

LINDON CITY CODE

Chapter 17.70

GROUP HOMES

Sections:

- 17.70.010 Repealed and Replaced by Chapter 17.72 (Ord. No. 2004-2, 01/20/04)
- 17.70.020 General Definitions (Ord 2007-11, amended 10/10/2007, Ord. No. 2004-2, 01/20/04)
- 17.70.030 Residential Facility for Elderly Persons.
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- 17.70.080 Transitional/Treatment Group Home (Halfway House)
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Section 17.70.010 Repealed and Replaced by Chapter 17.72 (Ord. No. 2004-2, 01/20/04)

Section 17.70.020 General Definitions

- 1. For the purposes of this section, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in Webster’s Collegiate Dictionary.
- 2. As used in this section, the following words shall be defined as follows:

Elderly; Elderly shall mean a person

who is 60 years or older.

Group Home; When not used in specific context in relations to a particular type of facility, group home shall include a residential facility for elderly persons, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home.

Resident; Resident shall mean persons receiving the benefit of services and facilities provided by a group home, excluding staff and care providers.

Section 17.70.030 Residential Facility for Elderly Persons

- 1. Residential facilities for Elderly Persons shall be a permitted use in all residential zones and require site plan approval by the Planning Commission.
- 2. A residential facility for elderly persons may not operate as a business (not for profits organization).
  - a. a residential facility for elderly person shall not be considered a business because a fee is charge for food or for actual and necessary costs of operation and maintenance of the facility.
- 3. A residential facility for elderly persons shall;
  - a. be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
  - b. be consistent with any existing, applicable land use ordinance affecting the desired location; and

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- c. be occupied on a 24-hour-per-day basis by eight or fewer elderly residents in a family-type arrangement or four or fewer elderly residents in a lie-in care provider arrangement where care providers are paid to assist and care for the residents.
- 4. Each residential facility for elderly persons is subject to state licensing procedures and must provide the city proof of a valid license issued by the Utah State Division of Licensing and compliance with Department of Human Services standards.
- 5. The residential facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
- 6. The structure shall be capable of use as a residential facility for elderly persons, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. 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 permit is issued.
- 7. 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 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than eight residents in a family-type arrangement or four residents in a live-in care provider arrangement at any given time.
- 8. No residential facility for elderly person shall be established or maintained within three fourth of a mile (3,960 feet) of another residential facility for elderly persons, a group home for persons with a disability, juvenile group home, a transitional/treatment group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes identified above.
- 9. The facility shall provide one off-street parking space for each sleeping room, plus adequate parking for visitors and staff. In no case shall the facility have less than three off-street parking spaces.
- 10. The facility shall have six foot sight obscuring fencing along the side and back yards that is constructed in a manner consistent with the residential character of the neighborhood. 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 permit is issued. A chainlink fence with slats shall not be considered sight obscuring for the purposes of this section.
- 11. No portion of the facility's front and side yard set backs shall be used to provide parking spaces as required by this section without prior approval for the Planning Commission. Any use of the yard as parking space shall not change the residential character of the property.
- 12. The facility operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home and liability insurance to cover residents and third party individuals.
- 13. The facility shall not accept any resident

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that would pose a direct threat to the health and safety of others in the facility or community.

- 14. The facility shall comply with all applicable state and federal laws, including laws related to access.

Section 17.70.040      Group Home for Persons With Disabilities

- 1. Group homes for persons with a disability shall be a permitted use in all residential zones, and requires site plan approval by the Planning Commission.
- 2. Disabled or Disability under this section shall mean, with respect to a person, a person who has a physical or mental impairment which substantially limits one or more of that person's major life activities or has a history of having such an impairment. Disabled or Disability does not mean an impairment or limitation caused by addiction and current use of a controlled substance or alcohol. Disabled or Disability also does not mean an impairment or limitation resulting from or related to kleptomania, pyromania, or any sexually related addiction or disorder, including but not limit to, sex and pornography addictions, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorder.
- 3. Each group home for person with a disability is subject to state licensing procedures and must provide the city proof of a valid license issued by the Utah Sate Division of Licensing and compliance with Department of Human Services standards.

