

**Nephi City**  
**ORDINANCE 05-05-2026-A**

**SECTION 3.7 ELDERLY AND DISABLED FACILITIES**

**AMENDMENTS TO SECTION 3.7 ELDERLY AND DISABLED FACILITIES**

**WHEREAS**, Nephi City wishes to increase the maximum number of residents allowed in an elderly or disabled persons facility from eight (8) to twelve (12); and

**WHEREAS**, Nephi City would like to reduce the maximum distance between all elderly and disabled facilities; and

**WHEREAS**, Nephi City would like to limit the number of residents allowed in any bedroom for such facilities for the benefit of our residents; and

**WHEREAS**, Nephi City would like to provide adequately for the elderly and disabled needs of our community members.

**NOW THEREFORE**, be it ordained by the City Council of Nephi City, UT as follows:

**SECTION 1: Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

**SECTION 2: Amendment.** Section "3.7.1 " is hereby amended as follows.

...

RESIDENTIAL FACILITY: When not used ... Persons with a Disability.

RESIDENTIAL FACILITY BUSINESS LICENSE: A ... pursuant to this chapter.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A single family or multi-family dwelling in which not more than ~~eight~~twelve (812) ~~related, or~~ related, or unrelated elderly individuals reside together in a ~~family-type~~shared domestic arrangement- (exclusive of staff), and if applicable, the facility is licensed or certified as a residential facility for elderly persons by the Utah Department of Health and Human Services (DHHS), The term, "Residential facilities for elderly persons" shall not include any of the following:

A. A facility where ... drug abuse are placed;

B. A facility where ... in a correctional institution;

C. A facility which is a healthcare facility as defined by Utah Code Annotated Section ~~26-21-2, as amended; or~~ 26B-2-201(13), as amended; or

D. A facility which ... persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A single family or multi-family

dwelling in which not more than ~~eight (8) unrelated individuals, exclusive of staff, who have a disability reside, and is licensed or certified as a residential facility for disabled persons by the Utah Department of Human Services. Residential facility for persons with a disability shall not include facilities for the following:~~ secure twelve (12) related, or unrelated disabled individuals reside together in a shared domestic arrangement (exclusive of staff), and if applicable the facility is licensed or certified as a residential facility for disabled persons by the Utah Department of Human Services (UDHS). The term, "Residential facility for persons with a disability" shall not include facilities for the following:

A. ~~treatment,~~ Adult daycare,

B. Day treatment, ~~comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment, as defined in~~ Utah Code Annotated section ~~62A~~26B-2-101(21), as amended.

HISTORY:

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SECTION 3: Amendment. Section "3.7.2 " is hereby amended as follows.

A. ~~A~~ residential facility for elderly persons shall comply with the following:

~~A. Permitted Use: The facility shall be permitted in any zoning district where a dwelling is allowed.~~

1. Permitted Use in Zones Allowing Residential: The facility shall be permitted in any zoning district where a residential use is allowed.

~~B. Building and Safety Requirements:~~

~~1. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to single family or similar dwellings; except as may be modified by the provisions of this chapter.~~

~~2. 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.~~

~~3. No residential facility for elderly persons shall be established or maintained within three thousand nine hundred sixty (3,960) feet of another residential facility for elderly persons or a residential facility for persons with a disability. However, no residential facility for elderly persons shall exceed twelve (12) residents, including care-givers or staff.~~

2. Prohibited Uses: No residential facility shall be made available to an individual whose tenancy would:

(1) constitute a direct threat to the health or safety of other individuals; or

(2) result in substantial physical damage to the property of others.

3. Building, Safety, and Site Requirements:

a. Applicable Code Regulations:

(1) The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter.

(2) 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.

(3) All other applicable local, state, or federal regulations governing these facilities shall be followed.

b. Maximum Residents Per Bedroom: Maximum bedroom capacity is limited to two residents, with accommodations for individual privacy.

c. Distance Between Facilities: No residential facility for elderly persons shall be established or maintained within one-thousand, fifty-six (1,056) feet of another residential facility for elderly persons or a residential facility for persons with a disability. The distance shall be measured in a straight line between the closest property lines of the lots or parcels.

~~€~~ d. Prohibited Parking Uses Requirements:

~~1. No residential facility for elderly persons shall exceed eight (8) residents that are not related by blood, marriage, or adoption.~~ The facility shall meet the standard parking requirements for the zone in which it is located, and follow requirements in Section 11.6.8 Parking & Loading - Off-street Parking Lots.

