

To accomplish this purpose, there are standards set forth in this code to enforce it. These temporary/seasonal businesses are limited to no more than 180 days in a calendar year on a given site. The intent for these temporary stands, carts, storage containers, etc. is to have them be removed from the site and cleaned up after their seasonal period without creating a permanent presence or impact.

ANALYSIS

The Planning Commission must review the following criteria when considering a requested Code Amendment:

Is the change reasonably necessary?

Is it in the public interest?

Is it in harmony with the objectives and purposes of the future development of Sandy City?

Is the change consistent with the General Plan?

Staff is concerned about the request, as it is not in harmony with the intent of a temporary use. Allowing something to stay on the site permanently is not consistent the definition of temporary. It would also create a fundamental unfairness amongst requirements for commercial property owners.

Primarily, these temporary uses are to be conducted on commercially developed land that has permanent uses thereon. There are also provisions for these businesses to set up on vacant land if certain criteria is met (see 15A-11-14(C)). It is by design that the facilities/structures used by a temporary business not remain on the property year round. By definition, if these uses are allowed to keep facilities used by the temporary uses on site year round, it would cease to meet the definition of temporary. It would fall under the definition of permanent. If a property owner wants to have permanent structures on their property, they would need to follow our commercial site and architectural design standards like all other businesses and commercial property owners must follow.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming use situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.

- d. To enhance the economic well-being of Sandy City and its inhabitants.
2. **Implementation of General Plan**
To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
 3. **Comprehensive, Consistent and Equitable Regulations**
To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
 4. **Efficiently and Effectively Managed Procedures**
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would not further that goal and objective. The proposed Code Amendment will not facilitate the orderly growth and development of Sandy City.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a negative recommendation to the City Council to amend a portion of Title 15A, Chapter 11, Special Use Standards, Section 14, Temporary Uses, Revised Ordinances of Sandy City, 2008, as shown in the applicant's letter based on the following findings:

1. It is not in compliance with the Purpose of the Land Development Code because it does not facilitate the orderly growth and development of Sandy City.
2. It is not in compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Reviewed by:



Mike Wilcox
Zoning Administrator



SANDY CITY LAND DEVELOPMENT CODE – SECTION 15A-11-14(8) AMENDMENT

As adopted Section 15A-11-14(8) (Sandy City Land Development Code) reads; “All temporary use businesses, including all facilities and/or structures, shall be cleared off the site within 2 days after the license expires.” This Land Development Code Amendment proposes that Section 15A-11-14(8) be amended as follows:

“All temporary use businesses, including all facilities and/or structures, shall be cleared off the site within 2 days after the license expires. *If the temporary use is conducted annually, facilities and/or structures may remain provided no nuisance or unreasonable impacts are imposed on adjacent properties and written property owner consent is provided allowing the temporary facilities and/or structures to remain.*”

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July 22, 2019

Sandy City Planning Commission Members
c/o Mr. Mike Wilcox, Zoning Administrator
10000 S. Centennial Pkwy. Sandy, UT 84070

Dear Sandy City Planning Commissioners

The Sandy City, Community Development Department staff, has asked that the Applicant provide information related to review items 3(a) to 3(d). In the interests of giving the Sandy City Planning Commission members with the information requested, and to assist the Commission in making a positive recommendation and determinations of the four (4) review items, please accept the following:

**SANDY CITY LAND DEVELOPMENT CODE
SECTION 15A-11-14(8)**

Section 15A-11-14(8) (Sandy City Land Development Code) reads;
"All temporary use businesses, including all facilities and/or structures, shall be cleared off the site within 2 days after the license expires."

"3. The Planning Commission may consider the following items when reviewing the proposed Code Amendment:

- a. Is the change reasonably necessary?
- b. Is it in the public interest?
- c. Is it in harmony with the objectives and purposes of the future development of Sandy City?
- d. Is the change consistent with the General Plan?"

The Sandy City, Community Development Department staff, asked the Applicant to provide information related to items 3(a) to 3(d) above.

Item (3)(a) – Is this change reasonably necessary?

It is assumed the Sandy City Land Development Code provision (15A-11-14(8))¹ is designed to avoid the creation of a possible nuisance to City residents and adjacent property owners from unsightly and unmaintained temporary use facilities and structures. The proposed Code Amendment is formulated to avoid the creation of any nuisance circumstance.