- 4. The group home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
- 5. The structure shall be capable of use as a group home for persons with a disability, which includes being fully handicap accessible, without structural or landscaping alterations that would change the residential character of the structure. 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 permit is issued.
- 6. 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 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than four (4) residents at any given time.
- 7. No group home for persons with a disability shall be established or maintained within three fourths of a mile (3,960 feet) of another group home for the elderly, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes identified above. NO group

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- home that has residents with disabilities related to any form of substance abuse or that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person shall be established within 500 feet of a licensed daycare, or public or private school as measured in a straight line between the closest property lines of the propose group home and the school/daycare lot.
8. The facility shall provide one off-street parking space for each sleeping room, plus adequate parking for visitors and staff. In no case shall the facility have less than three off-street parking spaces.
  9. The facility shall have six foot site obscuring fencing along the side and back yards that is constructed in a manner consistent with the residential character of the neighborhood. 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 permit is issued. A chainlink fence with slats shall not be considered site obscuring for the purposes of this section.
  10. No portion of the facility's front and side yard setbacks shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission. Any use of the yard as parking space shall not change the residential character of the property.
  11. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
  12. The group home operator shall provide proof that each of the residents admitted to the facility falls within the definition of disability as set forth in this section and that the disability substantially limits the resident in a major life fun
  13. The facility shall provide training or treatment programs for residents with disabilities which are in compliance with department of Human Services standards, as set forth in the Utah Administrative Code.
  14. Any group home for person with disability that have a history of past violence, sexual aggression or any offense involving a weapon or which resulted in serious bodily injury to another person, which is constructed within 1000 feet of a school or licensed daycare, as measured in a straight line between the closest property lines of the proposed group home and the school lot, shall provide in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities;
    - a. 24-hour supervision for residents; and
    - b. 24-hour security measures.
  15. The facility shall not accept any resident that would pose a direct threat to the health and safety of others in the facility or community or who in the past has posed a threat to the health and safety of others or whose tenancy would likely create a risk of substantial physical damage to others. The owner or operator of the facility shall conduct an individualized assessment of each person desiring to become a resident of the facility to determine if such person would constitute a threat prior to allowing occupancy of the facility by such a person. The assessment shall be conducted by a licensed psychologist, social worker or other licensed individual qualified to perform such

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- assessments. Assessments shall include, but not be limited to, consideration of such things as past criminal histories and/or violent acts of the individual, the amounts of time that have lapsed since such acts, and treatments the individual has received. Evaluations of individuals who have committed acts of sexual aggression or criminal sex acts shall also include psycho-sexual evaluations by a licensed psychiatrist or an individual holding a PhD in psychology. No individual determined to pose a risk for commission of sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.
16. Prior to the initial occupancy of a group home for person with disabilities and at least quarterly thereafter, the owner or operator of the group home for persons with disabilities shall certify, in a sworn affidavit, that individualized assessments have been performed on each resident and that each resident meets the requirements of this section. Upon request, the owner or operator of the group home for persons with disabilities shall provide documentation and records to verify compliance with this section.
17. The facility shall comply with all applicable state and federal laws, including laws related to access.
18. To ensure the safety of the residents and surrounding community, the facility operators shall develop a safety plan demonstrating adequate supervision and control of the residents. The safety plan shall be reviewed by law enforcement officials and shall be approved by the Planning Commission.
- Section 17.70.50 Procedure For Approval and Annual Renewal of Permit for a Group
- Home for Persons With Disabilities
1. At least ten (10) days before the Planning Commission hears the application for a group home for persons with disabilities, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots.
  2. Upon review of an application for a new group home for persons with disabilities and upon determination of compliance with all of the above requirements, the application may be approved. However, where in the opinion of the Planning Commission, the information provided by the applicant is insufficient for the group home for persons with disabilities is not in compliance with the requirements of section 17.70, the application may be denied. The city shall provide written notice of approval for the proposed group to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots. If the application is denied, the city shall provide the applicant written notice of the decision to deny the application. This notice of approval or denial shall be in addition to the notice required in paragraph 1 and shall be provided either in person or by first class mail within 5 days of the decision.
  3. Upon receipt of approval of the Planning Commission, the operator of the group home for persons with a

