

ORDINANCE # 24-13

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE, CHAPTER 6, “GENERAL PLAN”, SECTION 2, “PLAN ELEMENTS”; 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 6, “General Plan”, Section 2, “Plan Elements”. The purpose of the code amendment is to ensure the General Plan Elements stated in the Land Development Code are consistent with the requirements of the Utah Code; and

WHEREAS, the Planning Commission held a public hearing on June 20, 2024, 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 June 6, 2024; and

WHEREAS, following the public hearing before the Planning Commission, the Commission made a recommendation to the City Council regarding the amendment; and

WHEREAS, a public meeting was held by the Sandy City Council on July 23, 2024 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 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 judgment 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 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 _____, 2024.

Ryan Mecham, Sandy City Council Chair

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for her approval this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

Monica Zoltanski, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2024.

CHAPTER 21-6. GENERAL PLAN¹

Sec. 21-6-1. Purpose and Scope.

The City shall prepare and adopt a comprehensive, long-range General Plan for the present and future needs of the City and for the general purpose of guiding and accomplishing coordinated, efficient and harmonious growth, and development of all or any part of the land within the City, including any areas outside of its boundaries, that, in the City's judgment, bear relation to the planning of the City. Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when considering territory outside the boundaries of the City, action may be taken only with the concurrence of the county or other municipalities affected. The General Plan may provide for:

- (1) Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics and recreational, educational, and cultural opportunities;
- (2) The reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (3) The efficient and economical use, conservation, and production of the supply of:
 - a. Food and water; and
 - b. Drainage sanitation and other facilities and resources;
- (4) The use of energy conservation and solar and renewable resources;
- (5) The protection of urban development;
- (6) The protection and promotion of housing, including moderate income housing;
- (7) The protection and promotion of air quality;
- (8) The protection of open space and natural areas;
- (9) Historic preservation;
- (10) Identification of uses of land that are likely to require an expansion or significant modification of services or facilities provided by affected entities;
- (11) The protection and promotion of economic growth and development; and
- (12) An Official Street Map.

(LDC 2008, § 15A-06-01)

Sec. 21-6-2. Plan Elements.

~~The General Plan shall address and include at least the following:~~ The General Plan shall include elements in accordance with the provisions of the Utah Code Annotated as are currently in effect or as may be amended.²

- ~~(1)—Goals and Policies Element. This element describes the community's goals for its future and carries the goals through an analysis of the community to the policies and programs for goal implementation. Goals are the ultimate accomplishment towards which the City's actions should be directed. Policies are statements of the City's general intention and serve as a continuing guide to implementing goals.~~

¹ State law reference(s)—General plan, U.C.A. 1953, § 10-9a-401 et seq.

² State law reference(s)—General plan, U.C.A. 1953, § 10-9a-403 et seq.

Exhibit "A"

- (2) ~~*Growth, Community Identity, and Land Use Element.* This element designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the General Plan.~~
- (3) ~~*Commercial/Industrial Element.* This element describes a hierarchy of commercial development levels that have been identified for Sandy City and have been generally assigned to geographic areas. This is a very broad classification system that can help provide adequate and accessible commercial services to maximize the compatibility of commercial and residential uses and to increase the employment opportunities within the City.~~
- (4) ~~*Transportation and Traffic Circulation Element.* This element consists of the general location and extent of existing and proposed freeways, arterial and collector streets, bicycle and pedestrian ways, trails, mass transit, and any other modes of transportation that the Planning Commission and City Council considers appropriate, all correlated with the population projections and the proposed land use element of the General Plan.~~
- (5) ~~*Housing Element.* This element includes goals and policies addressing the housing needs in the City. These needs include a variety of housing types and choices. The housing element not only addresses single-family subdivisions but also includes mixed-use development, planned-unit development, apartment complex development, or mobile-home park development. Moderate-income housing is also addressed and includes goals and policies to facilitate it.~~
- (6) ~~*Environmental Hazards Element.* This element addresses the protection, conservation, development, and use of natural resources, including the quality of air, forest, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.~~
- (7) ~~*Public Services and Facilities Element.* This element shows general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services. It addresses the City's community facilities, schools, libraries, multipurpose centers, Federal facilities, health facilities, and financing of community facilities.~~
- (8) ~~*Economic Element.* This element may be composed of appropriate studies and forecasts, as well as an Economic Development Plan, that may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.~~
- (9) ~~*Parks, Recreation, and Trails Element.* This element covers a broad range of recreational and cultural activities that are important to the City's quality of life, including parks, recreation, open space, urban forestry, multi-use trails, arts and entertainment, and cultural resources. It reviews and summarizes key issues and policies addressed in detail in the General Plan.~~
- (10) ~~*Official Street Map.* This map shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities, and provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the City or other government authorities time to purchase or otherwise reserve the land.~~
- (11) ~~*Recommendations.* The General Plan may also contain recommendations for implementing all or any portion of the General Plan, including the use of land-use ordinances, Capital Improvement Plan, economic and community development, redevelopment, promotion, and any other appropriate action.~~