¹ "Facilities and/or structures (associated with a temporary use) be cleared off the site within 2 days after the license expires."

If a Temporary Use meets specific requirements (is operated annually) and the standard that any associated facilities and/or structures do not create any nuisance or unreasonable impacts then the City's policy of avoiding a problem or any negative effects can be avoided. This can occur with impacting the temporary use permit holder unreasonably and unnecessarily.

Item (3)(b) – Is it in the public interest?

Sandy City residents and business depend on a variety of Temporary Uses. This is evidenced by the City's provisions related to Temporary Uses. The proposed Code Amendment supports the needs of the City while avoiding any possible nuisance impacts on others.

Item (3)(c) – Is it in harmony with the objectives and purposes of the future development of Sandy City?

The Sandy City General Plan does not, as far as the Applicant is aware, specifically address temporary uses.² However, by supporting temporary uses that occur annually, at the same location, the proposed Land Development Code amendment supports uses that are required for community building.

Item 3(d). Is the change consistent with the General Plan?

The Historic Sandy Neighborhood Plan provides eight (8) actions for the achievement of several Plan goals (below)

Action #1. Encourage neighborhood commercial development that will enliven street fronts and service the needs of the residential neighborhoods in the area.

Action #2. Revitalize the commercial areas along State Street and some sections of 700 East through the Historic Sandy Neighborhood in such a way as to provide a catalyst for improving the surrounding area.

Temporary uses occurring at the Kuwahara Wholesale location work to Revitalize commercial areas along State Street.

Action #4. Create new ordinances or amend existing ordinances, if necessary, for the commercial areas along State Street.

The requested Code Amendment is supportive of State Street uses.

² The Planning Staff may have additional information.



Historic Sandy Neighborhood Plan

Neighborhood Commercial Action Plan

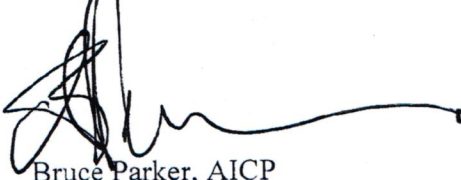
	Action	Goal	Participation By	Time Frame
1	Encourage neighborhood commercial development that will enliven street fronts and service the needs of the residential neighborhoods in the area (State Street and 700 East)	Economic growth and development Integrate existing neighborhoods	Businesses Developers Local Government	Immediate
2	Revitalize the commercial areas along State Street and some sections of 700 East through the Historic Sandy Neighborhood in such a way as to provide a catalyst for improving the surrounding area.	Economic growth and development	Businesses Developers Local Government	Long-Term
3	Encourage new commercial developments to comply with the Historic Sandy Design Guidelines (State Street and 700 East).	Preserve and enhance existing neighborhood	Developers Local Government	Immediate
4	Create new ordinances or amend existing ordinances, if necessary, for the commercial areas along State Street.	Revitalization and economic growth and development	Businesses Developers Property Owners Local Government	Immediate
5	Encourage the design of new commercial developments to be compatible with and provide greater connectivity between existing land uses (State Street and 700 East).	Greater connectivity between activity centers, businesses, etc.	Businesses Developers Local Government	Ongoing
6	Enhance the pedestrian scale through well designed amenities (State Street and 700 East).	Economic growth and expanded mobility options	Businesses Developers Local Government	Ongoing
7	Encourage improvements to pedestrian infrastructure and traffic calming measures along State Street through the Historic Sandy Neighborhood.	Economic growth and development Create a safe situation for pedestrians along State Street	Businesses Local Government	Ongoing
8	Work with the Economic Development Department to create incentive programs that will help stimulate new neighborhood commercial development and take full advantage of the high traffic volume on State	Broad, stable economic base	Businesses Developers Local Government	Ongoing

Conclusion:

The proposed Code Amendment should receive a positive recommendation from the Planning Commission to the Sandy City Council that states and requires:

If the temporary use is conducted annually, facilities and/or structures may remain provided no nuisance or unreasonable impacts are imposed on adjacent properties and written property owner consent is provided allowing the temporary facilities and/or structures to remain."

Thank You for your consideration of our Application.
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bruce Parker', with a long horizontal flourish extending to the right.

Bruce Parker, AICP
Principal, Planning and Development Services
Authorized Agent for Applicant

cc. Kuwahara Wholesale
Smith Hartvigsen
File