~~2. No residential facility shall be made available to an individual whose tenancy would: 1) constitute a direct threat to the health or safety of other individuals, or 2) result in substantial physical damage to the property of others.~~ 4. Business License Required:

~~D. License:~~ Prior to the occupancy of a residential facility for elderly persons, the person or entity operating the facility shall obtain a license for such operation from the city. To obtain the license, the applicant must:

a. Certify that it meets and will comply with all of the applicable requirements of this chapter; and

b. Provide verification that it has been certified or licensed by the Utah Department of Health and Human Services (DHHS) to establish and operate the residential facility, as applicable.

c. If the operator of a residential facility for persons with a disability loses its certification or license from the State of Utah to operate such facility, then its authorization and business license to operate such facility in Nephi City automatically terminates.

HISTORY:

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**SECTION 4: Amendment.** Section "3.7.3 " is hereby amended as follows.

A. A residential facility for persons with a disability shall comply with the following:

~~A~~ 1. Permitted Use in Zones Allowing Residential: The facility shall be permitted in any zoning district where a ~~dwelling~~ residential use is allowed. However, no residential facility for persons with a disability shall exceed twelve (12) residents, including care-givers or staff.

2. Prohibited Uses: No residential facility shall be made available to an individual whose tenancy would:

a. constitute a direct threat to the health or safety of other individuals, or

b. result in substantial physical damage to the property of others.

3. Building, ~~Safety~~, and ~~Safety~~Site Requirements:

+ a. Applicable Code Regulations:

(1) The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter.

(2) The structure shall be capable of use as a residential facility 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.

(3) All other applicable local, state, or federal regulations governing these facilities shall be followed.

b. Maximum Residents Per Bedroom: Maximum bedroom capacity is limited to two residents, with accommodations for individual privacy.

~~2. The structure shall be capable of use as a residential facility 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.~~

4. Distance Between Facilities:

~~3. No residential facility for persons with a disability shall be established or maintained within three thousand nine hundred sixty (3,960) feet of another residential facility for persons with a disability or a residential facility for elderly persons. The distance shall be measured in a straight line between the closest property lines of the lots or parcels.~~  
No residential facility for persons with a disability shall be established or maintained within one-thousand, fifty-six (1,056) feet of another residential facility for persons with a disability or a residential facility for elderly persons. The distance shall be measured in a straight line between the closest property lines of the lots or parcels.

~~C. Prohibited Uses:~~

~~1. No residential facility for persons with disabilities shall exceed eight (8) residents that are not related by blood, marriage, or adoption:~~

~~2. No residential facility shall be made available to an individual whose tenancy would: 1) constitute a direct threat to The health or safety of other individuals, or 2) result in substantial physical damage to the property of others.~~

5. Parking Requirements: The facility shall meet the standard parking

~~D. License: Prior to the occupancy of a residential facility for persons with a disability, the person or entity operating the residential facility shall obtain a business license for such operation from the city. To obtain the license, the applicant must:~~  
requirements for the zone in which it is located, and follow requirements in Section 11.

~~1. Certify that it meets and will comply with all of the applicable requirements of this chapter.~~

6.8 Parking & Loading - Off-street Parking Lots.

26. Business License Required: Prior to the occupancy of a residential facility for persons with a disability, the person or entity operating the residential facility shall obtain a business license for such operation from the city. To obtain the license, the applicant must:

a. Certify that it meets and will comply with all of the applicable requirements of this chapter.

b. Provide verification that it has been certified by the Utah Department of Health and

Human Services ~~or (DHHS) Department of Health~~ to establish and operate the residential facility, as applicable.

c. If the operator of a residential facility for persons with a disability loses its certification or license from the State of Utah to operate such facility, then its authorization and business license to operate such facility in Nephi City automatically terminates.

HISTORY:

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SECTION 5: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 6: Effective Date. This ordinance being necessary for the peace, health, and safety of Nephi City, shall become effective immediately upon posting.

**\*\*Signatures On Next Page\*\***

**PASSED AND ADOPTED** by Nephi City Council this **5th day of May, 2026**.



JUSTIN SEELY, Mayor  
Nephi City

Attest:



LESLEE ANDERSON, City Recorder  
Nephi City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Jeramie Callaway	<u>X</u>	—	—	—
Shari Cowan	<u>X</u>	—	—	—
JD Parady	<u>X</u>	—	—	—
Travis Worwood	<u>X</u>	—	—	—
Tate Douglas	—	—	—	<u>X</u>



RECORDED this 5th day of May, 2026.

PUBLISHED OR POSTED this 7th day of May, 2026.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Nephi City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. Utah Public Notice Website
2. City Hall
3. Juab County Building

on the above referenced dates.



LESLEE ANDERSON, City Recorder  
Nephi City