

1                                   **CITY AND COUNTY ZONING OF HEALTH**

2                                                   **CARE CENTERS**

3                                                           1999 GENERAL SESSION

4                                                                   STATE OF UTAH

5                                                                           **Sponsor: Robert M. Muhlestein**

6 AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; ELIMINATING A  
7 PERMISSIBLE RESTRICTION ON RESIDENTIAL FACILITIES FOR ELDERLY PERSONS;  
8 PROHIBITING MUNICIPALITIES AND COUNTIES FROM PLACING CERTAIN  
9 RESTRICTIONS ON RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; AND MAKING  
10 TECHNICAL CHANGES.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13                   **10-9-502**, as last amended by Chapter 108, Laws of Utah 1997

14                   **17-27-502**, as last amended by Chapter 108, Laws of Utah 1997

15 *Be it enacted by the Legislature of the state of Utah:*

16                   Section 1. Section **10-9-502** is amended to read:

17                   **10-9-502. Municipal ordinances governing elderly residential facilities.**

18                   (1) Each municipality shall adopt ordinances that establish that a residential facility for  
19 elderly persons is a permitted use in any area where residential dwellings are allowed, except an  
20 area zoned to permit exclusively single-family dwellings.

21                   (2) The ordinances shall establish a permit process that may require only that:

22                   (a) the facility meet all applicable building, safety, zoning, and health ordinances  
23 applicable to similar dwellings;

24                   (b) adequate off-street parking space be provided;

25                   (c) the facility be capable of use as a residential facility for elderly persons without  
26 structural or landscaping alterations that would change the structure's residential character;

27                   ~~(d) no residential facility for elderly persons be established within three-quarters mile of~~

28 another residential facility for elderly persons or residential facility for persons with a disability,  
29 as defined by Section 10-9-605;]

30 [(e)] (d) no person being treated for alcoholism or drug abuse be placed in a residential  
31 facility for elderly persons; and

32 [(f)] (e) placement in a residential facility for elderly persons be on a strictly voluntary  
33 basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional  
34 facility.

35 (3) A municipality may not prohibit the establishment of a residential facility for elderly  
36 persons within a certain distance of another residential facility for elderly persons or residential  
37 facility for persons with a disability, as defined by Section 10-9-605.

38 Section 2. Section 17-27-502 is amended to read:

39 **17-27-502. County ordinances governing elderly residential facilities.**

40 (1) Each county shall adopt ordinances that establish that a residential facility for elderly  
41 persons is a permitted use in any area where residential dwellings are allowed, except an area  
42 zoned to permit exclusively single-family dwellings.

43 (2) The ordinances shall establish a permit process that may require only that:

44 (a) the facility meet all applicable building, safety, zoning, and health ordinances  
45 applicable to similar dwellings;

46 (b) adequate off-street parking space be provided;

47 (c) the facility be capable of use as a residential facility for elderly persons without  
48 structural or landscaping alterations that would change the structure's residential character;

49 ~~[(d) no residential facility for elderly persons be established within three-quarters mile of~~  
50 ~~another residential facility for elderly persons or residential facility for persons with a disability,~~  
51 ~~as defined by Section 17-27-605;]~~

52 [(e)] (d) no person being treated for alcoholism or drug abuse be placed in a residential  
53 facility for elderly persons; and

54 [(f)] (e) placement in a residential facility for elderly persons be on a strictly voluntary  
55 basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional  
56 facility.

57 (3) A county may not prohibit the establishment of a residential facility for elderly persons  
58 within a certain distance of another residential facility for elderly persons or residential facility for

59 persons with a disability, as defined by Section 10-9-605.

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**Legislative Review Note**  
**as of 1-25-99 5:34 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**