

ORDINANCE 22-04

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 19, “SPECIAL DEVELOPMENT SD DISTRICTS”, SECTION 26, “SD(R-2-A) FLUCKIGER – 1770 E. 11400 S.” TO AMEND THE REQUIREMENTS OF THIS SD ZONE THAT WOULD ALLOW FOR A TOTAL OF FOUR SINGLE-FAMILY LOTS WITHIN THE ZONED AREA AND OTHER MISCELLANEOUS AMENDMENTS TO SIMPLIFY REGULATIONS; 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”, Section 26, “SD(R-2-A) Fluckiger – 1770 E. 11400 S.” to amend the requirements to this SD Zone that would allow for a total of four (4) single-family lots within the zoned area (allows for potential of two additional lots) and other miscellaneous amendments to simplify the regulations; and

WHEREAS, the Planning Commission held a public hearing on April 21, 2022, which meeting was preceded by notice 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 March 30, 2022; 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, 2022 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 7 day of June, 2022.

DocuSigned by:
Marc Houseman
Marc Houseman, Sandy City Council Chair

ATTEST:
DocuSigned by:
Wendy D
City Recorder

PRESENTED to the Mayor of Sandy City for her approval this 14th day of June, 2022.

APPROVED this 14th day of June, 2022.

DocuSigned by:
Monica Zoltanski
Monica Zoltanski, Mayor

ATTEST:
DocuSigned by:
Wendy D
City Recorder

PUBLISHED this 14 day of June, 2022.



Exhibit "A"

Sec. 21-19-26. SD(R-2.67-A) ~~Fluekiger Fluckiger~~—1770 E. 11400 S.

- (a) *Purpose.* The Residential SD(R-2.67A) District is established to provide a residential environment within Sandy City that is characterized by low densities, large single-family homes, a minimum of vehicular traffic and quiet residential neighborhoods favorable for family life. ~~Agriculture, and including~~ the keeping of farm animals, ~~is allowed.~~
- (b) *Uses Allowed.* All uses shall be regulated as allowed under section 21-7-2 of the R-1-20A Zoning District
- ~~(1) Permitted Uses.~~
- ~~a. Agriculture.~~
 - ~~b. Dwelling, single family.~~
 - ~~c. Extended living areas.~~
 - ~~d. Farm animals.~~
 - ~~e. Home occupation, Category I.~~
- ~~(2) Conditional Uses.~~
- ~~a. Accessory apartments.~~
 - ~~b. Cemetery, columbarium, crematory, mausoleum.~~
 - ~~c. Day care, group.~~
 - ~~d. Dwelling, earth-sheltered.~~
 - ~~e. Dwelling, group, planned.~~
 - ~~f. Dwelling, residential facility for elderly persons.~~
 - ~~g. Dwelling, residential facility for the handicapped.~~
 - ~~h. Planned unit development.~~
 - ~~i. Public service.~~
 - ~~j. Public utility station.~~
 - ~~k. Recreation, outdoor.~~
 - ~~l. Religious, cultural activity.~~
 - ~~m. School, private or quasi-public.~~
 - ~~n. School, public.~~
 - ~~o. Zero lot line development (detached only).~~
 - ~~p. Model home.~~
 - ~~q. Accessory apartment.~~
 - ~~r. Bed and breakfast facility.~~
 - ~~s. Home occupation, Category II.~~
- (c) *Development Standards.*
- (1) *Lot and Yard Regulations.* See the standards for an R-1-20 Residential District in section 21-20, except described in this section and as follows:

