



## **CITY COUNCIL STAFF REPORT**

**DATE OF MEETING:** June 17, 2025

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment of Section 16.27.020 Definitions, A. Residential Treatment Facility (Ordinance 2025-11)

### **ITEM: 13**

Midway City is proposing a code text amendment that would update and clarify provisions in Section 16.27.020 of the Midway City Land Use Code regarding definitions, A. Residential Treatment Facility.

### **BACKGROUND:**

The Midway Municipal Code governs residential treatment facilities within the city limits.

Section 16.27.020 of the Midway City Code, Definitions, A. Residential Treatment, currently provides:

*An operation licensed by the State of Utah as “Residential Treatment” as a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment ...*

Section 16.27.020, subsections B and C, define a Residential Facility for Elderly Persons and Residential Facility for a Person with a Disability respectively. Both limit each facility to “not more than eight (8) ... persons”.

Historically, all three definitions have been interpreted to limit occupancy to no more than eight individuals unrelated to the owner or provider. However, since Section A does not use the same language as subsections B and C, this may be a source of potential confusion. The purpose of this proposal is to clarify the interpretation that has been used in Midway and make the language regarding occupancy in subsection A identical to that used in subsections B and C.

Accordingly, Midway City proposes amending Section 16.27.020 A as follows:

### **16.27.020 Definitions**

**Residential Treatment.** An operation licensed by the State of Utah as “Residential Treatment” as a 24-hour group living environment for ~~four or more~~ **not more than eight (8)** individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

A copy of the proposed ordinance 2025-11 is attached.

Code text amendments fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the proposal.

### **POSSIBLE FINDINGS:**

- The proposed amendment clarifies the language of Section 16.27.020 by improving consistency across the definitions, which is consistent with the historic application and interpretation of these provisions.
- Consistency across the definitions should decrease the potential for ambiguity or potential confusion with respect to this provision of code.
- The proposed language is consistent with supporting data underlying and forming the basis for the occupancy limits for residential treatment facilities, residential facilities for elderly persons, and residential facilities for persons with disabilities.

### **PLANNING COMMISSION RECOMMENDATION**

At its regularly scheduled meeting held April 8, 2025, the Midway City Planning Commission considered this matter and made the following recommendation:

**Motion:** Commissioner Wardle: I make a motion that we recommend to approve an amendment of Midway City Code Chapter 16.27.020, Definition, A. Residential Treatment, to include specific language limiting the maximum number to “8” in accordance with historic use and data, to reduce potential confusion, and to ensure consistency within this section of code. We accept the staff findings.

**Seconded:** Commissioner Osborne

**Chairman Garland:** Any discussion on the motion?

**Chairman Garland:** All in favor.

**Ayes:** Commissioners: Wardle, Osborne, Nokes, Lineback and Knight

**Nays:** None

### **ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City’s Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for denial



**Midway**

## **ORDINANCE 2025-\_\_\_\_**

### **AN ORDINANCE TO AMEND SECTION 16.27.020 OF THE MIDWAY CITY LAND USE CODE TO UPDATE THE DEFINITION OF RESIDENTIAL TREATMENT**

**WHEREAS**, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

**WHEREAS**, Chapter 16.27 of the Midway City Land Use Code governs “Residential Facilities for Elderly Persons or for Persons with a Disability”; and

**WHEREAS**, “Residential Treatment” is currently defined in Section 16.27.020(A) as “a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment ...”; and

**WHEREAS**, the subsequent definitions for “Residential Facility for Elderly Persons” and “Residential Facility for Persons with a Disability” state “not more than eight (8) persons”; and

**WHEREAS**, facilities for “residential treatment” under the Midway City Code, like residential facilities for elderly persons and residential facilities for persons with a disability, historically have been limited to no more than eight individuals unrelated to the owner or provider; and

**WHEREAS**, to improve clarity and consistency among these provisions, the City Council desires to make the following changes.

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

The following Section of Chapter 16.27 shall be amended as follows:

**16.27.020 Definitions**

- A. Residential Treatment. An operation licensed by the State of Utah as “Residential Treatment” as a 24-hour group living environment for ~~four or more~~ **not more than eight (8)** individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

This ordinance shall take effect upon publication as required by law.

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**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this \_\_\_\_ day of \_\_\_\_\_, 2025.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)