



STAFF REPORT

DATE: January 18, 2023

TO: The Honorable Mayor and City Council

FROM: Todd Sheeran

SUBJECT: Consideration of proposed amendments to Chapters 10-3, 10-16, and 10-25 of the Land Development Code and enacting Title 11 to define and regulate Residential Treatment Facilities for the Disabled.
Applicant: Herriman City
File No: Z2022-172

RECOMMENDATION:

Staff recommends the Council approve the attached Ordinance.

ISSUE BEFORE COUNCIL:

Should the City approve the proposed amendments in Title 10 and enact Title 11 to modify and improve the regulation of Residential Treatment Facilities for the Disabled?

BACKGROUND/SUMMARY:

Herriman is a growing city with an estimated population of 58,198 (2021), with 85% of houses being owner-occupied. See U.S. Census Bureau, Attachment A. The purpose of the proposal is to ensure compliance with Utah State Code and applicable Federal Regulations, as well as the protection of the health, safety, and welfare of the general public.

DISCUSSION:

Following the review of applicable codes, regulations, and case law, the City Attorney's Office drafted a series of amendments that will improve the administrative regulations for Residential Treatment Facilities for the Disabled in compliance with the Fair Housing Act Amendments of 1988. See Draft Ordinance, Attachment B.

Specifically, the proposed text amendment:

- Repeals Chapter 10-25 and enacts Title 11.
- Adds, removes, and revises several definitions.

- Clarifies the process to obtain a business license.
- Allows up to eight unrelated disabled persons to reside in a facility. See Supporting Research, Attachment C.
- Updates the process for a person or entity to request a reasonable accommodation, which will be decided by a hearing officer with experience and knowledge of applicable laws.

The Planning Commission reviewed the draft amendment and forwarded a positive recommendation with one minor change.

ALTERNATIVES:

- Option 1 – Modify the proposed text amendment.
- Option 2 – Deny the proposed text amendment.

FISCAL IMPACT:

ATTACHMENTS:

A. U.S. Census Bureau B. Draft Ordinance C. Supporting Research