

ORDINANCE 21-13

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 19, "SPECIAL DEVELOPMENT (SD) DISTRICTS" TO AMEND QUALIFICATION REQUIREMENTS FOR THE APPLICATION OF SD ZONES WITHIN THE CITY AND TO ADD A NEW SECTION WITHIN THIS CHAPTER TO CREATE A NEW SPECIAL DEVELOPMENT DISTRICT FOR KUWAHARA WHOLESALE; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 19, "Special Development (SD) Districts", to amend qualification requirements for the application of SD Zones within the City and to add a new section within this chapter to create a new Special Development District for Kuwahara Wholesale;

WHEREAS, the Planning Commission held a public hearing on March 18, 2021 which meeting was preceded by notice by publication in the Deseret News on February 26, 2021, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on February 23, 2021; 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 April 6, 2021 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations 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 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 reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing 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. Whereby 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 ordinance is required.

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

Section 1. Amendment. Title 21 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 judgement shall not affect, impair or invalidate the remainder of this ordinances 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 of 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 up on publication of a summary thereof.

PASSED AND APPROVED this 6th day of April, 2021.



DocuSigned by:
Cyndi Sharkey
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Cyndi Sharkey, Sandy City Council

ATTEST:

DocuSigned by:
Wendy P
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City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 13th day of April, 2021.

APPROVED this 13th day of April, 2021.

DocuSigned by:
Kurt Bradburn
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Kurt Bradburn, Mayor

ATTEST:

DocuSigned by:
Wendy P
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City Recorder

PUBLISHED this 16th day of April, 2021.

Exhibit "A"

Sec. 21-19-1. - Special Development District SD.

- (a) *Purpose.* The Special Development District (SD) Zone designation is provided in order to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development.
- (b) *Qualification.* For an applicant to qualify for SD District, classification the following conditions shall be present:
 - (1) The property to be classified shall be at least one acre in size.
 - (2) The applicant shall demonstrate to the Planning Commission and City Council that development on the property would be substantially constrained by unusual topographic or other natural features, by difficult platting or ownership configuration, by an unusual or difficult impact from public utility structures or other public structures or facilities or that a similarly unusual hardship condition exists. Alternatively, a unique development proposal or land use that wouldn't be allowed within an existing zone must be demonstrated.
 - (3) The entire site proposed for SD District classification shall be included in a development plan for review and Planning Commission approval.
- (c) *Land Uses Allowed.* Land uses allowed within an SD District shall be established by the review process as described in Subsection (e) of this section.
- (d) *District Designation.* When the land uses to be allowed in a specific SD District are determined, a permanent suffix for the district shall be established that shall be shown on the Sandy City Zone District Map. The suffix shall describe the dominant land use characteristic of the district, as the examples below illustrate:
 - (1) SD-R (residential uses).
 - (2) SD-I (industrial uses).
 - (3) SD-C (commercial uses).
 - (4) SD-X (mixed residential and commercial uses).
- (e) *Development Plan.*
 - (1) A development plan shall be presented to the Director for review and presentation to the Planning Commission. The Planning Commission shall review the plan, along with comments from the Director. The Commission shall recommend approval, recommend approval with conditions, or recommended disapproval.
 - (2) The development plan shall be a conceptual proposal for general development of the entire site proposed for SD classification and shall include the following:
 - a. A legal description and a map drawn to scale showing site boundaries, site orientation, major streets that serve the site and zoning classification and uses on abutting properties.
 - b. The general location of proposed land uses (including structures) and land area to be devoted to each use.
 - c. Existing contours and a general estimate of finished grades and contours.
 - d. Location and type of existing vegetation.
- (f) *Specific Development Standards and Regulations.*
 - (1) The Planning Commission or the Director may prepare specific development standards and regulations for the proposed site provided such standards and regulations are in conformity with

Planning Commission adopted policies, programs, and plans and all applicable chapters of this title. Such standards and regulations may include, but are not limited to:

- a. The height, location and bulk of buildings.
- b. The location, arrangement, and configuration of open space and building setback.
- c. The location and design of off-street parking areas.
- d. The number, size and location of all signs.
- e. Permitted or conditional uses.
- f. Such other regulations and standards as may be necessary to accomplish the purposes and intent of the SD District.

(2) Unless otherwise specified within the SD District, all current development standards shall apply.

- (g) *Zone Change Process.* A petition for an amendment to the Sandy Land Development Code for an SD Zone Classification shall conform to the process as described in the Amendment to Zone District Map and Land Development Code. Information for the petition shall include the development plan approved by the Planning Commission.
- (h) *Reversion.* There will be an annual review of SD zones. If substantial construction is not initiated within a year of the zone approval, the classification may be reverted to the previous classification, or that of an abutting district.

