

ORDINANCE #16-24

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY ADDING A NEW CHAPTER 39, "DIMPLE DELL OVERLAY ZONE" THAT WOULD CREATE A NEW OVERLAY ZONE, WITH ASSOCIATED DEVELOPMENT STANDARDS, FOR PROJECTS AROUND THE DIMPLE DELL PARK; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, by adding Chapter 39, "Dimple Dell Overlay Zone", that would create a new overlay zone, with associated development standards, for projects around the Dimple Dell Park. The new overlay zone will allow for a traditional subdivision with bigger setbacks along Dimple Dell Road and adjacent to the Park; and

WHEREAS, the Planning Commission held a public hearing on May 19, 2016 which meeting was preceded by notice by publication in the Salt Lake Tribune on May 9, 2016, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on May 4, 2016; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on June 7, 2016 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on May 9, 2016, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on May 4, 2016; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. (2012) to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. where by appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the

alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2016.

Kristen Coleman-Nicholl, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2016.

APPROVED this _____ day of _____, 2016.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2016.

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Chapter 15A-39 – DIMPLE DELL OVERLAY ZONE

15A-39-01 Purpose

The objective of the Dimple Dell Overlay Zone (DDOZ) is to preserve the natural and in some instances of developed open space improvements located in the Dimple Dell Regional Park (the Park). This objective is met by establishing inter-local agreements between Sandy City and Salt Lake County which will approve and incorporate these standards and guidelines as a specific zone for use in future development of property located directly adjoining to the Park.

The DDOZ standards and guidelines provide a mechanism to the adjoining property owners with a number of options whereby they can preserve and enhance the Park and the Community.

The DDOZ has been established in recognition of the unique nature of this 644 acre Park, which is the largest locally controlled park in Utah. The Park provides a recreational and aesthetically pleasing experience for all residents in Sandy and all those who visit.

15A-39-02 Boundaries

The Dimple Dell Overlay Zone shall be confined to the properties outlined in the attached map. Any new subdivision within the outlined boundaries shall be developed as a traditional subdivision meeting all of the regulations found herein.

15A-39-03 Definitions

For the purpose of this Section, the following terms shall have the meanings described below:

- (a) Sensitive Area. See regulations found within the Sandy City Land Development Code.
- (b) Traditional Subdivision. The partitioning of land to provide lots that meet or exceed all requirements of the underlying zone, unless other exceptions are required as found within this Chapter.

15A-39-04 Procedures

- A. **Development Committee Review.** All new proposed residential subdivision submissions shall be made well in advance of planned construction for proper coordination and feedback and shall be reviewed by the City Development Committee before submittal to the Planning Commission.
- B. **Additional Submittals.** In addition to the application requirements outlined in the subdivision procedure, all applications within the DDOZ shall include the following:

1. **Sensitive Area Designation Plan.** This plan will identify all sensitive areas, which are outlined within this Title, pertaining to the subject property. Any new development that has sensitive area within its boundaries, shall comply with all regulations found within the Sensitive Area Overlay Zone except for a more restrictive setback from a 30% or greater slope as outlined herein. This map shall also identify the Wildland – Urban Interface.

2. **Adjoining Properties.** This plan shall identify all uses, zoning and density of development and property adjoining the subject property.

The Planning Commission shall consider potential changes to traffic, parking, pedestrian activity, impacts on Dimple Dell Park, and compatibility with adjacent properties and use.

15A-39-05 Uses Allowed

A. **Ancillary Uses.** All permitted and conditional land uses within the DDOZ zone may conduct ancillary uses, as specifically defined within the Definitions section of the Development Code provided such use is not regulated by other sections or is listed as a non-permitted use in the underlying zone district. For "A" designated properties, the regulations shall remain.

B. **Permitted and Conditional Uses.** The DDOZ is an overlay district, and as such, permitted and conditional uses are governed by the requirements and standards of the specific underlying residential zone. Except as otherwise stipulated in the DDOZ zone, development proposals shall comply with the requirements of the underlying zone.

15A-39-06 Density

Density for traditional subdivisions shall be governed by the minimum lot sizes required by the respective zoning district in which the subdivision is located.

15A-39-07 Lot Standards

All lot standards for area and frontage shall remain in effect for new traditional subdivisions.

15A-39-08 Setback Regulations

The builder or developer of a traditional subdivision is encouraged to consider principal building position and orientation, but shall observe the following minimum standards for buildings within a traditional subdivision. No exceptions to primary building minimum setbacks will be allowed

- (a) **Front Setback.** See table below.
- (b) **Rear Setback.** See table below.
- (c) **Side Setback.** See table below.



- (d) **Corner Side Setback.** See table below.
- (e) **Sensitive Area Setback.** See table below.
- (d) **Accessory Structures.** All accessory structures shall comply with the size and height restrictions with the residential district most closely associated with the respective lot size. Setbacks for accessory structures are the same for the underlying zone, except for lots that front Dimple Dell Road or for those abutting the Park. In this case, the setback shall be 40 feet from the property lines abutting Dimple Dell Road or the Park.

SETBACKS FOR NEW SUBDIVISIONS	
TRADITIONAL LAYOUT	
FRONT SETBACK	
FRONTING DIMPLE DELL ROAD – 40'	
CORNER LOT - 40'/20'	
INTERIOR LOT FRONT SETBACKS – 30'	
CUL-DE-SAC FRONT SETBACKS – 20'	
SIDE SETBACK	
R-1-15 – MINIMUM OF 10' TOTAL OF 22'	
R-1-20 - MINIMUM OF 10' TOTAL OF 24'	
R-1-30 - MINIMUM OF 12' TOTAL OF 27'	
R-1-40 - MINIMUM OF 15' TOTAL OF 30'	
REAR SETBACK	
ALL REAR SETBACKS – 30'. SETBACK IS INCREASED TO 40' FOR PROPERTY LINES ADJOINING THE DIMPLE DELL PARK.	
<p>Sensitive Area Setback. No dwellings or accessory structures shall be constructed within an average of 30 feet (no point being closer than 10 feet) of a continuous hillside slope (upslope or downslope) of 30% or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.</p>	



Dimple Dell Overlay Zone Map

