

ORDINANCE # 17-27

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED
ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE),
2008, BY AMENDING CHAPTER 2, "GENERAL PROVISIONS" TO ADD
AUTHORIZATION TO ENTER INTO DEVELOPMENT AGREEMENTS

WHEREAS, pursuant to Section 10-9a-102 of the Utah Code, the City is authorized to enter into development agreements for the use and development of land; and

WHEREAS, development agreements can protect the health, welfare, and safety of the residents of Sandy City by the following: (1) addressing proposed development projects ("Development") and the impacts of such Development that may not have been contemplated by Sandy City ordinances, regulations and standards; (2) addressing density issues of a Development when required to balance competing interests; (3) refining land uses, regulations, standards, and other requirements applicable to a proposed Development; (4) resolving issues regarding unique features or challenges confronting a Development; (5) clarifying the application of City ordinances, regulations, and standards as relate to a Development; and/or (6) setting forth the specific requirements, standards, elements and other aspects of a Development for the benefit of Sandy City and its residents.

WHEREAS, the Sandy City Council finds that the safety, health, morals, and welfare of the residents of the City will be advanced by the amendments proposed in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Adopted. Section 15a-02-23, "Development Agreements" of Chapter 2, "General Provisions" of Title 15A of the Revised Ordinances of Sandy City is hereby adopted as set forth in Exhibit A attached to this Ordinance.

Section 2. Severability. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

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PASSED AND APPROVED this _____ day of _____, 2017.

Chris McCandless, Council Chairman

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval the _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2017.

Exhibit "A"

(Recommendation from PC to Council)

15A-02-23 Development Agreements

- A. The City may enter into a real estate development agreement with an applicant to set forth requirements for the development that are in the best interest of the City.
- B. The development agreement shall be executed prior to any zone change, or other development approvals.
- C. The City zoning map shall be revised to reflect the development agreement as a condition of the zone in which the applicant's property is ~~included~~ located.
- D. All development agreements, upon proper execution, shall be recorded with the Salt Lake County Recorder's Office, shall run with the land, and shall be binding on all successors in the ~~ownership~~ interest of the affected property.
- E. Remedies sought under the development agreement against the City shall not include monetary damages, but may only include ~~only~~-specific performance and injunctive relief.
- F. Such other terms as may be proposed and agreed to between the city, property owner(s) and developer may be included within the development agreement.

Exhibit "A"

(Alternate Recommended Language)

15A-02-23 Development Agreements

- A. The City may enter into areal estate development agreements with an applicant to set forth requirements for the development that are **found to be** in the best interest of the City.
- B. **If a** The development agreement **is proposed concurrent with a zone change, the development agreement** shall be executed prior to ~~any~~ **the** zone change, ~~or other development approvals.~~
- C. **Concurrent with the final approval of a development agreement,** ~~t~~The City zoning map shall be revised to reflect the **existence of a** development agreement ~~as a condition of~~ **which affects** the zone in which the applicant's property is located.
- D. ~~All development agreements,~~ **u**Upon proper **final** execution **a development agreement** shall be recorded with the Salt Lake County Recorder's Office, shall run with the land, and shall be binding on all successors in ~~the~~ interest of the affected property.
- E. Remedies sought under the development agreement against the City shall **be limited to those remedies expressly provided in the development agreement,** **shall** not include monetary damages, ~~but~~ **and** may only include specific performance and injunctive relief.
- F. ~~Such other terms as may be proposed and agreed to between the city,~~ **the** property owner(s), and ~~the~~ **the** developer may be included within the development agreement.