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disability 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 17.70 above and a certification that none of the resident pose a threat as of the date of renewal; 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 site of the group home.
- c. A finding by the Planning Commission that during the preceding year the group home had been operated in compliance with the terms of section 17.70 and any other conditions of approval.

- 4. A permit to operate a group home for persons with a disability shall be;
  - a. nontransferable and shall terminate if the structure is devoted to a use other than a group home for persons with disabilities or the structure fails to comply with all building, safety, health and zoning requirements of Lindon City.
  - b. Shall terminate if at any time it is demonstrated to the Planning Commission that;
    - i. The structure fails to comply with the requirements of section

- ii. 17.70; or  
The program has failed to operate in accordance with the requirements of section 17.70.

Section 17.70.60 Juvenile Group Homes

- 1. A juvenile group home means a 24-hour group living environment for no more than four adolescents under the age of 18, unrelated to an owner or operator that offers room, board or specialized services to residents.
- 2. A juvenile group home shall be a conditional use in MC< CG< HI< HI< and R&B zones.
- 3. The juvenile group home shall be subject to state licensing procedures and must obtain a valid license issued by the Utah Sate Division of Licensing and the Department of Human Services. To protect the health and safety of the residents, an applicant must provide sufficient proof of compliance with all applicable local and state codes and./or licensing requirements, and provide a written plan demonstrating both the physical dn financial ability to bring the home up to code and the ability to operate the program in compliance with the state regulations; including the Department of Human Services' categorical standards for a residential treatment program, and the Utah Department of Youth Correction's standards for a residential, non-secure community program before an application can be granted, as contained in the Utah Administrative Code Rule Book.
- 4. The group home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning

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- in which they are constructed.
5. A site plan must be submitted showing all structures and landscaping and must be approved by the Planning Commission before a conditional use permit is approved.
  6. The operator of the facility shall provide sufficient written proof of:
    - a. a security plan satisfactory to local law enforcement authorities;
    - b. 24-hour supervision for residents; and
    - c. other 24-hour security measures.
  7. 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 74 square feet for initial occupant and an additional 50 square feet for each other occupant of the space, but in no case shall the group home have any more than four (4) residents at any given time.
  8. No juvenile group home shall be established or maintained within three fourths of a mile (3,960 feet) of another group home for the elderly, a group home for persons with a disability, a juvenile group home, a transitional/treatment group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes. No juvenile group home shall be established or maintained within 500 feet of a licensed daycare, or public or private school as measured in a straight line between the closest property lines of the proposed group home and the school/daycare lot.
  9. The facility shall meet the standard parking requirements for the zone in which it is located. However, a minimum of three off-street parking spaces shall be provided at the facility even if the standard parking requirements for the zone in which the facility is constructed would require fewer spaces for another use in that zone.
  10. The facility shall have six foot sight obscuring fencing along the side and back yards that are 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 chain link fence with slats shall not be considered sight obscuring for purposes of this section.
  11. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
  12. No person currently being treated for alcoholism or drug addiction, kleptomania, pyromania, or any sexually related addiction or disorder, including, but not limited to, sex and pornography addictions, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior, shall be placed in a juvenile group home.
  13. Placement in a juvenile group home may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
  14. The facility shall not accept any resident that could pose a threat to the health and safety of others in the facility or community or whose tenancy would likely create a risk of substantial physical damage to others. The owner