Exhibit "A"

~~(12) *Other.* The General Plan may contain provisions addressing any other matters listed in the General Plan purpose and scope statement above.~~

(LDC 2008, § 15A-06-02)

State law reference(s)—Required contents of development plan, U.C.A. 1953, § 10-9a-~~401~~403.

Sec. 21-6-3. Preparation of the General Plan.

In preparing the General Plan, the City shall make careful and comprehensive surveys, research, and studies of the existing conditions and probable future growth of the City and its environs.

(LDC 2008, § 15A-06-03)

Sec. 21-6-4. General Plan Adoption.

(a) *Planning Commission.*

- (1) The Planning Commission shall provide notice, as provided in this title, of its intent to make a recommendation to the City Council for a General Plan or a comprehensive General Plan amendment when the Planning Commission initiates the process of preparing its recommendation.
- (2) After completing its recommendation for a proposed General Plan or amendment, the Planning Commission shall schedule and hold a public hearing on the proposed plan or amendment. The Planning Commission shall provide notice of the public hearing, as provided by this title.
- (3) After the public hearing, the Planning Commission may modify the proposed General Plan or amendment.
- (4) The Planning Commission shall forward its recommendation and the proposed General Plan or amendment to the City Council.

(b) *City Council.*

- (1) The City Council shall consider the recommendation of the Planning Commission for a proposed General Plan or amendment at a public meeting after notice as provided by this title and may:
 - a. Make any revisions to the proposed General Plan or amendment that it considers appropriate.
 - b. Adopt or reject the proposed General Plan or amendment either as proposed by the Planning Commission or after making any revision that the City Council considers appropriate.
 - c. Provide suggestions to the Planning Commission for its consideration if the City Council rejects the proposed General Plan or amendment.

(LDC 2008, § 15A-06-04)

State law reference(s)—Plan preparation, public hearing, etc., U.C.A. 1953, § 10-9a-404 et seq.

Sec. 21-6-5. Effect of the General Plan.

Except as provided in Section 21-6-6, the General Plan is an advisory guide for land use decisions.

(LDC 2008, § 15A-06-05)

Sec. 21-6-6. Public Uses to Conform to the General Plan.

After the City Council has adopted a General Plan, no street, park or other public way, ground, place, or space, no publicly-owned building or structure, and no public utility, whether publicly- or privately-owned, may be constructed or authorized until and unless it conforms to the current General Plan.

(LDC 2008, § 15A-06-06)

Sec. 21-6-7. Effect of the Official Street Map.

- (a) The City may adopt an Official Street Map.
- (b) The Official Street Map does not:
 - (1) Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances as set forth below; or
 - (2) Require the City to immediately acquire property it has designated for eventual use as a public street.
- (c) This section does not prohibit the City from:
 - (1) Recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with the State code concerning exactions.
 - (2) Acquiring the property through purchase, gift, voluntary dedication, or eminent domain.
 - (3) Requiring the dedication and improvement of a street if the street is found necessary by the City because of a proposed development and if the dedication and improvement are consistent with the State code concerning exactions.

(LDC 2008, § 15A-06-07)

State law reference(s)—Effect of official maps, U.C.A. 1953, § 10-9a-407.