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## Staff Report Memorandum February 1, 2023

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To: City Council via Planning Commission  
From: Community Development Department  
Subject: Amendments to Title 21 of the Land Development Code  
related to Mixed Use Development CA09082023-0006607

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**Public Hearing Notice:** This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

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### Request

On behalf of Sandy City, the Community Development Department is proposing to amend several chapters of Title 21 of the Sandy Municipal Code. This includes the following: Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District; and Chapter 37 - Definitions, Section 14 - "M" Definitions. The purpose of the code amendments is to revise the development standards, locations, and definitions for implementation of mixed use development within Sandy City.

The specific amendments to the Land Development Code are included as Exhibit "A" (red-lined version) and Exhibit "B" (clean version). These exhibits are revised from the amendments that were presented during the September 21, 2023 meeting. Changes to the proposed amendments from the original exhibits are highlighted in yellow in the attached exhibits.

### Background

The Mixed Use Ordinance was formally adopted in August of 2002 and has largely remained unchanged. This ordinance was originally designed so that Transit Oriented Developments and other "infill" developments could be developed within the City. Some areas were rezoned for this specific use, while other zones allow for mixed use development as a land use type. Both applications are subject to the same section of code.

Staff has received several proposals and requests over the past couple of years to build multi-family housing within commercial zones districts. Most commercial zones do not allow for this type of development as a standalone use. However, residential uses could be allowed within a mixed use development. Staff has not supported a couple recent applications that sought to achieve a predominantly residential development under a supposed implementation of a mixed use development.

The intent of these amendments is to strengthen and clarify the code with minor amendments to prevent misuse of the existing code. This is an interim measure while we await the completion of the City's General Plan update. Staff intends to revisit this topic of mixed use development once we have further guidance and direction from the updated General Plan.

<b>Property Case History</b>	
<b>Case Number</b>	<b>Case Summary</b>
CODE-12-11-2129	This amended the residential building roof line requirements in a mixed use development.

This topic was presented to the Planning Commission on September 21, 2023. During that meeting, the Planning Commission tabled the item to allow staff to conduct additional research on appropriate mixed use ratios, standards by which the ratios could be adjusted and the appropriate minimum acreage size. Staff has been working on this research since that time and has prepared the proposed revisions to this amendment proposal based on the feedback received and further discussion with staff and administration.

**Public Notice and Outreach**

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

**Analysis**

Many of our commercial zone districts allow for mixed used development through the conditional use review permitting process. The inclusion of multiple unit residential dwellings can currently be incorporated into a mixed use development concept that is of sufficient size to assure adequate site development and a satisfactory and safe residential environment or through an overall mixed use masterplan of several properties. The objective of the mixed use concept is to create self-contained communities in which residents may walk to work, shopping, and recreational facilities. Merely placing residential and commercial uses adjacent to one another does not create a mixed use development and would not be an appropriate application of a mixed use development.

To ensure we are achieving the true intent of this type of development and until further guidance from the General Plan update is available, staff is proposing the following updates:

1. **Mixed Use Development Definition** . There are currently five different definitions relating to the term “mixed use.” Each one is related but with different nuances. The proposal combines, clarifies, and consolidates the definition into a single defined term of “mixed use development” that can be consistently applied throughout the development code. There have been a few clarifying updates in this latest proposal.
2. **Land Use Matrix**. Revisions to the land use matrix for the term “mixed use development” included making this type of use permitted in the various zone districts within the Cairns Master Plan, making it a non-permitted use in zone districts where this it is not appropriate. Staff has recommended in this latest version to only allow for this type of use within the Cairns, and existing Mixed Use Zone Districts. All other zone districts would not allow for this use.

Staff believes that these proposed amendments are sufficient for now until we begin to implement the General Plan policies and vision that is set forth. The proposed amendments no longer include any changes to the Mixed Use Development Standards chapter. While changes could be implemented to provide further clarity, it is best not to get ahead of the General Plan update or influence those outcomes by proposing new policies and standards at this time.

In staff’s research, there is no set national standard for mixed use development for the appropriate mix of uses. It varies by market, location, community preferences, and a myriad of other factors. The only national standard we’ve found is in the

Urban Land Institute (ULI) definition, which states:

“Mixed Use development is a project that combines and integrates three or more roughly equal uses. Each of which has adequate market opportunity individually. The uses are integrated in a way that maximizes space usage, has public amenities and architectural expression and that, when combined, create additional market strength.”

“Roughly equal” alludes to the desire to have an even mix amongst three distinct uses but also allowing for some variability in the execution of each land use type. That term is not sufficient for use within a development code as it is not clear and objective. Staff expects that there will be some policies established through the General Plan that will give staff the direction we need to craft a development code that can adequately address the requirements for the appropriate mix of uses or a set of criteria to adjust that standard if certain standards are met (i.e. affordable housing, missing neighborhood services provided, additional open space developed or set aside, etc.)

There is also no universal minimum acreage for a mixed use development as it varies greatly nationally. However, each of the existing mixed use development areas within our existing master plans, transit station areas, commercial revitalization areas, private mixed use development master plans, and mixed use zone areas are all over 15 acres in size.

## **Non-Conforming Uses**

This code amendment would create legal non-conforming situations for previously approved mixed use development projects that do not meet the new criteria.

## **Land Development Code Purpose Compliance**

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

### ***21-1-3 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.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes efficient use of the land in areas where this land use is best suited. The proposed code amendment would facilitate the orderly growth and development of Sandy City.

### **General Plan Compliance**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective. The proposed code amendment will facilitate the orderly growth and development of Sandy City. The City's General Plan encourages a mixture of land use types where appropriate and recognizes the need for continued re-evaluation of our local needs.

### **Recommendation**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend several portions of Title 21 of the Sandy Municipal Code as shown in Exhibit "A", based on the following findings:

### **Findings:**

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City and Compliance with the Goals and by encouraging a mixture of land use types where appropriate.

Planner:



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