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- a. *Density Requirement.* Developments shall not have greater than ~~two~~ 2.67 dwelling units per gross acre within the overall zone boundary.
- b. *Lot Size.* An area of not less than 10,000 square feet shall be provided and maintained for each dwelling and uses accessory thereto.
- ~~c. *Frontage.* The minimum width of any lot for a dwelling shall be 95 feet measured 30 feet from the front property line.~~
- ~~d. *Front Yard Requirements.* All buildings shall be set back 30 feet from the front property line. Where lots front on cul de sacs or elbows, the front setback may be smaller provided that no dwelling is closer than 20 feet from the front property line. Lots having an overall slope in excess of ten percent may, notwithstanding other provisions of this title to the contrary, be developed with a front setback of at least 20 feet. For interior lots, garage and carports, or the garage portion where the garage is part of the main structure, may be built to a setback line of 25 feet when utilizing a 30-foot setback for the main dwelling (but not beyond the setback line where 20-foot setbacks are allowed).~~
- ~~e. *Side Yard Requirements.* All dwelling structures and other main buildings shall be set back from each side property line a distance of at least ten feet, and the total distance of the two side setbacks shall be at least 24 feet. Side setback requirements for approved zero lot line developments shall be zero and at least 24 feet (between dwelling structures).~~
- ~~f. *Rear Yard Requirements.* All dwelling structures and other main buildings shall be set back from the rear property line distance of at least 30 feet, or on irregular lots, an average of 30 feet, provided that no portion of the building is closer than ten feet to the property line.~~
- ~~g. *Corner Lots.* On corner lots, the front setback shall be a minimum of 30 feet and 20 feet, respectively, regardless of which way the home faces.~~
- ~~h.c. *Accessory Buildings and Uses.* Regulated as per the R-1-20A Zone.~~
- ~~(2) *Size of Buildings.* All dwellings shall be comprised of a minimum size of 1,400 square feet. Two-story dwellings shall have a minimum size of 1,750 square feet. All dwellings shall be provided with at least a double space garage.~~
- ~~(3) *Height of Buildings.* Same as R-1-20 Zone.~~
- ~~(4) *Planned Unit Developments (PUDs).* PUDs in an SD(R-2-A) Residential District shall be allowed a maximum of 2.3 units per gross acre. Refer to Section 21-20-7.~~
- ~~(5) *Standards for Accessory Apartments and Extended Living Areas.*~~
- ~~a. This Subsection (5) is established to provide regulations and design standards for accessory apartments and extended living areas within single family dwellings in residential zone districts where allowed. Accessory apartments may be allowed by conditional use permit in order to make housing units available to moderate income households, thereby providing economic relief to those homeowners who might otherwise be forced to leave the neighborhood.~~
- ~~b. Extended living areas shall be allowed as a permitted use in order to make living units available which are appropriate for households at a variety of stages in the life cycle, as defined in Chapter 21-37.~~
- ~~1. *Requirements for Approval.*~~
- ~~(i) A conditional use permit may be granted by the Planning Commission for accessory apartments provided that the requirements herein are met, in addition to the requirements in Chapter 21-33. Review and approval by the Community Development Department may be granted for extended living areas provided that the requirements herein are met.~~

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~~(ii) The granting of a conditional use permit for an accessory apartment or a use permit for an extended living area shall not be exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City.~~

~~(iii) The following pre-conditions and documentation are required:~~

~~A. A letter of application sworn before a notary public shall be provided by the owners stating that such owners will occupy said dwelling, except for bona fide temporary absences. Said letter shall be recorded by the Salt Lake County Recorder with a certified copy to accompany the building permit application.~~

~~B. The effective period of the conditional use permit for accessory apartments shall be two years from the date of the original permit. At the end of every two years, renewal shall be automatically granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use permit. The Planning Commission, in its sole discretion, may require a new application and demonstration of compliance with all conditions necessary for a conditional use permit.~~

~~C. Building plans or a floor plan of one fourth inch to the foot showing the floor in which the apartment or extended living area will be located shall be provided.~~

~~2. Design standards for Accessory Apartments and Extended Living Areas.~~

~~(i) Only one apartment or extended living area shall be created within a single-family dwelling and said area shall be clearly a subordinate part of the dwelling.~~

~~(ii) The owners of the residence shall live in the dwelling in which the apartment or extended living area is created, except for bona fide temporary absences.~~

~~(iii) The accessory apartment or extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including prohibition of separate utility meters, separate addresses and mail boxes, etc. In general, any new entrances shall be located on the side or in the rear of the building. In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area, nor be greater than 1,020 square feet (including the staircase), nor have more than two bedrooms, unless, in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.~~

~~(iv) The design and size of the apartment or extended living area shall conform to all applicable standards in the Fire, Building and Health Codes. In addition, extended living areas shall have free flow access with other portions of the dwelling.~~

~~(v) At least three off street parking spaces shall be available for use by the owner-occupant.~~

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- ~~(vi) Extended living areas shall be used for family members only or for employed household maintenance personnel on a non rental basis.~~
- ~~(vii) Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single family character of the neighborhood shall be established by the Planning Commission.~~

(LDC 2008, § 15A-19-23)