 17.72 above; and
   b. at least ten (10) days before the Planning Commission hears the renewal application, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the proposed site of the care facility.
   c. a finding by the Planning Commission that during the preceding year the care facility had been operated in compliance with the terms of section 17.72, and any other conditions of approval.
5. A permit to operate a Care Facility shall be:
   a. non-transferable; and
   b. shall terminate if at any time it is demonstrated to the Planning Commission, or City Council, that;
      i. The structure is devoted to a use other than as a care facility; or
      ii. The structure fails to comply with the requirements of this section; or
      iii. The program has failed to operate in accordance with the requirements of

section 17.72, other applicable ordinance requirements, or conditions of approval.

(Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)

17.72.070 Denial of application for a care facility–Appeal.

Upon issuing a decision on application for a care facility, the applicant or an interested party shall have thirty (30) days to appeal the decision of the City Council to the appropriate appellate board or court.

(Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2, 01/20/2004)