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Sec. 21-19-7. - SD(FM-HSN)—Historic Sandy Neighborhood Farmer’s Market

- (a) *Purpose.* The SD(FM-HSN) Zone is established to provide an area within the Historic Sandy Neighborhood to accommodate limited permanent and temporary commercial uses exclusively for an annual farmer’s market. This would allow for a permanent use of plant nursery, while also allowing long-term yet seasonal commercial uses (such as produce stands, farmer’s markets, mobile food vendors, temporary retail sales, etc.) on an annual basis.
- (b) *Uses Allowed.*
 - (1) *Permitted Uses.*
 - a. Agriculture.
 - b. Caretaker’s Residence (occupants of dwellings shall be limited to the owners or employees of the on-site business).
 - c. Temporary Uses (see subsection (d) below).
 - (2) *Conditional Use.*
 - a. Plant Nursery – production and growing only (public retail sales shall be limited to a temporary use provisions).
 - (3) *Not Permitted.* All other uses not listed above are prohibited in this zone district.
- (c) *Development Standards.* Planning Commission review and approval of a site plan is required according to standards outlined in the development review process and Special Development (SD) District to ensure neighborhood compatibility and adherence to these standards set forth. The following standards are to be considered as applying specifically to development in an SD(FM-HSN) District, in addition to general standards for commercial development provided in development, site and subdivision standards, and landscaping standards of the Land Development Code:

- (1) *Area Requirements.* The site must contain a minimum of one acre and be located within the Historic Sandy District boundary (as shown in the Historic Sandy Master Plan).
- (2) *Public Frontage.* The site must have a minimum of 100 feet of frontage to a major arterial public street. Infrastructure improvements (including sidewalk, parkstrip, curb, gutter, and asphalt) needed for the public right-of-way road improvements shall not be required. These improvements will occur with a future UDOT road improvement project. Road width dedication shall still be required as determined by the City Engineer and UDOT.
- (3) *Building Height and Setback Requirements.* Any development shall follow the requirements of the CN(HSN) Zone.
- (4) *Sign Standards.* All signs shall comply with Chapter 21-26.
- (5) *Site Plan.* A site plan shall be required that shows all proposed permanent and temporary uses and all associated structures (permanent and temporary). It shall also show all proposed and required site improvements such as walkways, landscape areas, parking areas, drive isles, etc. as typically required and shall follow all requirements for Commercial Site Plan Review as outlined in this title.
- (6) *Parking Standards.*
 - a. *Off Street Parking Requirement.* The number of parking spaces required shall be determined by the City Planning Commission based on a parking demand study. On-street parking along the street frontage of the property may be allowed to count toward the off-street parking requirements if approved by the City Engineer and UDOT (only if located on a UDOT right-of-way).
 - b. *Surface Materials.* Parking/driving surface alternatives to asphalt or concrete may be considered by the City Engineer and Director if another type of all-weather surface is proposed. All weather surface means a covering for driveways and parking spaces that is dust free and not adversely affected by inclement weather. It shall be surfaced with one of the following: asphalt, concrete, chip seal, gravel (graded and compacted), or other stabilized system. An alternative parking/driving surface must be approved by the Planning Commission after receiving a recommendation by the City Engineer and Director. If alternative surfaces are used, then all storm water must be fully retained on-site (including 100-year storm events). Accessible routes and other requirements for ADA must be met in consideration of alternative surfaces. Any deviations from the standard must be approved by the Planning Commission after receiving a recommendation from the City Engineer and the Chief Building Official.
- (7) *Zone District Boundary Screening and Fencing.* The Planning Commission shall review any requests for deviations from a standard eight-foot (8') masonry fence along the border of residentially zoned properties. If the Planning Commission finds unique circumstances or lessor impacts than typically anticipated from other commercial uses, they may approve of a smaller wall or may review and approve other methods of screening such as bermed landscaping, open style fencing, or combination of these methods to accomplish screening and buffering of adjacent residential uses.
- (8) *Buildings and Structures.* All proposed structures for any permanent or temporary use (including any accessory buildings) must be shown on the proposed site plan, including a notation of whether the structure will allow for public access. Structures may be allowed to remain permanently on site if constructed to meet all applicable zoning, fire, and building codes and have obtained site and building permits as permanent structures. Any temporary structures (tents, sanitary facilities, etc.) that will be utilized for temporary uses must also be shown on the approved site plan and meet all applicable zoning, fire, and building codes and permits. Temporary structures must be removed from the site each year after the temporary use period. Any new structures shall adhere to the architectural requirements of the CN(HSN) Zone and the Historic Sandy Master Plan.

- (9) *General Development Standards.* All general development standards for commercial development found within this title shall be complied with unless otherwise regulated in this SD District.
- (d) *Temporary Use Standards.* All standards set forth in this title relating to temporary uses shall apply to any proposed temporary or seasonal use operating within this zone, with exception of the following provisions:
 - (1) *Extended Duration.* All temporary uses shall be allowed to operate up to a maximum of 240 consecutive days per calendar year. The property owner shall identify a single 240-day temporary use period during the calendar year. No temporary use may commence prior to or terminate after the identified 240-day period.
 - (2) *Number of Temporary Business.* There shall be no limit to the number of temporary uses operating at the same time during the temporary use period provided that the site has sufficient off-street parking to accommodate the uses.
 - (3) *Farmer's Market.* These may occur on a site of at least one acre and may contain any number of individual produce growers, and/or manufacturers.
 - (4) *Structures.* There shall not be a limit to the number of structures used for a temporary use, provided they are shown on the approved site plan and obtain required permits each calendar year.
 - (5) *Other Standards.* All other standards of Temporary Uses found within this title shall be complied with unless otherwise regulated in this SD District.
- (e) *Other Land Uses.* If any proposed land use is not listed as a permitted or conditional use by this Special Development District, a rezone shall be required, and this special development code section will not be applicable to that proposed use or development.