

# Proposed Code Amendment

## Title 21, *Land Development Code*

### Proposal Affects

- Title 21, *Land Development Code*
- Chapter 35, *Appeals and Variances*

### 2025 Legislative Session House Bill 368

- Prohibits the city from requiring a public hearing for a variance or land use appeal
- Amendment brings the Sandy City Code into compliance with the Utah Code

# 2025 Legislative Session House Bill 368

## *Prohibits Public Hearings for Appeals and Variances*

- Public hearings are not mandated under Chapter 35, Appeals and Variances.
- “*Board of Adjustments Rules and Procedures*” does specify “public hearings.”
- The Board of Adjustment’s Rules and Procedures is not codified. The Board can approve an update to the document separately by replacing *public hearings* to *public meetings*.

# Consistency with Utah Code 10-9a-306 “*Plain Language*” in Land Use Regulations Chapter 35, Appeals and Variances

- Proposed amendments clarify and remove ambiguity, consistent with this state law.
- Removes the option to have a “*de novo*” review, prohibiting new information to be submitted into the record on appeal.
- Clearly establishes the effective and final date of an appeal authority decision to be when a written decision is issued or minutes are approved.

# Planning Commission Recommendation



Planning Commission gave a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, relating to appeals and variances based on the analysis and findings in the staff report.

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