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or operator of the facility shall conduct an individualized assessment of each person desiring to become a resident of the facility to determine if such person would constitute a threat prior to allowing occupancy of the facility by such person. The assessment shall be conducted by a licensed psychologist, social worker or other licensed individual qualified perform such assessments. Assessments shall include, but not be limited to, consideration of such things as past criminal histories and/or violent acts of the individual, the amount of time that has lapsed since such acts, and treatments the individual has received. Evaluations of individuals who have committed acts of sexual aggression or criminal sex acts shall also include psycho-sexual evaluations by a licensed psychiatrist or an individual holding a PhD in psychology. No individual determined to pose a risk for commission of any sexual offenses, or being classified as having predatory tendencies may be accepted as a resident.

- 15. Prior to initial occupancy of a juvenile group home and at least quarterly thereafter, the owner or operator of the juvenile group home shall certify, in a sworn affidavit, that individualized assessments have been performed on each resident and that each resident meets the requirement of this section. Upon request, the owner or operator of the juvenile group home shall provide documentation and records to verify compliance with this section.
- 16. The facility shall comply with all applicable state and federal laws, including laws related to access.

Section 17.70.70      Procedures for approval and annual renewal of permit for a juvenile

group home

- 1. At least ten (10) days before the Planning Commission hears the application for the conditional use for a juvenile group home, the City shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closes property lines of the proposed group home and the neighboring lots
- 2. Upon review of an application for a juvenile group home and upon determination of compliance with all of the above requirements the application may be approved. However, where, in the opinion of the Planning Commission, the information provided by the applicant is insufficient or the juvenile group home is not in compliance with the requirements of section 17.70, the application may be denied. The city shall provide written notice of approval for the proposed group home to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots. If the application is denied, the city shall provide the applicant written notice of the decision to deny the application. This notice of approval or denial shall be in addition to the notice required in paragraph 1 and shall be provided either in person or by first class mail within 5 days of the decision.
- 3. Upon receipt of approval fo the Planning Commission, the operator of the juvenile group home shall be eligible to secure an annual group housing permit from the city. Said

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permit shall be valid for one calendar year and shall be renewed annually subject to:

- a. At least ten (10) days before the Planning Commission hears the renewal application, the city shall provide written notification of the renewal application, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the site of the group home.
- b. A finding by the Planning Commission that during the preceding year the group home had been operated in compliance with all of the terms of section 17.70; or
- c. the program has failed to operate in accordance with state regulation or the requirements of section 17.70.

Section 17.70.80 Transitional/Treatment Group Home (halfway house).

- 1. A transitional treatment group home means a 24-hour group facility that provides a living environment for no more than four unrelated persons, exclusive of staff, and is licensed by the state of Utah, and that provide 24-hour staff supervision and peer support structure to help applicants acquire and strengthen social and behavioral skills necessary to live independently in the community. The definition of a Transitional/Treatment Group Home shall be interpreted to include facilities that provide counseling and rehabilitation therapy treatments as well as facilities that do not provide such treatment services.

- 2. A transitional/treatment group home shall be a conditional use in MC, CG, HI, LI, R&B zones.
- 3. The transitional/Treatment group home shall be subject to state licensing procedures and must obtain a valid license issued by the Utah State Division of Licensing and the Department of Human Services. To protect the health and safety of residents, an applicant must provide sufficient proof of compliance with all applicable local and state codes and/or licensing requirements, and provide a written plan demonstrating both the physical and financial ability to bring the home up to code and the ability to operate the program in compliance with state regulations; including the Department of Human Services categorical standards for a residential treatment program before an application can be granted, as contained in the Utah Administrative Code Rule.
- 4. The group home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
- 5. A site plan must be submitted showing all structure and landscaping and must be approved by the Planning Commission before a condition use permit is approved.
- 6. The operator of the facility shall provide sufficient written proof of:
  - a. a security plan satisfactory to local law enforcement authorities;
  - b. 24- hour supervision for residents; and
  - c. other 24-hour security measures.
- 7. Occupancy of the structure shall be such that each resident is provided adequate

