



ORDINANCE NO. 987

AN ORDINANCE NOTIFYING THE PUBLIC OF A PENDING ORDINANCE REGARDING ESTABLISHING GENERAL STANDARDS AND REQUIREMENTS FOR RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH A DISABILITY AND RECOVERY RESIDENCES FOR INDIVIDUALS OF ANY AGE, WHICH MAY INCLUDE BUT NOT BE LIMITED TO, MEETING THE REQUIREMENTS OF THE ZONE IN WHICH IT IS LOCATED, PARKING REQUIREMENTS, DESIGN AND LANDSCAPING REQUIREMENTS, BUILDING CODE CONFORMANCE, AND LIMITING A MAXIMUM NUMBER OF RESIDENTIAL TREATMENT FACILITIES AND RECOVERY RESIDENCES FOR INDIVIDUALS OF ANY AGE FOR EACH ZONE

WHEREAS, Section 10-9a-504 of the Utah Code permits a municipality, without prior consideration of or recommendation from the municipality's planning commission, to enact an ordinance establishing a temporary land use regulations for any part of a municipality if the legislative body makes a finding of a compelling, countervailing public interest; and

WHEREAS, the Riverdale City Council (the "**Council**") met in regular session on August 20, 2024, to consider, among other things, approving an ordinance notifying the public of a pending ordinance regarding establishing general standards and requirements for Residential Treatment Facilities for Persons with a Disability and Recovery Residences for individuals of any age, which may include but not be limited to, meeting the requirements of the zone in which it is located, parking requirements, design and landscaping requirements, building code conformance, and limiting a maximum number of Residential Treatment Facilities and Recovery Residences for each zone; and

WHEREAS, City staff have recommended revisions to the Riverdale City Zoning Ordinance to establish general standards and requirements for Residential Treatment Facilities for Persons with a Disability and Recovery Residences for individuals of any age which may include but not limited to, meeting the requirements of the zone in which it is located, parking requirements, design and landscaping requirements, building code conformance, and limiting a maximum number of Residential Treatment Facilities and Recovery Residences for each zone; stating that a Residential Treatment Facility for Persons with Disabilities and Recovery Residence for individuals of any age operating in any zone does not accomplish the public purposes of Riverdale City, a Utah Municipal Corporation, in the areas of economic development, job creation, job preservation, or to enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort, or the convenience of the inhabitants of Riverdale City; and

WHEREAS, the Council is authorized by Utah Code Ann.§10-9a-509(1)(a)(ii)(B) to initiate proceedings to amend its ordinances in a manner provided by local ordinance and before an application is submitted; and

WHEREAS, Utah Code Ann.§10-9a-509(1)(e) provides that the City shall process an application without regard to proceedings initiated to amend the municipality's ordinances as provided in Utah Code Ann.§10-9a-509(1)(a)(ii)(B) if 180 days have passed since the proceedings were initiated and the proceedings have not resulted in an enactment that prohibits approval of the application; and

WHEREAS, the Council has determined that based on staff recommendation that an ordinance establishing general standards and requirements for Residential Treatment Facilities for Persons with a Disability and Recovery Residences for individuals of any age is needed; and

WHEREAS, the period needed to review and implement an ordinance establishing general standards and requirements for Residential Treatment Facilities for Persons with a Disability and Recovery Residences for individuals of any age is within a period of one hundred eighty (180) days; and

WHEREAS, after careful consideration, the Council has determined to initiate proceedings to amend the Zoning Ordinance to establish general standards and requirements for Residential Treatment Facilities for Persons with a Disability and Recovery Residences for individuals of any age, which may include, but not limited to, meeting the requirements of the zone in which it is located, parking requirements, design and landscaping requirements, building code conformance, and limiting a maximum number of Residential Treatment Facilities and Recovery Residences for individuals of any age for each zone; and

WHEREAS the Council finds that this Ordinance constitutes formally initiated proceedings that satisfies the requirements Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and further finds that this Ordinance is in the best interest of the health, safety, and welfare of the City’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Council that the staff and Planning Commission initiate proceedings to amend the Zoning Ordinances to establish general standards and requirements for Residential Treatment Facilities for Persons with a Disability and Recovery Residences for individuals of any age, which may include, but not limited to, meeting the requirements of the zone in which it is located, parking requirements, design and landscaping requirements, building code conformance, and limiting a maximum number of Residential Treatment Facilities and Recovery Residences for individuals of any age for each zone.

BE IT FURTHER ORDAINED that to protect the public health, safety, and welfare and to implement the planning and zoning objectives of the City, the Council hereby invokes the pending ordinance doctrine and/or Utah Code Ann. §10-9a-509 (1)(a)(ii)(B) and expressly formalizes its intentions to consider enactment of such ordinances and comprehensive amendments to the Zoning Ordinances to establish general standards and requirements for of Residential Treatment Facilities and Recovery Residences for individuals of any age, which may include but not be limited to, meeting the requirements of the zone in which it is located, parking requirements, design and landscaping requirements, building code conformance, and limiting a maximum number of Residential Treatment Facilities and Recovery Residences for individuals of any age for each zone.

BE IT FURTHER ORDAINED that except as provided below, this ordinance prohibits or regulates land use approvals, erection, construction, reconstruction, extension, expansion, alteration, or operation of any Residential Treatment Facility for Persons with a Disability and Recovery Residence for individuals of any age that, as of August 20, 2024, does not have a current business license issued by the City to operate; and

BE IT FURTHER ORDAINED that maintenance and/or repair to existing licensed Residential Treatment Facilities and Recovery Residences for individuals of any age is exempt from the prohibition and regulation provided herein.

PASSED, ADOPTED AND ORDERED POSTED this 20th day of August, 2024.

Attest:

Braden D. Mitchell, Mayor

Michelle Marigoni, City Recorder

VOTE:	Alan Arnold	☐	Yes	☐	No	☐	Absent
	Bart Stevens	☐	Yes	☐	No	☐	Absent
	Anne Hansen	☐	Yes	☐	No	☐	Absent
	Michael Richter	☐	Yes	☐	No	☐	Absent
	Stacey Haws	☐	Yes	☐	No	☐	Absent