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- personal space. A residential facility shall ensure that each bedroom space in the facility has a floor area, exclusive of closet space, of at 74 square feet for initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than four (4) residents at any given time.
8. No transitional/treatment group home shall be established or maintained within three fourths of a mile (3,960 feet) of another transitional/treatment group home, group home for the elderly, a group home for person with a disability, a juvenile group home, or a transitional victim home as measured in a straight line between the closest property line of the proposed group home and the closest property line of the existing group homes. No transitional/treatment group home shall be established or maintained within 500 feet of a licensed daycare, or public or private school as measured in a straight line between the closest property lines of the proposed group home and the school/ daycare lot.
  9. The facility shall meet the standard parking requirements for the zone in which it is located. However, a minimum of three off-street parking spaces shall be provided at the facility even if the standard parking requirements for the zone in which the facility is constructed would require fewer spaces for another use in that zone.
  11. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
  12. No person currently being treated for alcoholism or drug addiction, kleptomania, pyromania, or any sexually related addiction or disorder, including, but not limited to, sex and pornography addictions, transvestism, transexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders (those not resulting from physical impairments), or any other sexual behavior disorders, shall be placed in a transitional treatment home.
  13. Placement in a transitional treatment group home may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
  14. The facility shall not accept any resident that could pose a threat to the health and safety of others in the facility or community.
  15. The facility shall comply with all applicable state and federal laws, including laws related to access.
  16. To ensure the safety of the residents, the facility shall be equipped with an automatic fire extinguishing system.
- Section 17.70.90      Procedure for approval and annual renewal of permit for a transitional/treatment group home.
1. At least ten (10) days before the Planning Commission hears the application for the conditional use for a transitional/treatment group home, the city shall provide written notification, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots.
  2. Upon review of an application for a new transitional/treatment group home and

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upon determination of compliance with all of the above requirements the application may be approved. However, where, in the opinion of the Planning Commission, the information provided by the applicant is insufficient or the transitional/treatment group home is not in compliance with the requirements of section 17.70, the application may be denied. The city shall provide written notice of approval for the proposed group home to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closes property lines of the proposed group home and the neighboring lots. If the application is denied, the city shall provide the applicant written notice of the decision to deny the application. This notice of approval or denial shall be in addition to the notice required in paragraph 1 and shall be provided either in person or by first class mail within 5 days of the decision.

- 3. Upon receipt of approval of the Planning Commission, the operator of the transitional/treatment group home shall be eligible to secure an annual group housing permit from the city. Said permit shall be valid for one calendar year and shall be renewed annually subject to:
  - a. At least ten (10) days before the Planning Commission hears the renewal application, the city shall provide written notification of the renewal application, either in person or by first class mail, to all citizens living within or owning property within 300 feet of the site of the group home.
  - b. A finding by the Planning Commission that during the preceding year the group home had been operated in compliance with all of the terms of section 17.70 and any other conditions of approval

previously required.

- 4. A permit to operate a transitional/treatment group home shall terminate if at any time it is demonstrated to the Planning Commission that:
  - a. the structure is devoted to a use other than as a transitional/treatment group home;
  - b. the structure fails to comply with the requirements of section 17.70; or
  - c. the program has failed to operate in accordance with state regulations or the requirements of section 17.70.

Section 17.70.100 Transitional Victim Home (Safe House).

- 1. A Transitional Victim Home means a residential support facility for up to four (4) families (single individual or parent with children) at any given time, and said facility is licensed by the state of Utah as a residential support facility, which provides 24-hour care and peer support to victims of abuse or crime and which arranges for or provides the necessities of life and protective services to residents who are temporarily displaced due to abuse, crime, or other emergency. Treatment is not a necessary component of a Transitional Victim Home, but may be provided if the facility and providers are properly license by the state.
- 2. A Transitional Victim Home shall be a permitted use in all residential zones. However, due to the sensitive nature of the services provided to victims of abuse and crime and due to the need to keep the location of such home as confidential and private as possible,

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- transitional victim homes shall not be required to secure site plan approval from the Planning Commission as is required of other group homes, but shall receive site plan approval from the Development Review Committee (DRC).
3. Each transitional victim home is subject to state licensing procedures and must provide the city proof of a valid license issued by the Utah State Division of Licensing and compliance with Department of Human Services standards.
  4. The transitional victim home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
  5. The transitional victim home shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type and for the zoning in which they are constructed.
  6. The structure shall be capable of use as a transitional victim home without structural or landscaping alterations that would change the residential character of the structure. A site plan must be submitted showing any alteration of the structure or landscaping. Any alterations must be approved by the DRC before a permit is issued.
  7. 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 74 square feet for the initial occupant and an additional 50 square feet for each other occupant of this space, but in no case shall the group home have any more than four (4) families (single individual or parent with children) at any given time.
  8. No transitional victim home shall be established or maintained within three fourths of a mile (3,960 feet) of another transitional victim home, residential facility for elderly person, a group home for person with a disability, juvenile group home, or a transitional/treatment group home as measured in a straight line between the closes property line of the proposed transitional victim home and the closest property line of the existing group home.
  9. The facility shall provide one off-street parking space for each sleeping room, plus adequate parking for visitors and staff. In no case shall the facility provide less than three off-street parking spaces.
  10. The transitional victim home shall have six foot sight obscuring fencing along the side and back yards that is constructed in a manner consistent with the residential character of the neighborhood. Such fencing shall be constructed and maintained in accordance with the Lindon City Code. The DRC shall approve the style and design of any fencing before a permit is issued. A chainlink fence with slats shall not be considered sight obscuring for the purposes of this section.
  11. No portion of the transitional victim home's front and side yard set backs shall be used to provide parking spaces as required by this section without prior approval of the DRC. Any use of the yard as parking space shall not change the residential character of the property.
  12. The transitional victim home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance for on the home, and liability insurance to cover residents and third party individuals.

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- 13. The transitional victim home shall not accept any resident that would pose a direct threat to the health and safety of others in the facility or community.
- 14. The transitional victim home shall comply with all applicable state and federal laws, including laws related to access.
- 15. To ensure the safety of residents, the transitional victim home shall be equipped with an automatic fire extinguishing system.

Section 17.70.120 Denial of application for group home for elderly, group home for persons with a disability, juvenile group home, transitional/treatment group home, transitional victim home - appeal.

- 1. Upon the determination of an application for a group home for elderly, group home for person with a disability, juvenile group home, transitional/treatment group home, or transitional victim home, the applicant or an interested party may appeal the decision of the Planning Commission directly to the City Council.
- 2. Notice of appeal shall be filed with the City Administrator within 30 days of the Planning Commission's decision. The City Council may not act upon the appeal of a Planning Commission decision until notice of the hearing as required by the city code and state law is properly given.
- 3. At least ten (10) days before the City Council hears the appeal of the denial of the application for the group home, the city shall provide written notification of

the appeal, either in person or by first class mail, to all citizens living within or owning property within 750 feet of the proposed site of the group home as measured in a straight line between the closest property lines of the proposed group home and the neighboring lots.

- 4. Any decision by the City Council on an appeal of a denial of an application for a group home for elderly, group home for person with a disability, juvenile group home, transitional/treatment group home, or transitional victim home shall;
  - a. Be issued in writing within 10 days of the City Council meeting at which the appeal was heard; and
  - b. Shall set forth the findings of the City Council; and
  - c. Shall be delivered in person or by first-class mail to the applicant and/or appellant.

(Ordinance 2007-11, repealed and replaced in it's entirety 08/21/2007).